

- Fit batts in ceiling area above studio and office
- Wall mounted heater in office area

I propose to line the walls with a 9mm MDF sheet to eliminate mess and easy removal at any stage.

Total price \$11,000 including GST

NIMCB has held several Volunteer Information sessions across early 2015 and has a growing list of volunteers willing to assist with the operation of the radio station.

In June 2015 NIMCB advertised for a voluntary General Manager of Heart FM. A number of applications were received, and in July the Board appointed the successful applicant to the position: Mrs Marilyn Hall of Longford. Marilyn has a strong management background in the hospitality industry, and has become heavily involved in community activities since relocating to Longford from Western Australia in 2013.

2. Our Organisation

Northern Midlands Community Broadcasters Inc. (NMCB) was incorporated in April 2001 (Incorporation number LA08259) as an incorporated association with the primary objective of operating Heart FM community radio station.

The current Office Bearers (elected at the December 2014 Annual General Meeting) are:

- President: Michael Geeves (local business proprietor and on committee of NMBA)
- Steve Hamilton (electrician and staff of Fusion Australia; over twenty years experience in community radio)
- Secretary: Mary Knowles (community worker and NMC Councillor)
- Treasurer: Michael Cleary(Chartered Accountant and staff of Fusion Australia; twenty years experience in community radio)

3. Our Financial Status

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The major portion of the debt to creditors will be cleared when NMCB receives the \$7,500 Council grant, leaving a small surplus. Trading can then legally recommence.

4. Outcomes

4.1. Outputs

The key output of the project is the installation of a studio and office for Heart FM in the Memorial Hall on the Longford Village Green, to enable the station to recommence broadcasting and operations

4.2. Objectives

The project aims to achieve a number of key quality objectives:

- a. The creation of a locally focussed radio station that provides a service to the Northern Midlands of Tasmania and helps to build a sense of community and hope throughout the region.
- b. The provision of programming appropriate to the needs of the rural population of the region, particularly young people and their families.
- c. The servicing of various community groups (local government, tourism organisations, older persons, people with disabilities, unemployed persons, young people, sporting groups, etc) with needs and interest based specific programming.
- d. Working with the community to appropriately celebrate, and provide promotion and broader coverage of, significant events.
- e. The provision of training in radio, media and other industries, forming partnerships with other groups and organisations to help create better opportunities for youth and the under-employed.
- f. Engaging in a comprehensive, ongoing research and feedback process, reviewing annually our mission and purpose so as to better meet the needs of the community.
- g. Raising the profile of smaller groups in the region; helping to promote a sense of regional pride.

5. Milestones and Timeframes

KEY BUSINESS DRIVER		DURING 2015	DURING 2016	DURING 2017
Finance	<ul style="list-style-type: none"> a) By end of August, MOU signed with Council for the studio premises b) By end of August, develop three year financial forecast (attached) c) By end of September, sufficient funds and sponsorship commitments secured to be financially viable for at least the next six months d) By end of December, options to diversify revenue identified and actioned e) By end of December, income exceeds expenditure 	<ul style="list-style-type: none"> a) By end of November, review and update financial forecast b) By end of December, income exceeds expenditure (excluding depreciation) by a minimum of \$7,500 annually and committed across future years to improvements / enhancements with \$2,000 each year placed in term deposit for 'emergency' usage 	<ul style="list-style-type: none"> a) By end of November, review and update financial forecast b) By end of December, income exceeds expenditure(excluding depreciation) by a minimum of \$10,000 annually and committed across future years to improvements / enhancements with \$2,000 each year placed in term deposit for 'emergency' usage 	
Marketing	<ul style="list-style-type: none"> a) By end of August, develop sponsorship package b) By mid September, commission skilled person appointed to sell sponsorship packages c) By end of September, intensive, high profile launch campaign planned d) By end of September, develop community event noticeboard e) By end of October, station launch held f) By end of October, calendar of marketing activities developed g) Across remainder of year, implement the calendar of marketing activities h) By end of October, secure minimum of \$15,000 sponsorship i) By end of year, exceed sponsors' expectation of sponsorship package 	<ul style="list-style-type: none"> a) Retain minimum of 80% of 2015 sponsors, and secure another minimum \$10,000 in sponsorship b) By end of June, high profile first resurrection birthday planned, and held by anniversary c) By January 1st, calendar of marketing activities developed d) Across the year, implement the calendar of marketing activities 	<ul style="list-style-type: none"> a) Retain minimum of 80% of 2016 sponsors, and secure another minimum \$10,000 in sponsorship b) By end of June, high profile second resurrection birthday planned and held by anniversary c) By January 1st, calendar of marketing activities developed d) Across the year, implement the calendar of marketing activities 	

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<p>Volunteers</p>	<p>a) By end of July appoint volunteer General Manager (achieved) b) By end of August complete General Manager orientation, and GM operational c) By end of August develop volunteer strategy that includes recruitment, training, retention, management and honest feedback system d) By end of September, recruit and train sufficient number of volunteers to enable Heart FM to become operational e) By end of September develop a communication strategy that ensures effective two-way information flow between volunteers and management f) Ongoing, aim to recruit at least one new volunteer bi-monthly g) By end of year, retain 80% of volunteers (excluding volunteers leaving the district or retiring)</p>	<p>a) By January 1st, develop calendar of social activities involving volunteers and management that aims to achieve a cohesive working environment b) By January 1st, achieve a work environment that is ergonomically safe and comfortable c) By end of February, review volunteer strategy and communication strategy d) Aim to recruit at least one new volunteer bi-monthly e) By end of year, retain 80% of volunteers</p>	<p>a) By January 1st, develop calendar of social activities involving volunteers and management that aims to achieve a cohesive working environment b) By end of February, review volunteer strategy and communication strategy c) Aim to recruit at least one new volunteer bi-monthly d) By end of year, retain 80% of volunteers</p>
<p>Listeners</p>	<p>a) By end of December, develop a system to measure the number of listeners that satisfies ACMA requirements b) By end of December, develop and regularly implement effective feedback processes to determine satisfaction of current listeners and ways to attract new listeners c) Ongoing, regularly implement the listener measurement system</p>	<p>a) By end of year, achieve a regular listener audience of 2,750 minimum b) Ongoing, regularly implement the listener measurement system c) By end of June, review feedback processes that determine satisfaction of current listeners and ways to attract new listeners d) Regularly implement the listener feedback processes</p>	<p>a) By end of year, achieve a regular listener audience of 3,000 minimum b) By end of May, review systems that measure the number of listeners c) Regularly implement the listener measurement system d) By end of June, review feedback processes that determine satisfaction of current listeners and ways to attract new listeners e) Regularly implement the listener feedback processes</p>

<p>Technology</p>	<p>a) By end of August, conclude negotiations with Telstra for affordable use of the transmission tower b) By end of September, all equipment checked, serviced and tagged c) By end of September, improve link to transmitter d) By end of September, fit-out studio and connect studio to transmitter via the web e) By end of October, broadcasting commenced f) By end of November, establish a web presence to enable streaming online</p>	<p>a) By January 1st, all equipment checked, serviced and tagged b) Equipment upgrades planned and implemented on an 'as required' basis</p>	<p>a) By January 1st, all equipment checked, serviced and tagged b) Equipment upgrades planned and implemented on an 'as required' basis</p>
<p>Programming</p>	<p>a) By end of September, broadcast-ready studio established with reliable technical links, trained presenters and management system (including Program Manager) in place b) By end of September, develop community networks to ensure rich and diverse material is sourced to underpin programming c) By end of September, develop the broadcast program for at least the next three months d) By end of December, implement system that ensures broadcasting skills of presenters are continuously improved so as to increase attractiveness of programs e) By end of year, maximise the flow of the programming grid to keep listeners engaged for longer f) By end of December, develop broadcast program for 2016</p>	<p>g) At least quarterly, develop a new programming segment focussed at new audiences a) By end of year, secure a minimum of two new community organisations that will feature in regular segments b) By end of November, develop broadcast program for 2017</p>	<p>a) By end of year, secure a minimum of four new community organisations that will feature in regular segments b) By end of November, develop broadcast program for 2018</p>

<p>Relationships</p>	<p>a) By end of November, develop effective, engaged relationships with a minimum of 12 local community groups and organisations that represent a diverse array of organisations and geographic spread – including at least 1 school, 1 service club, 1 sporting club, 1 community support organisation, 1 youth group, 1 older persons group and local government</p> <p>b) By end of November, establish a strong online (social media) presence that links Heart FM intrinsically with Northern Midlands communities</p> <p>c) By end of December, develop process that meets ACMA requirements to demonstrate integration with the community</p>	<p>a) By end of March secure and maintain effective relationships with a minimum of 20 community organisations</p> <p>b) Regularly implement process that meets ACMA requirements to demonstrate integration with community</p> <p>c) By end of March, establish effective relationships with adjacent community radio stations</p>	<p>a) By end of March secure and maintain effective relationships with a minimum of 25 community organisations</p> <p>b) Regularly implement process that meets ACMA requirements to demonstrate integration with community</p>
<p>Governance</p>	<p>a) By end of August, review Constitution and formulate amendments for adoption at Annual General Meeting</p> <p>b) At all times, be the holder of all necessary licences and insurance policies as required under all levels of Government</p> <p>c) By end of September, plan and subsequently implement an intensive membership drive</p> <p>d) By end of September, develop a feedback process that ensures all management, volunteer and community feedback is captured and issues considered and adopted as appropriate</p> <p>e) Work tirelessly to ensure the Committee of Management functions effectively and efficiently, meets at least quarterly and holds the AGM as required by statute.</p>	<p>a) At all times, be the holder of all necessary licences and insurance policies as required under all levels of Government</p> <p>b) By end of June plan and subsequently implement an intensive membership drive at least once yearly</p> <p>c) Maintain and enhance the feedback process that ensures all management, volunteer and community feedback is captured and issues considered and adopted as appropriate</p> <p>d) Work tirelessly to ensure the Committee of Management functions effectively and efficiently, meets at least quarterly and holds the AGM as required by statute.</p>	<p>a) At all times, be the holder of all necessary licences and insurance policies as required under all levels of Government</p> <p>b) Plan and subsequently implement an intensive membership drive at least once yearly</p> <p>c) Maintain and enhance the feedback process that ensures all management, volunteer and community feedback is captured and issues considered and adopted as appropriate</p> <p>d) Work tirelessly to ensure the Committee of Management functions effectively and efficiently, meets at least quarterly and holds the AGM as required by statute.</p>

6. Budget 2015 - 2017

	Expenditure			Income		
	Oct to Dec 2015	Jan to Dec 2016	Jan to Dec 2017	Oct to Dec 2015	Jan to Dec 2016	Jan to Dec 2017
Advertising & promotion	250	500	750			
Audit fee	0	1,000	1,200			
Commission (20% of sponsorship)	1,200	4,800	6,400			
Computer and IT expenses	250	1,000	1,200			
Depreciation <i>ie non-cash item</i> *	1,875	7,500	9,000			
Electricity	1,200	5,000	6,000			
Equipment – non-capital items	250	1,000	1,500			
General operating expenses	250	1,000	1,200			
Insurance	625	2,500	3,000			
Licences, fees, registrations	500	2,000	2,500			
News service	1,050	4,200	5,000			
Office expenses & supplies	250	1,000	1,500			
Postage & couriers	75	300	500			
Printing & publications	125	500	750			
Petrol	250	1,000	1,500			
Production	500	2,000	3,000			
Rent	0	0	0			
Repairs & maintenance	125	500	1,000			
Telephone & internet	1,250	5,000	6,000			
Wages	0	0	0			
	10,025	40,800	52,000			
Net Profit (Loss) (after non-cash dep'n) *	-1,525	1,250	2,300			
	8,500	42,050	54,300			
				8,500	42,050	54,300

7. Risk Management

Two of our Board members have had over ten years experience each in community broadcasting and are well aware of the risks associated with the resurrection of Heart FM community radio station. They contributed to the development of the milestones and timeframes component of this business case, ensuring that the planning and performance indicators were in place to identify and manage risks.

8. Sustainability

As indicated at Section 5: 'Milestones and Timeframes', the planning is in place to ensure Heart FM community radio station is sustainable into the future.

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NORTHERN MIDLANDS COUNCIL

COUNCIL POLICIES



Policy Name:	Access to Units Policy
Originated Date:	Adopted 13 June 2000 – Min No. 264/00 (as Policy 25)
Amended Date/s:	Reviewed 21 September 2009 – Min No. 255/09
Applicable Legislation:	
Dataworks Reference:	44/001/001
Objective	To ensure that the: <ul style="list-style-type: none"> i) Consumer's access to a unit is determined according to his/her level of assessed need ii) Consumer's access to a unit is decided on a non-discriminatory basis iii) Consumer's refusal of a unit is respected and does not prejudice any future attempt in access iv) Consumers are made aware of and obtain private insurance, a requirement to cover contents/possession.

**1. UNITS –
WILLIAMS STREET, CAMPBELL TOWN &
2-4 MURRAY STREET, EVANDALE**

Units located at Campbell Town and Evandale are owned by Northern Midlands Council (NMC). Campbell Town Health Centre advise the NMC on management of the Campbell Town units.

Campbell Town Health Centre will recommend to the NMC in relation to Older Persons in the community who wish to rent/reside in Council units – William Street, Campbell Town.

2. NON-DISCRIMINATION

Services are available to all people within the target population without discrimination. People cannot be excluded from access on the grounds of their gender, marital status, religious or cultural beliefs, political affiliation, particular disability, ethnic background, sexual preference, or geographical location.

No consumer will be judged, denied or given preferential access to services based on any of the above.

Campbell Town Health Centre will conduct the initial interview/assessment and make recommendations in writing, to the NMC which will be the final arbiters.

3. CONSUMERS HAVE A RIGHT TO

- a) Dispute the outcome, they have a right to challenge or complain to the NMC.
- b) Consumers will be assisted to seek and access an advocate of their choice without fear of retribution through Campbell Town Health Centre.
- c) Consumers have a right to expect privacy as well as respect for their individual human worth and dignity.



4. CONSUMERS HAVE A RESPONSIBILITY

- a) Consumers are to abide by NMC lease agreement.
- b) Consumers are to have their own personal contents insurance.

5. ACCESS TO UNITS

- a) Consumers to be notified of the date when NMC's decision will be determined.
- b) Consumers to be notified in writing, within two weeks of decision being made by NMC of their application's success or failure.
- c) If unsuccessful a reason in writing should be provided by NMC.
- d) The person should be made aware of the complaints policy and procedure.

6. ASSESSED NEEDS/PRIORITY OF ACCESS

- a) Common indicators of higher level needs for frail elderly people residing within the NMC.
 - ◆ Lives alone or with a carer who is frail, ill, stressed or has a disability
 - ◆ Social contacts are limited or non-existent
 - ◆ Home environment is physically unsafe
 - ◆ Socially or geographically isolated
 - ◆ Financially disadvantaged/pensioner
 - ◆ Family support structure is at risk of breaking down
- b) Priority will be given to persons whose circumstances meet one or more of the above factors.

POLICY MANUAL INDEX

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Local Government Amendment (Code of Conduct) Bill 2015

The Local Government Amendment (Code of Conduct) Bill 2015 proposes a number of amendments to the *Local Government Act 1993* (the Act) to:

- provide a strengthened and streamlined councillor code of conduct framework;
- make it optional for a council to convene an Annual General Meeting (AGM);
- reduce red-tape associated with the requirements of a council to publish newspaper notices relating to AGMs and impounded animals;
- provide clarity regarding a general manager providing a councillor with private and confidential information relating to a person, in respect of a document that is relevant to an agenda item of a council meeting;
- provide the Director of Local Government (the Director) with the express power to reject a complaint under the Act if it is considered frivolous or vexatious; and
- restrict the eligibility criteria for nominating as a councillor to persons who have their principal place of residence in Tasmania.

I Councillor code of conduct

The Bill inserts a new Division 3A within Part 3 of the Act to provide new provisions relating to code of conduct complaints.

(i) Code of Conduct Panel

The new code of conduct framework replaces the 29 separate council code of conduct panels, and the Local Government Association of Tasmania (LGAT)'s Standards Panel, with a single and independent statewide code of conduct panel.

The Code of Conduct Panel is constituted by three members derived from the pool of members appointed by the Minister responsible for local government. One member is an Australian lawyer and the remaining two members are persons with experience in local government. An Executive Officer is appointed by the Department of Premier and Cabinet (DPAC) to undertake the administrative functions of the Panel. The chairperson of the Panel will be a member with experience in local government.

The relevant council to the complaint is responsible for payment of the remuneration and allowances of the Panel members and executive officer.

(ii) Model code of conduct

A council adopts a model code of conduct which prescribes the standard of behaviour that councillors are required to meet when performing their role. The model code is made by Order of the Minister and a council may supplement or amend the model code of conduct within the confines of the model code and the Act. A council is to review its code of conduct within three months after each ordinary election.

(iii) Making a code of conduct complaint

A person may make a code of conduct complaint against a councillor within 90 days after the councillor has allegedly committed the contravention.

A code of conduct complaint is referred to the Code of Conduct Panel if it is against less than half of all councillors of the council, or to the Director if it is against half or more of the councillors of the council.

(iv) Assessment and investigation of complaint

On receiving a code of conduct complaint, the chairperson of the Code of Conduct Panel decides whether to accept, dismiss or refer the complaint to another person/authority. If the code of conduct complaint is dismissed because it is frivolous or vexatious, the chairperson may direct the complainant not to make a further complaint in relation to the same matter, unless the complainant provides substantive new information.

The Code of Conduct Panel investigates and determines a code of conduct complaint with as little formality and as expeditiously as possible, and makes every endeavour to meet the prescribed timeframes. The Panel is provided with flexibility in hearing and determining complaints, but must observe the rules of natural justice.

(v) Determination of complaint and sanctions

After completing its investigation, the Code of Conduct Panel determines whether to uphold the complaint, dismiss the complaint or uphold part of the complaint and dismiss the remainder of the complaint.

If a complaint is upheld, the Panel may impose one or more of the prescribed sanctions on the councillor against whom the complaint is made. The Bill provides a new sanction to suspend a councillor for a maximum period of one month without allowances. This new sanction is in addition to the sanctions of cautioning or reprimanding a councillor, or requiring them to apologise to a person or attend counselling or a training course.

(vi) Offence

If a councillor fails to comply with a sanction imposed by the Code of Conduct Panel that requires them to apologise to a person or attend counselling or a training course, the matter is referred to the Director and that councillor may face a penalty of a fine not exceeding 50 penalty units.

(vii) Costs

The complainant and the respondent councillor bear their own costs relating to the investigation and determination of a code of conduct complaint.

(viii) Refund of fees

A council refunds a code of conduct lodgement fee under prescribed circumstances, including when the complaint is referred to the Director or another person/authority, the complaint is withdrawn by the complainant, or the complaint is upheld by the Panel.

(ix) Review of Code of Conduct Panel decision

The Bill provides an appeal right from a Code of Conduct Panel determination to the Magistrates Court (Administrative Appeals Division) on the basis that the Panel failed to comply with the rules of natural justice.

(x) Publicly reporting code of conduct complaints in annual report

The Bill amends subsection 72(1) of the Act to require a council to report in its annual report the number of code of conduct complaints that were upheld by the Code of

Conduct Panel during the preceding financial year and the total costs met by the council during the preceding financial year in respect to all code of conduct complaints.

(xi) Councillor allowances

The Bill amends section 340A of the Act to provide that councillors who have had the sanction of suspension imposed on them by the Code of Conduct Panel are not entitled to receive allowances for the period of the suspension.

(xii) Immunity from liability

The Bill amends section 341 of the Act to replace the reference to the previous Code of Conduct Panel/Standards Panel with the Executive Officer and Code of Conduct Panel, in relation to immunity from liability for an honest act or omission done or made in the exercise or performance of a function under the Act or any other Act.

(xiii) Membership of Code of Conduct Panel

The Bill inserts a new Schedule 2A to provide the requirements for membership of the Code of Conduct Panel. This includes terms of office, holding other office (including the office of a State Service Officer or a State Service employee) and vacation of office.

(xiv) Vacation of office of councillor

The Bill amends Schedule 5 of the Act to provide that the office of councillor becomes vacant if a councillor breaches a code of conduct three times for which the suspension sanction is invoked, during the councillors current term of office.

(xv) Transitional provisions

The Bill provides the transitional provisions consequent on the *Local Government Amendment (Code of Conduct) Act 2015*. This includes how a council is to handle code of conduct complaints that have commenced under the previous Act, and the continuation and termination of membership of the previous Code of Conduct Panel and the Standards Panel.

2 Council Annual General Meeting

The Bill amends section 72B of the Act to allow a council to determine whether or not to hold an AGM. If a council determines to hold an Annual General Meeting (AGM), a council is to hold it on a date no later than 15 December each year.

The Bill amends section 72(3) of the Act to provide that submissions received by a council on its annual report are to be considered at the council's AGM or if the council has decided not to hold an AGM, at the next practicable ordinary meeting of the council.

3 Council newspaper notification requirements

The Bill amends section 72B of the Act to provide that a council is only required to publish one newspaper notice regarding an AGM, instead of two notices as is currently required.

The Bill amends Division 5 within Part 12 of the Act to provide that a council is only required to publish one newspaper notice regarding an impounded animal, instead of two notices as is currently required. The single newspaper notice is to contain all relevant information in relation to the impounded animal, as specified under the Act.

4 Disclosure of information

The Bill amends section 28D of the Act to provide a specific dispute resolution process regarding the relevance of documents relating to an agenda item of a council meeting. The new process provides that, in respect to a document relating to an agenda item of a council meeting, a general manager may withhold from a relevant document private and confidential information relating to a person, if that private and confidential information is not relevant to the agenda item. If a general manager refuses to provide a document (either in whole or part) on the basis that he or she considers that it is not relevant to an agenda item, the councillor requesting the document may seek a decision of the council regarding the document and the general manager is to comply with the council decision.

The Bill amends section 338A (Disclosure of information) of the Act to exclude the application of the offence provisions relating to disclosure of information from any other disclosure of information requirement under the Act or any other law.

5 Complaints against non-compliance or offence

Without limiting the ability of the Director to determine the procedure for handling and investigating complaints made under the Act, the Bill amends section 339E of the Act to provide the Director with the express power to dismiss a complaint if he or she considers that the complaint is frivolous or vexatious.

6 Eligibility for nomination as councillor

The Bill amends section 270 of the Act to restrict the eligibility criteria for nominating as a councillor to persons who have their principal place of residence in Tasmania. The Bill also amends section 315 of the Act to provide that it is an offence to make a false or misleading statement in relation to making a notice of nomination as a candidate for the office of councillor.

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

Recommendation:

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

Background:

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

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

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

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

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

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

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

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

Options

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

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

Attachment 1: Draft Minutes 22 July 2015 (extract)

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

Devonport City Council/City of Hobart

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

Carried

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

Item 1

Devonport City Council/City of Hobart

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

Carried

Item 2

Devonport City Council/City of Hobart

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

Carried

Item 3

Devonport City Council/City of Hobart

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

Lost

The CEO to consult with councils on some possible options.

Item 4

Devonport City Council/City of Hobart

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

Carried

Item 5

Devonport City Council/City of Hobart

That there remain an ability to withdraw a complaint.

Carried

Item 6

Devonport City Council/City of Hobart

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

Carried

Item 7

Devonport City Council/City of Hobart

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

Carried

Item 8

Devonport City Council/City of Hobart

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

Carried

Item 9

Devonport City Council/City of Hobart

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

Carried

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

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

Carried

Below is some explanatory material for each of the recommendations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Current Policy

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

Budget Implications

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

CODE OF TENDERING AND PROCUREMENT

OBJECTIVE This Code of Tendering and Procurement (Code) provides a policy framework on purchasing and tendering requirements for Council.

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

Comment [ALM1]: This wording has been removed as it does not define an objective of the policy. The wording has been replaced with a one line introduction outlining the objective.

STATUTORY AUTHORITY In accordance with Part 16, Division 2A, Section 333A and 333B of the Local Government Act 1993 (Act), Council must comply with this Code when acquiring goods and services.

~~Detail contained in the Code is consistent with the requirements of the Local Government (General) Regulations 2005-2015 (Regulations), Regulations 23-28 inclusive.~~

Local Government Act 1993

Local Government (General) Regulations 2015

POLICY Adopted 7 January 1997 (Min Ref 71/97)
Amended 26 August 2002 (Min Ref 330/02)
(All tenders, quotations or any form of competitive bidding be treated in confidence and considered by Council "In-Committee")
Amended 19 December 2005 (Min Ref 424/05)
Amended 17 July 2006 (Min Ref 249/06)
Amended 16 May 2011 (Min Ref 123/11)
Amended 14 October 2013 (Min Ref 274/13)
Amended 17 August 2015 (Min Ref

POLICY

1. PURPOSE

The Code aims to:

- a) ensure compliance with relevant legislation;
- b) enhance value for money through fair, competitive, non-discriminatory procurement;
- c) promote the use of resources in an efficient, effective and ethical manner;
- d) encourage probity, accountability and transparency in decision making;
- e) provide reasonable opportunity for competitive local businesses to supply to Council;
- f) minimise the cost to suppliers of participating in the tendering process;

- g) allow Council to appropriately manage risk;
- h) promote Council's economic, social and environmental plans and policies.

2. SCOPE

2.1 Policy vs. procedures

The Code essentially provides a high level overview of Tender and Contract requirements as they apply to Council. Although some procedural detail associated with Council tender and contract management systems and processes is included in this document, additional lower level detail is held in Council procedure documents.

Consistent with the requirements specified in regulation 28, Council will establish and maintain local level procedures to:

- a) ensure all potential service providers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements;
- b) that fair and equitable consideration is given to all tenders or quotations received;
- c) deal honestly with and be equitable in the treatment of all potential service providers ;
- d) ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing service providers;
- e) protect commercial in confidence information; and
- f) review each tender process to ensure that each tender is in accordance with the Regulations and this Code.

Council will also establish and maintain procedures for:

- a) amending or extending a tender once it has been released;
- b) opening tenders;
- c) the consideration of tenders that do not fully conform with the tender requirements;
- d) handling complaints regarding processes related to the supply of goods or services.

Refer to Appendix A for Northern Midlands Council local level procedures for tendering.

2.2 Employees and service providers

The Code will apply to Council, council employees and agents and any service provider wishing to compete for Council business or provide goods, services or works to Council (including contractors, subcontractors, consultants and suppliers)

Wherever reasonably possible service providers engaged by Council will also apply the Code when seeking Tenders or Quotations from subcontractors and suppliers.

3. PROCUREMENT PRINCIPLES

Council will have regard to the following principles when acquiring goods and services:

3.1 Open and Effective Competition

The Council will ensure that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- a) use transparent and open purchasing processes so that service providers and the public are able to have confidence in the outcomes;
- b) adequately test the market through seeking quotations or via tender as appropriate;
- c) avoid biased specifications;
- d) treat all service providers consistently and equitably;
- e) ensure a prompt and courteous response to all reasonable requests for advice and information from service providers.

3.2 Value for Money

The Council will ensure that it is buying at the most competitive price available, but value for money does not mean buying at the lowest price.

In practice this means that Council will consider

- a) the contribution the good or service makes to achieving Council's strategic plans or policies;
- b) the value of the acquisition and potential benefits against the costs of that purchase;
- c) an assessment of risks associated with the purchase including the preferred procurement method;
- d) how well goods or services meet needs;
- e) maintenance and running costs over the lifetime of a product;
- f) disposal value;
- g) time constraints;
- h) the impact of the procurement decision on the local economy, such as through industry development and employment creation;
- i) the impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel); and
- j) the impact of the procurement decision on the society, (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives.

3.3 Enhancement of the capabilities of the local business industry

The Council will ensure that where local capacity exists it will seek to engage the local market and encourage participation in tender and quotation processes.

In practice this means that **Council** will:

- a) actively seek quotes from local businesses that are able to provide quality goods and or services;
- b) where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing; and
- c) not give preferential treatment to local service providers where it cannot be reasonably justified.

3.4 Ethical behaviour and fair dealing

The Council will promote procurement practice that is legal, ethical, fair and unbiased

In practice this means that **Council** will:

- a) comply with legal requirements;
- b) conduct all business in the best interests of the Council;
- c) be as effective and efficient as possible when sourcing, ordering and paying for goods and services;
- d) expect individuals involved in procurement processes to declare and act upon any conflicts of interest that may be seen to influence impartiality;
- e) ensure that specifications are clear;
- f) ensure that any Service Provider is not provided with information or clarification that is not provided equally to all service providers;
- g) maintain confidentiality at all times in dealing with service providers;
- h) ensure that conditions of contract are not excessively onerous; and
- i) decline gifts or benefits offered by those involved in the procurement process, particularly from service providers.

In practice this means that Council expects **service providers** to

- a) ensure that they are well acquainted with Council requirements identified in this Code;
- b) are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications;
- c) not submit a tender or quotation unless they have the financial, technical, physical, management resource or other capabilities to fulfil Council's requirements;
- d) not seek to influence a procurement process by improper means or collude with other service providers;
- e) declare and act upon any conflicts of interest that may be seen to influence impartiality;
- f) comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities;
- g) not offer gifts or benefits to a Council officer for the discharge of official business;

Northern Midlands Council local level procedures for tendering are identified at Appendix A of this Code of Conduct.

4. PROCUREMENT METHODS

While open and fair competition may often best achieved by undertaking a tender process where all interested parties have an opportunity to bid, there are times when this practice will not deliver the most advantageous outcome for the Council. In such instances, other market approaches may be more appropriate.

The Council will, having regard to the procurement principles and any other factors considered relevant by the Council, in its absolute discretion, determine the appropriate method that will be employed to procure goods and services at any particular time.

An annual purchasing order may be issued for ongoing monthly services (such as electricity, insurance, telecommunications, water & sewer, government levies etc).

Each Council employee has an authorised limit as to procurement expenditure. These limits are reviewed from time to time.

The following table summarises the purchasing method utilised by Council based on the total dollar value of the purchase:

Procurement Value	Minimum Requirement
Under \$1,000	Council purchasing order to be used wherever possible. Payment to be made by petty cash, credit card or cheque.
\$1,001 to \$5,000	Verbal quotation required. Council purchasing order required. Payment to be made by credit card, cheque or electronic funds transfer.
\$5,001 to \$20,000	2 written quotations is required. Council Purchase order is required. Payment to be made by credit card, cheque or electronic funds transfer.
Between \$20,001 and \$99,999	Written quotations Where possible, at least three written quotations will be obtained, of which at least one will be sought from a local business (if available). Council Purchasing order is required. Payment to be made by cheque or electronic funds transfer.
\$100,000 and greater	Public Tender <ul style="list-style-type: none"> • Council will advertise each tender at a minimum in the Examiner newspaper. Other advertising may be utilised as required. • Each tender will be advertised on Council website. • Council will seek at least one tender from a local business, i.e. within the municipal area, if available. Payment to be made by cheque or electronic funds transfer

Note: all amounts are exclusive of GST. The prescribed amount pursuant to the Local Government (General) Regulations 2015 is \$250,000.

4.1 Non Tender – processes for acquisition of goods and or services

4.1.1 Direct Purchasing

This is where Council purchases from a single source, without first obtaining competitive bids.

This method will be used only for low value, low risk goods and services where the Service Provider already has a successful history with the Council.

4.1.2 Purchase Orders

Purchase Orders usually have limited terms and conditions and detail specific items that are to be purchased.

This method may be used for low value, low risk goods and services and will not be used for non routine, high value and high risk goods and services.

An example of a good that may be purchased via purchase order is a new TV. An example of a service that may be purchased via purchase order is design work for a new sign.

4.1.3 Quotations (Informal)

This is where Council will only enter into a contract where 2 quotations from suitable service providers able to provide the goods or services have been sought.

Records must be kept of quotations received and quotations approved. If written quotations cannot be obtained Council must keep detailed written records of the oral quotation obtained including details of the commercial terms of the quotation.

This method may be used for low value, low risk goods and services.

4.1.4 Request for Quotations (RFQ)

This is a more formal quotation process. Council will enter into a contract where 3 written (including email) quotations from suitable service providers able to provide the goods and or services have been sought. Where less than 3 suitable service providers are reasonably available, records outlining this circumstance will be kept.

Council must keep detailed written records of the quotations obtained including details of the commercial terms of the quotation.

This method may be suitable for simple, largely price based purchases.

Purchasing goods and or services through the **National Procurement Network (NPN)** is an option for Councils. Purchasing through this mechanism involves an RFQ process. Items with a financial value above the prescribed amount may be legitimately purchased through the Network RFQ process. Use of the Network as a purchasing option for Councils is justified under the Regulations. See section 8 - Exemptions.

An example of a service that may be purchased via RFQ's is engaging a contractor to conduct road works.

4.2 Tender - processes for acquisition of goods and or services

The Act and Regulations require that Council invite Tenders for any Contract it intends to enter into for the supply or provision of goods or services valued at or above a prescribed amount. The prescribed amount is \$250,000 (GST exclusive).

That said, Council has determined that tenders should be called, where the estimated value of the purchase is \$100,000 or more (exclusive of GST).

Comment [ALM2]: Note – the prescribed amount is \$250,000, however recommended this Council keep the prescribed amount at \$100,000

4.2.1 Open Tenders

An open tender process is an invitation to tender by public advertisement. There are generally no restrictions regarding who can submit a tender, however, service providers are required to submit all required information and will be evaluated against stated selection criteria.

General Manager - responsibilities

Consistent with the Regulations (Regulation 24) Council will ensure that when open tenders are used as a method of procurement, the General Manager will invite tenders.

The General Manager will advertise the tender locally via the daily newspaper circulating in the municipal area and on via Council's website – making the tender available to all qualified and interested bidders.

The public notice will identify:

- a) clearly the nature of the goods and or services the Council requires;
- b) the period within which the tender must be lodged (must be at least 14 days after the date on which the notice is published);
- c) where the tender must be lodged; and
- d) details of a person from whom more detailed information relating to the tender may be obtained.

The General Manager will ensure that prospective tenderers are provided with details regarding:

- a) the specifications of the goods and or services required;
- b) the duration of the contract, including any extensions that are specified in the contract;
- c) any mandatory tender specifications and contract conditions;
- d) objective criteria for evaluating the contract; and
- e) must make reference to the Council Code for Tenders and Contracts.

Service Provider – responsibilities

A person submitting a response in relation to a Council public tender must do so in writing.

The Service Provider must specify the goods and or services tendered for, provide details of the goods and or services being offered and must lodge the tender within the period specified in the public notice.

Refer to Appendix A for Northern Midlands Council procedures relating to tender process.

4.2.2 Multi Staged Tender

There are occasions – although usually limited (because the process can be resource intensive), where Council may use a multi stage tender process. Reference is made to this process in the Regulations at Regulation 26.

This tender method will be used by Council to gain knowledge about the market, obtain industry input – where it is unclear what goods and services are available or to shortlist appropriate suppliers before seeking offers.

At each stage in this process, service providers may be culled to those who are most suited to the specific contract requirements. Service providers will be evaluated against criteria determined by Council.

Once a short list of potential service providers is developed, these service providers may be invited to participate in an open tender process.

General Manager - responsibilities

As a first stage in this process, the General Manager will request – expressions of interest from prospective tenderers.

The General Manager will advertise the expression of interest locally via the daily newspaper circulating in the municipal area and via Councils website.

The public notice will identify:

- a) clearly the nature of the goods and or services the Council requires;
- b) contract identification details;
- c) the period within which the expression of interest must be lodged;
- d) where the expression of interest must be lodged; and
- e) details of a person from whom more detailed information relating to the expression of interest may be obtained.

The General Manager will ensure that prospective tenderers are provided with details regarding:

- a) the specifications of the goods and or services required;
- b) objective criteria for evaluating the expression of interest;
- c) the method of evaluating expressions of interest against the criteria;
- d) details of any further stages in the tender process; and
- e) must make reference to the Council Code for Tenders and Contracts.

At the final stage of a Multi Staged Tender process, the General Manager will invite all service providers who have met the criteria determined by the Council, to tender for the supply of goods and or services

If only one service provider meets the criteria determined by Council, the Council may contract with that supplier after:

- a) a tender from that Service Provider; or
- b) a decision by the absolute majority of the council to do so.

Service Provider – responsibilities

A person submitting a response in relation to a Council expression of interest must do so in writing.

The service provider must specify the goods and or services the expression of interest relates to, provide details of the goods and or services being offered and must lodge the expression of interest within the period specified in the public notice.

Refer to Appendix A for Northern Midlands Council procedures for tenders.

4.3 Ongoing Supply Arrangements - Goods and Services

4.3.1 Standing Contract

A Council, through an open tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process. Reference is made to this process in the Regulations at Regulation 23.

Service providers listed on a standing contract panel will be selected following an evaluation process.

Council may legitimately purchase directly from a service provider listed on a standing contract panel.

Council may implement its own standing contract arrangements or may make use of goods and or services panels that have been negotiated for example for Tasmanian Councils via LGAT as a member of the National Procurement Network or via similar arrangements through State Government.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

4.3.2 Multiple Use Register

A multiple use register is a list, intended for use in more than one procurement process, of pre qualified providers, who have satisfied the conditions for participation or inclusion on the register. Reference is made to the multi use register process in the Regulations at Regulation 25.

Council may establish a multi use register of service providers who meet criteria established by the Council in respect to the supply of particular categories of goods and services.

Inclusion on a multi use register provides certainty for potential service providers that they have been recognised as meeting conditions for participation.

Council will invite tenders for a contract for the supply of goods and or services from all service providers included on a multiple use register for a particular category of goods and or services.

General Manager - responsibilities

As per Regulation 25, Council will establish and maintain procedures for the use of multiple use registers for contracts valued at under the current prescribed amount, excluding GST.

Essential procedural requirements include that, the Council will invite applications from service providers for inclusion on a multiple use register by advertising locally via the daily newspaper circulating in the municipal area and via Councils website.

The public notice will identify:

- a) the nature of the goods and or services the Council requires;
- b) any identification details associated with the register;
- c) the period within which the application must be lodged;
- d) where the application must be lodged; and
- e) details of a person from whom more detailed information relating to the multiple use register may be obtained.

The General Manager will ensure that applicants are provided with information regarding:

- a) the specifications of the goods and or services required;
- b) the criteria for evaluating the applications;
- c) the method of evaluating applications against the criteria; and
- d) must make reference to the Council Code for Tenders and Contracts.

Council may accept an application for inclusion on the multiple use register or reject an application.

If Council rejects the application, the General Manager will advise the applicant of the reasons for rejection.

If Council accepts the application the General Manager will advise the applicant of the category their application will be included in on the multiple use register.

The multiple use register will be reviewed by Council at least every 2 years.

Council will allow a service provider to apply for inclusion on the multiple use register at any time unless the service provider has made an application in the previous 12 months and the application has not been accepted.

Refer to Appendix B for Northern Midlands Council local level procedures for multiple use registers.

4.3.3 Strategic Alliances

Council may choose to procure goods and or services through contract arrangements already established and administered by other organisations, including:

- a) LGAT through the National Procurement Network;
- b) State Government Contracts; and
- c) any other purchasing group of which Council is a member.

5. CALCULATING THE VALUE OF A PURCHASE

5.1 Price

The dollar value of the purchase may be calculated as follows:

single one-off purchase – the total amount, or estimated amount, of the purchase (excluding GST);

multiple purchases – the gross value, or the estimated gross value, of the purchases (excluding GST); or

ongoing purchases over a period of time – the annual gross value, or the estimated annual gross value, of the purchases (excluding GST).

As per Regulation 23, Council will not split a single procurement activity into 2 or more separate contracts for the primary purpose of avoiding the requirement to publicly invite tenders.

5.2 Non price considerations

Council will ensure that it is buying at the most competitive price available, but quantifying the value of a purchase does not simply mean buying at the lowest price. Specific issues that will be taken into account by Council that relate to non price related matters are identified in the Principles section at 5.2.

6. GOODS AND SERVICES TAX (GST)

All procurement thresholds are GST exclusive

Tenders and quotations must be sought on a GST exclusive basis.

7. EXTENSION OF CONTRACTS ENTERED INTO

Consistent with Regulation 23, Council may extend a contract entered into:

- a) as specified in the contract or
- b) if the contract does not specify extensions, by an absolute majority.

8. EXEMPTIONS

The Regulations identify circumstances where Council is not required to issue a public tender process.

The exemption circumstances identified in Regulation 27 – Non application of the public tender process are:

- a) an emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;

- c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- d) a contract for goods or services obtained as a result of a tender process conducted by another council, a single authority, a joint authority, the Local Government Association of Tasmania or any other local government association in this State or in another State or a Territory;
- e) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- f) a contract for goods or services that is entered into at public auction;
- g) a contract for insurance entered into through a broker;
- h) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- i) a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of—
 - (i) extenuating circumstances; or
 - (ii) the remoteness of the locality; or
 - (iii) the unavailability of competitive or reliable tenderers;
- j) a contract of employment with a person as an employee of the council.

Comment [ALM3]: This section is the same as the previous section (j) regarding exemptions in the existing Code.

General Manager - responsibilities

The General Manager will authorise non use of the public tender process in accordance with the exemption directions identified above.

9. ENGAGING A THIRD PARTY TO MANAGE A PROCUREMENT PROCESS

Council may engage third parties to manage the procurement process for individual projects. The use of a third party as an agent or consultant to advise on, arrange or manage a procurement process does not exempt Council from complying with Council procurement policy and procedures.

Should Council engage a third party to manage a procurement process, it will be ensured that material is included in the contractual arrangements with the third party that requires the third party to comply with Council procurement policy and procedures.

10. REPORTING PROCEDURES

Council is obliged to report at a minimum on a series of procurement matters.

10.1 Procurement at or above the prescribed amount

As per Regulation 29, Council will report in its Annual Report details of any contract for the supply or provision of goods and or services valued at or above the currently legislated prescribed amount of \$250,000.

As per Regulation 29, Council will report in its Annual Report details of any contract for the supply or provision of goods and or services valued at or above \$100,000, but below the prescribed amount of \$250,000.

Council may also at its absolute discretion report detail of instances of procurement below \$100,000.

Detail that will be reported for 10.1 at a minimum as required under the Regulations is:

- a) a description of the contract;
- b) the period of the contract;
- c) the periods of any options for extending the contract;
- d) the value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
- e) the business name of the successful contractor; and
- f) the business address of the successful contractor.

10.2 Contract Extension

As per Regulation 23, Council will report in its Annual Report, the details of any extension of a contract, where Council agreed to extend a contract by an absolute majority and the pre existing contract did not specify extensions.

Detail that will be reported for 10.2 at a minimum as required under the Regulations is:

- a) a description of the contract;
- b) the period of the contract;
- c) the periods of any options for extending the contract;
- d) the value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
- e) the business name of the successful contractor; and
- f) the business address of the successful contractor.

10.3 Emergency Provision

As per Regulation 27 Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied as a result of an emergency, where in the opinion of the General Manager, there was insufficient time to invite tenders for the goods and services required in that emergency.

Detail that will be reported for 10.3 at a minimum as required under the Regulations is:

- a) a brief description of the reason for no inviting public tenders;
- b) a description of the goods or services acquired;
- c) the value of the goods or services acquired; and
- d) the name of the supplier.

10.4 Other Circumstances

As per Regulation 27 Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied because Council agreed by absolute majority, that a satisfactory result would not have been achieved if tenders were invited because of

- a) extenuating circumstances;
- b) the remoteness of the locality;

- c) the unavailability of competitive or reliable tenderers; and
- d) a contract of employment with a person as an employee of the Council.

Detail that will be reported for 10.3 and 10.4 at a minimum as required under the Regulations is:

- a) a description of the reason for not inviting public tenders;
- b) a description of the goods and or services acquired;
- c) the value of the goods and or services acquired; and
- d) the name of the supplier.

In addition to ensuring the above reporting occurs, as per Regulation 28, the General Manager will establish and maintain procedures for reporting to Council circumstances where a public tender or quotation process was not used and reasonably should have been.

Refer to Appendix C for Northern Midlands Council reporting procedures.

11. WORK HEALTH AND SAFETY

All tenderers are to comply with the Northern Midlands Council Work Health & Safety Policy, a copy of which is to be supplied to tenderers with the tender documentation.

All contractors engaged by the Council are required to complete an induction with the Council and provide copies of appropriate insurances, Safe Work Methods Statements and a list of training and competencies.

12. DELEGATION

Northern Midlands Council delegations can be found on its website http://www.northernmidlands.tas.gov.au/Page/Page.aspx?Page_Id=465#BM6109.

13. COMPLAINTS

The Council will deal promptly with any complaints about its tendering process. Each complaint will be recorded in writing and the complainant given an opportunity to discuss his or her complaint with the General Manager or a delegated senior officer.

14. REVIEW OF THE CODE

Consistent with the requirements identified in Section 333B of the Act, Council will formally review this Code at least every 4 years.

The Code may be modified on an as needs basis from time to time by Council to reflect changed operational requirements.

15. BREACH OF THE CODE

Council will take all reasonable steps to comply with this Code.

Council will not be liable in any way to a Service Provider or any person for a breach of this Code.

If any employee of the Council, or a body controlled by the Council breaches this Code, Council may take disciplinary action, if in its absolute discretion it considers it desirable to do so.

If a Service Provider commits a breach of this Code, Council may, in its absolute discretion, take action against that Service Provider.

16. ACCOUNTABILITY

Consistent with Section 333B of the Act, as a measure of accountability and transparency, the General Manger will:

- a) make a copy of this Code and any amendments, available for public inspection at the Council's offices during ordinary office hours;
- b) make copies of this Code available for purchase at reasonable charge; and
- c) publish a copy of the Code on the Council's internet site – free of charge.

17. CONFIDENTIALITY

Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

~~(a) APPLICATION~~

~~This Code applies to all tendering which the Council is obliged to conduct under the Local Government Act 1993 (the Act). The Code gives guidance particularly for tendering in which the Council receives a tender from its own staff.~~

~~Other standards, codes and guidelines may be relevant to the Council's tendering and procurement. For example, the Australian Standard Code of Tendering AS4120 1994 applies generally and has now been adopted on a nearly universal basis by governments, sub-contractors and suppliers. This code restates the ethical principals applying to all parties in the tendering process and then describes all steps in the tendering process under the headings of obligations of the principal and of tenderers.~~

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

Comment [ALM4]: This section has been removed as it is covered under the scope, and in other areas of the policy.

~~(b) DEFINITIONS~~

~~**Contractor** – a contractor is defined as a person or organisation, external to Council, engaged under a contract for service (other than as an employee) to provide specified services to Council. A contractor generally works under the supervision of a Council Manager to provide services which are not readily available in the Council.~~

~~**Expression of Interest** – is a means of identifying potential suppliers or contractors interested in a particular project which may ultimately submit a formal tender or quotation. This allows the Council to shortlist potential suppliers before seeking detailed offers, depending on technical, financial and managerial capacity, thus restricting the issue of formal tenders to those suppliers with demonstrated capacity.~~

~~**Open/Public Tender** — the formal process of publicly inviting offers through an advertisement in a local newspaper to supply goods and services, or purchase surplus items, normally involving specifications and detailed documentation.~~

~~**Procurement** — the entire process by which all resources are obtained by an entity, including planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.~~

~~**Tender** — is a formal offer to supply goods or services at a stated cost. A tender may be public (advertised) or selective (bids from selected contractors sought).~~

Comment [ALM5]: These definitions are from the old Code and not considered necessary.

~~**(c) GUIDELINES**~~

~~There are a number of tendering and procurement thresholds that require different levels of involvement in planning and executing the purchase. The following table refers to the thresholds and summarises what purchasing method Council utilises based on the total dollar value of the purchase.~~

Comment [ALM6]: This section has been removed as the table has been inserted under Procurement Methods.

~~**(d) PRINCIPLES**~~

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

- ~~1) clearly separate its role as a "purchaser" from that as a "provider" of services;~~
- ~~2) apply the same conditions of tendering to an in-house tenderer as it does to an external tenderer in each tendering process;~~
- ~~3) produce tender documents that clearly specify the Council's required outcomes to allow tenderers to bid for and price work accurately;~~
- ~~4) package work put to tender in a manner which encourages competition and the best outcome for residents and ratepayers;~~
- ~~5) not participate in, and actively discourage other parties from, improper tendering practices such as collusion, misrepresentation and disclosure of confidential information;~~
- ~~6) require any conflict of interest to be disclosed immediately;~~
- ~~7) have regard to the cost of tendering to tenderers, residents and ratepayers and seek to constrain that cost.~~

Comment [ALM7]: This section has been removed as Procurement Principles are identified in Part 3.

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

Comment [ALM8]: This section has been removed as it is addressed in part 3.3.

~~**(e) STANDING TENDERS**~~

~~From time to time the Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.~~

~~The way in which a standing tender is established is the same as for an open tender process~~

where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

Comment [ALM9]: This section has been incorporated into clause 4.3.1.

~~(i) MULTIPLE STAGE REGISTER~~

~~From time to time the Council may utilise a multiple stage tendering process. This is a process by which suppliers are evaluated through stages against criteria established by the Council. This is a useful process to:~~

- ~~(i) gain market knowledge and clarify the capability of suppliers;~~
- ~~(ii) shortlist qualified tenderers; and~~
- ~~(iii) obtain industry input.~~

~~The General Manager may call for expressions of interest from prospective tenderers and will ensure that prospective tenderers are provided with all relevant information including details as to the various stages in the tender process.~~

~~As a final stage in a multiple stage tender process the General Manager will invite all suppliers who have met the criteria set by the Council to tender for the supply of goods or services, in which event the tender process as outlined in this policy will be utilised.~~

Comment [ALM10]: This part has been removed as it is covered in section 4.2.2

~~(m) BREACH OF POLICY~~

~~Any breach of this policy will be referred to Item 9 of the Northern Midlands Council Workplace Agreement 2013-2016 Disciplinary Grievance process."~~

Comment [ALM11]: This section is covered in section 15.

~~(n) REVIEW~~

~~This policy will be reviewed by the Council every four (4) years.~~

Comment [ALM12]: This section covered in section 14

APPENDIX A

TENDERING PROCESS

1. Specifications

Council will develop specifications for tenderers, clearly setting out Council's expectations. Most specifications will focus on outcomes and quality requirements, rather than particular ways of delivering a service. Some specifications may include both input and output requirements for a service. ~~The Council has responsibility to its residents and ratepayers to ensure services are properly delivered. It will therefore develop specifications that clearly set out the Council's expectations.~~

Comment [ALM13]: This section is the original clause (e) of Council's Code of Tendering and Procurement – as it identifies a procedure rather than policy it has been included as an appendix to the Code.

The tender documents will require tender proposals to indicate how the performance standards will be met, and how the tenderer would measure the satisfaction levels of service users.

Comment [ALM14]: Removed as irrelevant.

The tender documents will require the tenderers compliance with Council's ~~Occupational Health and Safety Policy~~ Work Health & Safety Policy, as well as any other applicable Council Policies, Codes of Conduct, legislation or Australian Standards.

Comment [ALM15]: Updated to current legislation.

In developing specifications, the Council will consider the requirements of service users and may seek the views of the providers of the existing service and others providing similar services, whether in the public or private sector.

The Council will identify in the specifications any Council assets to be made available to tenderers, whether in-house or external, and may set costs, terms and conditions for the use of the assets.

No potential tenderer, in-house or external, will have access to the final specifications prior to their formal approval and public release by the Council.

2. Advertising

Public notice is required under the Act to start a tender process. The Council will advertise in the Public Notice Section of the Saturday edition of the Examiner Newspaper and may advertise in other newspapers or publications where appropriate. The Council will also place information on the tender on its website.

When advertising the Council will specify:

- 1) The nature of the goods or services required;
- 2) Any identification details allocated to the contract;
- 3) Where the tender is to be lodged;
- 4) Particulars identifying a person from whom further or detailed information relating to the tender can be obtained; and
- 5) The period within which the tender is to be lodged.

3. *Variations to a tender*

Where the Council seeks to amend or extend the closing date for a tender it will advertise the variation/s in the Examiner newspaper and on its website. If tender documents have been issued or a written tender has already been received then the General Manager will notify the recipients of the tender documentation and any tenderer in writing of the variation/s to the tender.

4. *Expression of interest*

The Council may use an "expression of interest" process before it invites tenders. If so, it will advertise publicly the purpose and nature of the contract or project and the date by which it will invite tenders. The aim at the expression of interest stage is not to elicit tenders, but rather to assess the capacity of the respondents to undertake the work or project, and to refine the specifications. The Council will make the evaluation criteria for registration available to all respondents.

The Council will seek tenders from local business and industry if available.

The Council may invite tenders from some, all or none of the registrants, by the advertised date. If the Council does not invite tenders by that date, it will write to all registrants advising when tenders are to be invited. Respondents who are not invited to tender will be advised in writing. The Council will use this list of registrants to invite tenders for the advertised contract or project only.

5. *Invitation to tender*

The Council will offer the same tender documents to all those who respond to an invitation to tender. A copy of this Code will be attached to all tender documents.

The Council may impose a fee for tender documentation related to the cost of printing the tender documentation. The Council will not impose any additional fee for tender documentation unless it refunds the fee to each tenderer who submits a conforming tender.

The Council will not request a tender deposit. In all cases the Council will seek to minimise the cost to suppliers of participating in the tender process.

The tender documents will include the tender evaluation criteria and identify the order of importance accorded to the criteria.

In addition, the Council will ensure that prospective tenderers are provided with all relevant information, including:

- 1) Details of the goods or services required;
- 2) Details of the duration of the contract, including extensions;
- 3) The criteria for evaluating tenders;
- 4) The method of evaluating tenders against the evaluation criteria;
- 4) Any mandatory tender specifications and contract conditions; and
- 5) A reference to the Council's code of tendering.

Comment [ALM16]: Noted these two sections have been included as specified from the *Local Government (General) Regulations 2015*

If the Council gives advice, written or verbal, to a respondent clarifying the meaning of the tender documentation, it will give the same information to all other respondents in writing. The Council will keep a written record of any other verbal advice. The Council will respect the confidentiality of a respondent who discloses information which has commercial or intellectual property value. The Council will consider conducting a pre-tender briefing and may determine not to give additional information apart from the briefing.

Tenderers will generally be given a minimum of 21 days from the date on which tenders were invited in which to submit tenders. All tenders must be in writing. The submission period is determined by the nature of the tender and the Council will advise respondents in writing when it invites tenders if a longer or shorter submission period is to apply.

Late tenders will not be accepted.

Any proposal that does not conform to the tender conditions may be rejected as non-conforming. The General Manager will notify any tenderer of the rejection and the reasons for the rejection.

The Council will acknowledge receipt of all tenders in writing.

6. In-house tenders

As an employer, the Council will assist its staff to become more competitive. At the same time, the Council is aware that competition must be fair, and be seen to be fair, to all parties.

Accordingly, the Council will treat an in-house tenderer on the same terms as an external tenderer. The Council will ensure there is a clear separation between the in-house tenderers and those who have responsibility for evaluating the tenders.

In-house tenders will be prepared on the basis that all direct costs and indirect or overhead costs attributable to the tender are included.

In allocating overhead costs to in-house tenders, a Council will only exclude those costs which it would continue to incur even if all its services were contracted out. The excluded overhead costs are limited to:

- **governance costs:** conduct of elections; administrative support for Councillors; Council meetings; making and enforcing local laws; property valuations; making and levying rates and charges; other statutory duties not related to the tender;
- **strategic management of services costs:** long term planning and supervision of all services, including tendering and contract administration costs;
- **core corporate costs:** administrative support for the governance and strategic management of services functions.

7. Tender evaluation

Council officers will evaluate tenders according to the tender evaluation criteria outlined in the tender documentation, the requirements of the *Local Government (General) Regulations 2015* and the Northern Midlands Council Code of Tendering and Procurement.

Council officers will provide a written tender evaluation report to Council on its reasoning

Comment [ALM17]: This has been amended as the regulations require Council to establish and maintain procedures for the review of each tender process to ensure that it is in accordance with these regulations and the code.

behind awarding/recommending a particular tender.

All tenders, quotations or any form of competitive bidding be treated in confidence and considered by Council 'In Committee'.

Comment [ALM18]: Inserted from Northern Midlands Council Policy on Open Tenders.

8. Award of contract

The Council may negotiate with tenderers to determine the award of the contract but must have regard to the scope of the invitation to tender at all times. The Council will not trade the price of one tenderer against that of another tenderer. The Council will exhaust negotiations with one tenderer before beginning negotiations with another tenderer.

The decision to award a contract will be made by the Council or its delegated officer. If there is an in-house tender, the written report on the award of the contract prepared by the tender evaluation panel will be presented to an open meeting of the Council. The Council will award the contract on the basis of the best quality and value for money for the community.

The Council will have regard to the written tender evaluation report and may also have regard to other factors impacting on the best quality and value for money outcome.

The Council will promptly notify the successful tenderer by telephone and in writing, and unsuccessful tenderers will be notified in writing. It will advise them of the reasons for the award of the contract.

Also see Minute No. 294/06 – Ownership of Intellectual Property – the following clause is to be incorporated into all Agreements and/or the Terms of Engagement of Consultants:

“The Consultant,, agrees with the Northern Midlands Council to grant to the Council an irrevocable licence to use and to reproduce any reports, recommendations or associated material (including photographs, charts and electronic data) for purposes related to the engagement of the consultant without the payment of any fee. The Council acknowledges that when it does reproduce any of the material produced by the consultant it will, in so doing, recognise the consultant as the copyright owner.”

9. Notification of unsuccessful tenderers

Once the successful tenderer has been notified the Council will promptly advise the unsuccessful bidders in writing of:

- 1) The tender outcome; and
- 2) The successful contractor.

Details of the tenders awarded will be displayed on the Council’s public notice board and on Council’s website for 14 days.

All unsuccessful tenderers will be offered the opportunity of attending a debriefing session, and document the proceedings of the debriefing sessions.

APPENDIX B**MULTIPLE USE REGISTERS**

From time to time the Council may utilise a multiple-use register process to establish a register of suppliers that Council has determined satisfy the conditions for participation in that register, and that Council intends to use more than once.

If it is determined that a such register will be established, the General Manager will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in the Examiner Newspaper and on its website a notice specifying:

- a) a description of the goods and services, or categories thereof, for which the register may be used;
- b) the name and address of the council and other information necessary to contract the entity and obtain all relevant documents relating to the register; and
- c) any deadlines for submission of application for inclusion on the register.

The General Manager will advise all prospective tenderers of the results of their application including all categories for which they are registered and the reasons for rejection of inclusion on the register as soon as practicable.

When Council wishes to use the register, the General Manager will invite all successful applicants that are registered for the relevant category to tender for the provision of the required good or service, and the tender process as outlined in this policy will be utilised.

Council will review any established register at least once every 2 years.

Comment [ALM19]: This section is the original clause (h) of Council's Code of Tendering and Procurement – as it identifies a procedure rather than policy it has been included as an appendix to the Code.

APPENDIX C

REPORTING PROCEDURES

Council will publish in its Annual Report in relation to all contracts for the supply or provision of goods and services valued at or above \$100,000 (excluding GST), awarded or entered in the financial year, including extensions granted:

- a) a description of the contract;
- b) the period of the contract;
- c) the periods of any options for extending the contract;
- d) the value of any tender awarded or, if a tender was not required, the value of the contract ex. GST;
- e) the business name of the successful contractor; and
- f) the business address of the successful contractor.

Where an exemption has been granted from a tender process the following details will be reported in Council's Annual Report:

- a) a brief description of the reason for not inviting public tenders;
- b) a description of the goods or services acquired;
- c) the value of the goods or services acquired; and
- d) the name of the supplier.

The General Manager will provide Council with a quarterly report of any instance where a purchase of a good or service is made where a public tender or quotation process is not used where an exemption applies from the tender process.

Comment [ALM20]: This section is the original clause (k) of Council's Code of Tendering and Procurement – as it identifies a procedure rather than policy it has been included as an appendix to the Code.

**Policy 33****COUNCIL POLICY ON OPEN TENDERS****POLICY NUMBER**

33

OBJECTIVES

To establish a policy relating to the opening and consideration of tender offers

STATUTORY AUTHORITY

Schedule 4, Section 10(1)(d) of the Local Government Act 1993

POLICY

Adopted 26 August 2002 – Min No. 330/02

POLICY

All tenders, quotations or any form of competitive bidding be treated in confidence and considered by Council 'In Committee'.

Policy 4 COUNCILLORS ALLOWANCES, TRAVELLING & OTHER EXPENSES	
POLICY NUMBER	4
OBJECTIVE	To reimburse Councillors travelling and other expenses so that electors are not deterred by cost from seeking a position in Council.
STATUTORY AUTHORITY	Section 340A of the <i>Local Government Act 1993</i> , Schedule 5 Section 1 of the <i>Local Government Act 1993</i> Reg. 42(2) of the <i>Local Government (General) Regulations 2005</i>
POLICY	Adopted 5 April 1993-Minute No 12/93 Revised 3 May 1999 – Minute No. 196/99 Revised 13 March 2001 – Minute No. 099/01 Revised 7 February 2005 – Minute No.44/05 Revised 19 December 2005 – Minute No.422/05 Revised 16 August 2010 – Minute No. 207/10 Revised 23 June 2014 – Minute No. 144/14 Revised 17 August 2015 – Minute No.

POLICY

1. COUNCILLOR'S TRAVELLING EXPENSES

- 1.1 Travelling expenses will apply from each Councillor's place of normal residence to the authorised destination and return.
- 1.2 Reimbursement is to be paid quarterly on the closest pay run to 1 day of April, July, October and January each year.
- 1.3 For the purpose of the "Corporation's business solely" the following policy is to apply:
 - i) Travelling inside the Council area to attend a meeting of Council or a Committee of Council Meeting, deputation, inspection or tour in respect of which notice has been given to attend, provided such travelling originates and concludes at the Councillor's normal residence, or his normal place of work, as the case may be.
 - ii) Travelling outside the circumstances of (i) above, either generally or specifically up to 2,000 km per annum in excess of which Council to consider claims submitted.
 - iii) Travelling upon business of the Council outside the Council area in compliance with a resolution of the Council.
 - iv) Travelling to and from any seminar/conference in compliance with a resolution or policy of Council.
 - v) Travelling to be paid at the rates prescribed for the Tasmanian Public Service.

2. COMMUNICATION EQUIPMENT

For each term of office, Council will provide each councillor with

(i) A Capital Cost Allowance

- a) a capital cost allowance up to a maximum of \$3,280 for purchase of a mobile phone, a fax/ printer/ scanner, a computer (loaded with an appropriate operating system and Microsoft Office suite) and a filing cabinet to assist them in performing his/her duties,
- b) the capital cost allowance will be paid upon evidence of the purchase of equipment.

or

(ii) An Annual Lease Allowance

- a) an annual lease allowance up to \$820 per annum to offset the usage of existing personal communication equipment as listed above;
- b) the annual lease allowance will be paid on the following pro-rata basis:
 - \$410 per annum for computer usage
 - \$110 per annum for printer/scanner/fax
 - \$ 80 per annum for mobile phone
 - \$ 80 per annum for filing cabinet
 - \$130 per annum for support
 - \$820 per annum

when a Councillor provides personal communication equipment, which has not been funded previously by Council, for Council use.

Should a Councillor resign or the term of office be terminated prior to the normal four year term, then a pro-rata refund of the capital cost allowance may be payable by that Councillor (this shall be in the form of a cash refund or an equivalent deduction from any allowance payable to the Councillor under Section 7).

The capital cost allowance/ annual lease allowance to be indexed annually on 1 November based on Hobart CPI at the end of the preceding financial year.

3. TELEPHONES

Council will reimburse Councillors for the cost of access charges for voice mail, telephone rentals, the cost of a separate line for facsimile or computer line and the documented calls attributed to their role as a Councillor (where second lines are installed, all calls will be reimbursed on the dedicated line as calls associated with their function as a Councillor).

As soon as contact numbers for separate telephone lines, mobile phones, and/or faxes are available details will be circulated in Council documentation.

4. EXPENSES INCURRED FOR CHILD OR DEPENDANT CARE

~~Council will provide reimbursement of reasonable costs incurred for child care.~~ [ALM1]

Council will reimburse a Councillor for necessary, reasonable expenses in relation to care of any child or dependant of the Councillor, incurred whilst carrying out the duties of office, including:

- Attendance at Council and Council Committee meetings.
- To attend meetings arising as a result of a Councillor being appointed by Council to an internal or external body or committee except where the body or committee reimburses relevant child care expenses incurred by the Councillor.
- Upon inspections or business within the Council area, provided such inspections or business are undertaken in compliance with resolutions of the Council.
- To attend to business of the Council, outside the Council area, in compliance with a resolution of Council.
- Attend any seminar/conference in compliance with a resolution or policy of Council.
- Upon inspections or business as arranged by the General Manager or Departmental Managers.
- Claims will be paid upon presentation of a receipt from a licensed care provider as well as evidence of entitlement or non-entitlement to the Commonwealth Government Child Care Benefit Scheme or other applicable scheme. Any entitlement is to be off-set against the hourly rate charged by the registered care provider.
- At the General Manager's discretion, care may be paid at an hourly rate of \$20/hour when no licensed provider is available (evenings for example).
- Care costs are not eligible for reimbursement if care is provided by a person who normally or regularly lives with the councillor or is a member of the Councillor's immediate family.
- All claims must detail the date and time care was provided and the business of council it related to.
- Council will not reimburse any claims that are more than 3 months old.

- Care expenses will, unless there are exceptional circumstances, be paid in arrears.

5. INSURANCE

Council will provide personal accident insurance on the lives of Councillors and their accompanying partners/spouses for the time being whilst travelling to and from and attending Council meetings or on Council business, whether authorised or not and shall include the attendance at Council Functions which a Councillor is expected to attend.

Schedule of Benefits

Capital Benefit	\$200,000
Weekly Benefit – Injury	Up to \$2,000
Weekly Benefit – Illness	Not insured
Weekly Benefit Period	Up to 104 weeks
Age Limit	Up to 75 years

Excluded period of claim – Weekly Benefit for 7 days.

Aggregate limit of liability for all claims \$2,000,000.

Perils Insured – Bodily injury caused by an accident and solely and independently of any other cause except illness directly resulting from, or medical or surgical treatment rendered necessary by, such injury, occasions the death or disablement within twelve calendar months from the date of the accident by which such injury is caused.'

6. CONFERENCES & SEMINARS

Council will make a budget allocation for ~~\$11,340 (indexed each year)~~^[ALM2] each year to reimburse delegates registration, travel costs and accommodation expenses (excluding 'mini-bar' expenses). Partners will be reimbursed for meals at state conferences and the 'major dinner' at Federal conferences.

The budget will be allocated to the following conferences

\$ 4,500	LGAT & LGMA conference to be attended by up to 6 councillors
\$ 3,000	ALGA conference attended by Mayor & Deputy Mayor
\$ 1,500	Australian Roads conference attended by 1 councillor
\$ 2,340 ^[ALM3]	'Other' conferences and seminar sessions as approved.

Attendance to all conferences, seminars and training sessions with a cost in excess of \$100 are to be in compliance with a resolution of the Council, except on emergency situations, where approval must be given by a unanimous approval from Council Executive.

Following attendance of a conference by any councillor, a report must be submitted to Council setting out the relevance to local government, and the benefits that can be further investigated by Council. Where two or more councillors attend a conference, a joint report may be submitted.

7. COUNCILLORS' ALLOWANCES

~~7.1 The Council shall pay allowances in accordance with *Local Government (General) Regulations 2005*. The allowances for the year commencing 1 November 2013 payable to the Mayor, Deputy Mayor and Councillors are:~~

Mayor	\$33,778	plus	\$13,512
Deputy Mayor	\$12,835	plus	\$13,512
Councillor	\$13,512		

~~7.2 The allowances payable to the Mayor, Deputy Mayor and Councillors in each subsequent year—~~

~~(a) take effect on 1 November of each year~~

~~(b) Regulation 42(2) establishes an indexation process so that allowance are adjusted each year from 1 November multiplying the allowances for the previous year by the inflationary factor for the current year. The inflationary factor is determined by dividing the Wages Price Index (WPI) figure for the June quarter of the year by the WPI figure for the June quarter of the previous year.~~

[ALM4]7.1 The Council shall pay allowances in accordance with Section 42 and Schedule 4 of the *Local Government (General) Regulations 2015*.

7.2 The increase in allowances payable to the Mayor, Deputy Mayor and Councillors take effect on 1 November each year.

Note:

In accordance with *Section 340A(2A) of the Local Government Act 1993*, the General Manager is obliged to pay Councillors the prescribed allowances. The Act states:

- i) A Councillor is entitled to prescribed allowances.
- ii) A Mayor and Deputy Mayor are entitled to prescribed allowances in addition to any allowances referred to in subsection (i).
- iii) A Councillor, Mayor or Deputy Mayor may decide not to receive part or all of an allowance.
- iv) A decision under subsection (iii) is to be written by notice to the General Manager of the relevant Council.

7.3 Allowances will be paid either fortnightly upon request to the Corporate Services Manager or on a quarterly basis and paid in the closest pay run to 1 day of April, July, October and January each year.

In accordance with *Section 340A(3) and (4) of the Local Government Act 1993* should a Councillor determine that he/she does not wish to accept all/part of the prescribed allowance or salary sacrifice to a Superannuation Fund, notification is to be provided to the General Manager in writing.

If a Councillor wishes to donate his/her entitlement to a charity or not for profit organisation then he/she shall be entitled to do so, and this does not require any disclosure by Council.

8. CLAIM FOR EXPENSES

- 8.1 Claims for travelling expenses or reimbursement of out-of-pocket expenses incurred in accordance with this policy shall be made to the General Manager not later than three (3) months after the claim has been incurred and shall be submitted on the prescribed form. Claims are preferred on a monthly basis.
- 8.2 Purchases or payment of expenses by the Mayor and Councillors on a Northern Midlands Council corporate credit card must be in accordance with Council's Business Credit Cards Policy and Procedures.
- 8.3 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses is ineligible under this policy, or the claim appears unreasonable or does not serve the interests of Council, the General Manager shall refer the matter to Council for decision and policy guidance.

Note:

Council is encouraged to regularly review and revise this Policy. It is incumbent upon the General Manager and Councillors themselves to provide Council with this opportunity by referring claims, even historically accepted claims, to Council for policy consideration. The General Manager should endeavour to refer the matter without disclosing the identity of the individual who submitted the claim.

9. STATIONERY

Council, shall upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements. Requests for stationery will be by way of the completion of a requisition presented to the General Manager.

10. SECRETARIAL ASSISTANCE

Council will provide a reasonable level of word processing assistance to enable elected members to carry out their official duties. The General Manager will have discretion in determining the extent of assistance which can be provided.

COUNCILLOR EXPENSES

CLAIM FORM

Name:.....

Address:.....

<i>Date Expense Incurred</i>	<i>Purpose</i>	<i>Total</i>
	TOTAL CLAIMED	\$

I declare that the expenses claim on this form have been incurred by me whilst fulfilling my role as a Councillor for the Northern Midlands Council and have been made in accordance with Council's adopted policy. All claims for which receipts are available are hereby attached.

.....
Councillor

.....
Authorised for Payment
General Manager

Policy 34 VOLUNTEER RECOGNITION PROGRAM**POLICY NUMBER** 34**OBJECTIVES** To establish a policy relating to Council's formal recognition of community organisations that have made a significant contribution to the municipal area in a voluntary capacity . The program is to be known as the Northern Midlands Volunteer Recognition Program.**STATUTORY AUTHORITY** Local Government Act 1993
POLICY Adopted 21 October 2002 – Min No. 408/02
Revised 11 March 2003 – Min No. 081/03
Endorsed 18 August 2014 – Min No. 202/14**POLICY**

That Council formally acknowledge and celebrate the significant voluntary contribution of Northern Midlands residents through their voluntary contribution to the community and community organisations at a function to be held during

Volunteer Week (May) on an annual basis, commencing in 2003. Certificates of Recognition will be awarded in the following categories:

- ♦ Year 1 – Emergency Services Organisations
- ♦ Year 2 – Community Service Organisations
- ♦ Year 3 – Sport & Recreation Organisations
- ♦ Year 4 – Health & Aged Care Organisations
- ♦ Year 5 – General Community Organisations (not falling into any of the above 4 categories) plus any other citizens nominated and chosen to be recognized by the selection committee

Nominations for organisations will be advertised in February with a closing date in mid March. Nominations for individuals will also be advertised during each 5 year period when general community organisations are listed for recognition.

Nominations received will be considered by a Selection Committee comprising of the Mayor and two other Councillors. The recommendation of the Selection Committee will be considered at the April Council Meeting and will include the names of the successful community organisations and individuals (each 5 year period) to be recognised in that year, date of function, venue and format of the recognition function.

The budgetary allocation for the annual recognition program will be determined in the relevant year's Festivals, Events and Promotions Grants Funding round.

COUNCIL POLICIES

Policy Name:	Volunteer Recognition Program Policy
Originated Date:	Adopted 21 October 2002 – Min No. 408/02 (as Policy 34)
Amended Date/s:	Revised 11 March 2003 – Min No. 081/03 Endorsed 18 August 2014 – Min No. 202/14 Revised 17 August 2015 – Min No.
Applicable Legislation:	
Datworks Reference:	44/001/001
Objective	To establish a policy relating to Council's formal recognition of volunteers within the Northern Midlands Community.

Background

The Northern Midlands Council acknowledges the significant contribution that volunteers and volunteer organisations make to the Northern Midlands Community. Council considers it important to recognise these volunteers on an annual basis.

Recognition

Council will, commencing on 26 January 2016, recognise the voluntary contribution of Northern Midlands residents at a ceremony held during the Northern Midlands Council Australia Day Awards on 26 January each year.

Certificates of recognition will be awarded to individuals and community organisations in the following categories:

- Volunteer service for less than 5 years;
- Volunteer service for 5 to 10 years; and
- Volunteer service for greater than 10 years.

Nominations

Council officers are to advertise for nominations for volunteer recognition from August, with a closing date in mid to late November.

Nominations received will be considered by the Council Executive. The recommendation of the Executive will be considered at the December closed Council Meeting.

Budget

The budgetary allocation for the annual recognition program will be determined in the relevant year's Festivals, Events and Promotions Grants Funding round.

FROM THE OFFICE OF THE MAYOR

**NORTHERN
MIDLANDS
COUNCIL**

Our Ref: 03/011

9 July 2015

Hon. Rene Hidding
Minister for Infrastructure
GPO Box 469
HOBART TAS 7001

Via email: rene.hidding@parliament.tas.gov.au

Dear Minister Hidding

RE: PETITION – BRIDGE OVER ST PAULS RIVER, AVOCA

The Northern Midlands Council has received a petition from Mrs Dalija Wells and the community of Avoca requesting *“the Northern Midlands Council insist that a pedestrian footbridge (not the old bridge) be included in the conditions when State Growth present their Planning Development Application to build a new bridge across the St Pauls River at Avoca”*. A copy of the petition and correspondence from Mrs Wells is enclosed for your information.

At its meeting of 22 June 2015 Council considered the petition and made the decision to request the Department of State Growth to give consideration to the petition with a view to providing a pedestrian walkway on the proposed bridge at Avoca.

It is noted that Mrs Wells has forwarded copies of the petition to both Mr Eric Hutchinson MP, Federal Member for Lyons and Mr Guy Barnett MP, Liberal Member for Lyons who have subsequently contacted the Northern Midlands Council regarding the same. A copy of the correspondence from both Mr Hutchinson and Mr Barnett is also enclosed for your information.

Council requests State Growth give consideration to the request by the community of Avoca and looks forward to receiving your application.

Yours sincerely

David Downie
MAYOR

CC: Mrs Dalija Wells

P.O. Box 156
Longford 7301

Telephone (03) 6397 7303
Facsimile (03) 6397 7331
www.northernmidlands.tas.gov.au

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NORTHERN MIDLANDS COUNCIL
COUNCIL POLICIES



Policy Name:	Town Entrance Statement Policy
Originated Date:	Adopted
Amended Date/s:	
Applicable Legislation:	
Datworks Reference:	44/001/001
Objective	To provide guidelines for acceptable design, location and development standards for entrance statements to the seven Northern Midlands Council townships.

1. PURPOSE

It has been identified that the installation of a town entrance statement provides a sense of identity, place and belonging for the community of that town.

A town entrance statement is a structure to identify a town, constructed of stonework, metal and/or timber and located at the entrance of the town.

An entrance statement can be used to help define the character of a region.

2. LOCATION

An entrance statement is to be located as closely to the town boundary as possible, whilst giving consideration to the following:

- Topography;
- Line of sight from the road;
- Existing infrastructure;
- Speed limits; and
- Access (for maintenance purposes).

The entrance statement is to be designed to ensure vehicle and pedestrian sightlines are not compromised.

3. DESIGN AND MATERIALS

The type of structure and the material used for an entrance statement should take into consideration factors such as susceptibility to vandalism.

The following factors ought to be considered in the design of an entrance statement:

- Large, flat surfaces should be avoided;
- The design should be in keeping with, and sympathetic to any heritage features of the town (if applicable);

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NORTHERN MIDLANDS COUNCIL
COUNCIL POLICIES

- Materials should be low maintenance and complimentary to the heritage features of the town (if applicable);
- Consideration should be given to lighting of the entrance statement using, where possible, solar power or low energy lighting systems.

4. PLANNING AND OTHER APPROVALS

The entrance statement design is to be compliant with any applicable planning and building requirements and approved by Council.

Where required, consultation is to be had, and approval sought from the State Government roads department.

Consultation and approval should also be sought from any other affected land owners and members of the community.

5. REVIEW

This Policy is to be reviewed every 2 years.

CORP 1

Northern Midlands Council
Bank Reconciliation as at 31 July 2015

Summary of Cash Transactions	July-15	Year to Date
Opening Balance	11,389,500.87	11,389,500.87
Add: Receipts	1,403,815.55	1,403,815.55
	12,793,316.42	12,793,316.42
Less: Payments	2,871,074.99	2,871,074.99
Closing Balance all Accounts	\$9,922,241.43	\$9,922,241.43

Summary of Investments and Other Balances as at 31 July 2015

Bank Balances and Cash	953,238.86
Trading Accounts	8,976,262.42
Fixed Deposits	5,016.67
24 hr At Call Account	600.00
Cash Advances	9,935,117.95
Unbanked collections	-
Less	
Unpresented Cheques	12,876.52
Closing Balance all accounts	\$9,922,241.43

Northern Midlands Council

Schedule of Investments as at 31 July 2015

External Investments	Investment Date	Maturity Date	Interest Rate% (note 1)	Purchase Price (note 2)	Maturity Value (note 2)
Tasmanian Public Finance Corporation - Call Account	1/07/2015	31/07/2015	2.00	5,017	5,025
Commonwealth Bank - 24hr Call Account	17/07/2015	31/07/2015	1.90	508,293	508,663
Commonwealth Bank - Term Deposit	4/06/2015	4/08/2015	2.45	1,000,000	1,004,095
ANZ Term Deposit	12/03/2015	12/09/2015	2.90	1,055,457	1,070,887
Westpac Banking Corporation	12/03/2015	14/09/2015	2.81	1,658,772	1,682,525
Commonwealth Bank - Term Deposit	17/07/2015	16/10/2015	2.80	1,000,000	1,006,981
Bass & Equitable - Term Deposit	25/05/2015	23/11/2015	2.70	1,371,516	1,389,981
My State Financial - Term Deposit	25/12/2014	25/12/2015	3.75	1,104,725	1,146,152
ANZ Term Deposit	14/05/2015	14/05/2016	2.80	1,277,499	1,313,367
Total Investments				8,981,279	9,127,676
Actual Interest Earnings Year to Date:				21,786	

note 1 - For the Tasmanian Public Finance Corp and CBA Call Accounts, Interest Rate is Variable, the interest rate shown represents the rate for the month ending at the date of the statement.

note 2 - The Tasmanian Public Finance Corporation and CBA Call Accounts are shown at its value at the date of the statement, as term and interest rate are not fixed a maturity value can't be determined.

NORTHERN MIDLANDS COUNCIL

Summary of Rates and Charges Levied, Remitted and Collected as at 31 July 2015

	This Financial Year 31-Jul-15	to	Last Financial Year 31-Jul-14
Arrears bought forward 1 July	1,017,753.35		772,705.44
ADD Current Rates Levied including Supplementary Lists and Penalties	9,257,871.99		9,143,474.02
Gross Rates and Charges Demanded	10,275,625.34	-	9,916,179.46
LESS Rates and Charges Collected	13.36%	6.82%	676,106.60
LESS Remissions and Discounts	3.94%	3.88%	385,149.17
Total Credits	17.31%	10.70%	1,061,255.77
UNPAID RATES AND CHARGES TO 31 July 2015	82.69%	89.30%	\$ 8,854,923.69
Variance from last year	-6.60%		

Working with you to care for the natural resources of our island home.

Attention: The Manager

17 July 2015

Property					
Attachments					
REC'D 22 JUL 2015					
	I	A		I	A
GM			MYR		
P&DM			CBS		
CSM			PLAN		
EDM			SLD		
WLM			HIT		
RLS					

RE: NRM NORTH ASSOCIATION 'GROUP A' REPRESENTATION

Dear Sir / Madam

I am writing to you in your capacity as a member organisation of the Northern Tasmanian Natural Resource Management Association Inc.

The Annual General Meeting of NRM North is scheduled for the 23rd September 2015 and the constitution requires that prior to each Annual General Meeting, 'Group A' organisations such as yours re-nominate their representative/s on the Association.

Schedule 1, a copy of which is attached to this letter, identifies your current representative/s. We would appreciate it if you could take particular note of the criteria listed in Column 5 and also review whether your organisation has filled all positions available to it.

Would you please advise whether you wish to continue with your current representation, or alternatively, who you wish your representative/s to be for the next twelve months. We require the name, address, email and phone numbers of any representative/s that you nominate or reaffirm on the attached 2015/2016 Membership Nomination.

If your nominated representative/s is unable to attend the AGM and wishes to nominate a proxy, please also complete the attached Proxy Nomination form. **Proxy's are now nominated on a meeting by meeting basis.** 'Group A' organisations must be financial members for their representative/s to have voting rights. In that regard we enclose an invoice for payment prior to the AGM.

Please send completed Remittance Advice/Membership Nomination/Proxy forms along with your payment to:

NRM North
PO Box 1224 (Level 2, 63 Cameron Street)
Launceston TAS 7250

Alternatively completed forms can be emailed to admin@nrmnorth.org.au by Close of Business, Friday the 11th September 2015.

If you have any enquiries please do not hesitate to contact Denise Colvin on 6333-7777 or email: admin@nrmnorth.org.au

Yours sincerely



James McKee

Public Officer
NRM North

p: 03 6333 7777
f: 03 6334 2822
PO Box 1224
Level 2, 63 Cameron Street
Launceston TAS 7250
www.nrmnorth.org.au
admin@nrmnorth.org.au

SCHEDULE 1 - GROUP A MEMBERSHIP

@ 22nd April 2015 v17

Organisation	Number of Reprs	Member	Criteria for Representatives and Proxies
Aboriginal Land Council of Tasmania (ALCT)	1	Graeme Gardner	Northern NRM Region based.
Australian Forest Growers (Tas Branch)	1	Lawrence Archer	Northern NRM Region based.
Break O'Day Council	1	Hannah Rubenach	An elected representative or a person with a senior role in Council.
Break O'Day NRM Special Committee	1	<i>vacant</i>	Desirable that representative be community based member of Group's Steering Committee.
Dorset Council	1	Leon Quilliam	An elected representative or a person with senior role in Council.
Dorset NRM Committee	1	John Davey	Desirable that representative be community based member of Group's Steering Committee.
Tas Water	1	Andrew Truscott	Northern NRM Region based.
Federation of Tasmanian Bushwalking Clubs	1	David Atkins	Northern NRM Region based.
Flinders Council	1	Marc Cobham	An elected representative or a person with senior role in Council.
Forest Industries Association of Tasmania	2	Don Aurik <i>vacant</i>	Active in the forestry industry in the Northern NRM Region, with one being a country saw-miller.
Forestry Tasmania	1	John McNamara	A senior manager with line management responsibilities in the Northern NRM Region.
Furneaux NRM Steering Committee	1	Michael Sherriff	Desirable that representative be community based member of Group's Steering Committee.
George Town Council	1	Roger Broomhall	An elected representative or a person with senior role in Council.
Greening Australia (Tasmania)	1	Jonathon Duddles	Northern NRM Region based.
Hydro Tasmania	1	Marie Egerrup	Northern NRM Region based.

Launceston Chamber of Commerce	1	Richard Ireland	A representative of the Chambers of Commerce operating within the Northern NRM Region.
Launceston City Council	1	Jeremy Ball	An elected representative or a person with senior role in Council.
Launceston Environment Centre	4	Howard Colvin Jai Larkman Leigh Walters Lee Bowkett	Northern NRM Region based, including one representing the field naturalist movement, and one representing non-forestry vegetation interests. To be selected in consultation with Tasmanian Conservation Trust.
Marine and Coastal Community Network	1	Christian Bell	Desirable that representative be community based member of Group's Steering Committee.
Meander Valley Council	1	Stuart Brownlea	An elected representative or a person with senior role in Council.
Meander Valley NRM Committee	1	Tim Schmidt	Desirable that representative be community based member of Group's Steering Committee.
Northern Midlands Council	1	Duncan Payton	An elected representative or a person with senior role in Council.
Northern Midlands NRM Steering Committee	1	David Downie	Desirable that representative be community based member of Group's Steering Committee.
Northern Region Coastal & Marine Reference Group	1	Kathy Noble	Desirable that representative be community based member of Group's Steering Committee.
Northern Tasmania Development	1	Derek Le Marchant	Active in business in the Northern NRM Region.
Rural Youth Organisation of Tasmania	1	<i>vacant</i>	Northern NRM Region based.
State Department with responsibility for Marine Fisheries (Wild Fisheries)	1	Grant Pullen	A senior manager with line management responsibilities in the Northern NRM Region.
State Department with responsibility for National Parks (& Wildlife Service)	1	Chris Colley	A senior manager with line management responsibilities in the Northern NRM Region.
State Department with responsibility for Natural Resource Management (DPIPWE)	1	Peter Voller	A senior manager with line management responsibilities in the Northern NRM Region.
State Department with responsibility for Private Forests (PFT)	1	Arthur Lyons	A senior manager with line management responsibilities in the Northern NRM Region.
Tamar Region NRM Strategy Reference Group	1	Roger Tyshing	Desirable that representative be community based member of Group's Steering Committee.
Tasmanian Aboriginal Land Council (TALC)	1	<i>vacant</i>	Northern NRM Region based.

Tasmanian Agricultural Productivity Group	1	Les Murdoch	Northern NRM Region based.
Tasmanian Aquaculture Council	1	Geoff Pickard	Active in aquaculture in the Northern NRM Region.
Tasmanian Beekeepers Association Inc	1	Lindsay Bourke	Active in apiary in the Northern NRM Region.
Tasmanian Chamber of Commerce and Industry	1	Michael Bailey	Active in business in the Northern NRM Region.
Tasmanian Farmers and Graziers Association	4	Lawrence Archer Jan Davis Ian Dickenson <i>vacant</i>	Active farmers covering the cross section of farming industries in the Northern NRM Region.
Tasmanian Field and Game Association	1	Peter Darke	Northern NRM Region based.
Tasmanian Seafood Industry Organisation	1	Julian Harrington	Active in fishing in the Northern NRM Region
Landcare Tasmania Inc	4	Gwendolyn Adams Brian Baxter Peter Voller <i>vacant</i>	One each representing urban, rural, water and coast related care groups within the Northern NRM Region.
Tasmanian Forest Contractors Association	1	Ed Vincent	Active in the forestry industry in the Northern NRM Region
Tasmanian Minerals Council	1	<i>vacant</i>	Active in the mining industry in the Northern NRM Region
Tourism Industry Council Tasmania	2	<i>vacant</i> <i>vacant</i>	Active in tourism in the Northern NRM Region. One member is to represent nature based tourism.
West Tamar Council	1	Peter Kearney	An elected representative or a person with senior role in Council.

PLAN 1

**PLANNING APPLICATION P15-101
16523 & 16525 MIDLAND HIGHWAY, PERTH**

ATTACHMENTS

- A Application
- B Responses from referral agencies
- C Revised proposed amendment taking into account referral responses

PLANNING APPLICATION Proposal

Description of proposal: APPLICATION UNDER SECTION 33
OF THE LAND USE PLANNING AND APPROVALS ACT 1993
FOR A PLANNING SCHEME AMENDMENT :-
TO REZONE LAND AT 16523 AND 16525 MIDLAND
HIGHWAY, PERTH FROM RURAL RESOURCE TO
LIGHT INDUSTRIAL.

(attach additional sheets if necessary)

Site address: 16523 AND 16525 MIDLAND
HIGHWAY, PERTH

ID no: 6393538 & 2505117 and/or Council's property no:

and/or 37.20 & C.T. 13242-1
Area of land: 4.787 ha/m² and/or CT no: C.T. 141442-1

Estimated cost of project \$ N/A (include cost of landscaping,
car parks etc for commercial/industrial uses)

Are there any existing buildings on this property? (Yes) / No
If yes - main building is used as ISLAND BLOCK & PAVING
AND DIGGA EXCAVATIONS

Is any signage required? NO

(if yes, provide details)

Phone: 13 6992
 Fax: 1300 862 066
 Web: www.taswater.com.au

TasWater

Submission to Planning Authority Notice

Council Planning Permit No.	P15-101	Council notice date	17/04/2015
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TasWater details

TasWater Reference No.	TWDA 2015/00564-NMC		Date of response	21/5/2015
TasWater Contact	Colin Skinner	Phone No.	6345 6334	

Response issued to

Council name	NORTHERN MIDLANDS COUNCIL
Contact details	planning@northmidlands.tas.gov.au

Development details

Address	16523 and 16525 MIDLAND HWY, PERTH	Property ID (PID)	6393538
Description of development	Rezoning 2 parcels from Rural Resource to Light Industrial		

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Date of Issue
WOOLCOTT SURVEYS	Application for Rezoning		April 2015
WOOLCOTT SURVEYS	16523 Midland Highway, Perth - Report		April 2015

Conditions

SUBMISSION TO PLANNING AUTHORITY NOTICE OF DRAFT AMENDMENT TO PLANNING SCHEME REFERRAL

Pursuant to the *Water and Sewerage Industry Act 2008 (TAS)* Section 56S(2) TasWater makes the following submission(s):

TasWater does not object to the rezoning proposal.

CONDITIONS

DEVELOPMENT ASSESSMENT FEES

- The applicant or landowner as the case may be, must pay a development assessment fee to TasWater for this proposal of \$284.80 for Development Application - Rezoning (Minor) as approved by the Economic Regulator and the fee will be indexed, as approved by the Economic Regulator, from the date of the Submission to Planning Authority Notice for the Development until the date it is paid to TasWater, and payment is required within 30 days from the date of the invoice.

Phone: 13 6992
Fax: 1300 862 066
Web: www.taswater.com.au

TasWater

Advice

TASWATER INFRASTRUCTURE

The land is beyond Serviced Land with regard to both sewer and water services.

Whilst TasWater has an existing sewer treatment plant (STP) at Western Junction, TasWater is considering decommission the STP and pumping the sewage to Perth. This may present an engineering option for the owners/developers of the land (to be rezoned) to discharge sewage from the land.

GENERAL

For information regarding headworks, further assessment fees and other miscellaneous fees, please visit <http://www.taswater.com.au/Development/Fees--Charges>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

Advice to Planning Authority (Council) and developer on fire coverage


TasWater cannot provide a supply of water for the purposes of firefighting to the land

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

If you need any clarification in relation to this document, please contact TasWater. Please quote the TasWater reference number. Phone: 13 6992, Email: development@taswater.com.au

Authorised by



Jason Taylor

Development Assessment Manager

**REFERRAL OF DEVELOPMENT APPLICATION P15-101
to Works & Infrastructure Department**

Property no: 203300.24/233

Date: 05-May-2015

Applicant: Woolcott Surveys (obo Jorjs & Island Block & Paving)

Proposal: Amendment 03/15 - rezone from Rural Resource to Light
Industrial

Location: 16523 & 16525 Midland Highway, Perth

No works and infrastructure comment. The access to these properties is on a DSG road and there are no other W&I issues associated with this area that we are aware of.

Jonathon Galbraith (Works & Infrastructure Officer)

Date: 11/5/15

Department of State Growth

TRANSPORT INFRASTRUCTURE SERVICES DIVISION

Enquiries Kathryn Fry

Ph 6166 3382 Fax

Email Kathryn.Fry@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au

Your Ref Our Ref

Ms Jan Cunningham
Northern Midlands Council
13 Smith Street
Longford TAS 7310

Dear Ms Cunningham

Draft Amendment 03/15 to Northern Midlands Interim Planning Scheme 1993

Rezone land at 16523 & 16525 Midland Highway, Perth from Rural Resource to Light Industrial

Thank you for your email on 5 May 2015 referring to the above application.

The Department of State Growth provides the following advice on this matter:

Protection of Mineral Resources

The land at 16523 Midland Highway is currently subject to a mining lease (ML 1010P/M held by BIS Industries). The mining lease extends to the boundaries of the title and is due for renewal as at June 2021. It is understood the lease holder has an agreement with the landowner that relates to the operational footprint for the quarry and extends for approximately 40m south and east of the current face. It has not been confirmed whether the boundary of the proposed rezoning or the agreed operational footprint are consistent. Previous quarrying activities operated under a permit for Level 2 Activity with an annual production limit of 110, 000m³ however it is not known whether the permit remains current as no production has been recorded for the lease since 2009.

The quarry resource is dolerite hard rock suitable for all road applications as the product from this quarry can meet specification requirements for most, if not all, road aggregates. Material is extracted via conventional drill and blast method and crushed on site. The resource is strategically well located to meet the local northern Tasmanian market and significant resource is still available at the site.

Mineral Resources Tasmania has previously raised concerns including submissions to the Tasmanian Planning Commission with regards to re-zoning applications and proximity to extractive industry operations. The proposed re-zoning has potential to limit future expansion of the quarry through land use conflicts and resource sterilisation.

Regardless of the re-zoning application, encroachment of residential and light industrial development will also have implications for future expansion of the quarry. The Standard Recommended Attenuation Distances (SRAD's) for extractive industries are as follows:

- 750m for crushing; and
- 1000m for blasting.

It is noted that residential and light industrial development has been approved by Council within the above SRAD's previously.

Strategic Basis

From a strategic land use perspective, we expect that Council and the Tasmanian Planning Commission would in its deliberations, consider the application against the Regional Land Use Strategy of Northern Tasmania (2013), and the Northern Regional Industrial Land Study (2014).

Council has made considerable efforts to promote the development of the Launceston Gateway Master Plan (including the Translink Industrial Estate) as being the industrial precinct for the region with key stakeholders, including neighbouring Councils. Rezoning land in such close proximity to the Translink site to a similar use, may appear at odds with this.

While the information in the supply and demand study presents a case for an existing and future need for light industrial land that is not being met within the local area, rezoning this land to light industrial could somewhat dilute the case for consolidating industrial land at the Translink Industrial Estate.

Limited Access Provisions

The Midland Highway is proclaimed as a limited access road under Section 52B of the *Roads and Jetties Act 1935*. The purpose of limited access proclamation is to enhance road safety and efficiency to extend a highway's viability as a functional traffic route. Proclamation of a road for limited access means that an affected road is no longer a 'public road' for the purpose of subdivision.

The existing access is subject to a limited access licence issued in 2014 subject to the following conditions:

- (a) *The place of access is to have a width of no more than 5 metres and is in the approximate location as shown on the plan.*
- (b) *The place of access is to only be used to service the land described above to facilitate its use for industrial purposes.*

For the purpose of this licence the above terms means:

Industrial: Quarrying, Civil Contracting, including storage, Transport Services, Machinery hire sales and servicing

- (c) *The licensee grants the Minister permission to affix and maintain a plate of sign at the place of access identifying that place.*

The existing access licence does not allow for subdivision of the subject land, and any intensification of the existing uses would require altering the purpose of the licence. The 'purpose' of an existing limited access licence may be altered if the landowner/developer can demonstrate that there will be no adverse impact on the traffic on the limited access road. This would require an independent traffic impact assessment (TIA) undertaken by a traffic engineer and be subject to approval by State Growth.

Traffic Engineering

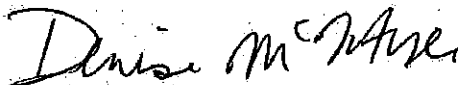
The Traffic Impact Assessment has concluded that capacity of the existing access will not be a significant issue in terms of the draft zoning amendment, however it has not adequately addressed the potential safety issues with the proposed additional traffic generated by subdivision or intensification of uses on the subject land. While the existing access is satisfactory for current use of the land, any further intensification or subdivision would likely require significant road and access upgrades and safety improvements. Costs of which would need to be borne by the developer.

Midland Highway – Perth to Breadalbane Duplication

As you will be aware, the Department is undertaking planning and design for duplication of the Midland Highway from Perth to Breadalbane. The project involves the construction of a divided dual lane carriageway west of the current highway alignment between Perth and Breadalbane, increasing the number of dedicated through lanes in this section to four lanes. The extent of the highway works will potentially require some land acquisition from both properties in order to achieve optimal design for the project. Access arrangements to the subject properties as a result of the duplication have not yet been finalised.

If you have any queries, please contact Kathryn Fry on 6166 3382 or Kathryn.Fry@stategrowth.tas.gov.au

Yours sincerely



Denise McIntyre
ACTING MANAGER NETWORK PLANNING BRANCH

27 May 2015



**LAUNCESTON
AIRPORT**

In the heart of Tasmania

P.O. Box 1220
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Mr. Paul Godier
Northern Midlands Council
P.O.Box 156
Longford Tas. 7301

11-June-2015

Dear Paul

Rezoning Application – P15 -101 16523-16525 Midland Hwy.

Thank you for the opportunity to review the rezoning application above, in particular the reference to the potential impact on the Prescribed Airspace of Launceston Airport.

The subject site is located within the area covered by the inner horizontal surface of the Obstacle Limitation Surface (OLS) and the Procedures for Air Navigation Procedures Surface (PANS OPS). Some terrain on the subject site penetrates the OLS surface.

Any Controlled Activity which impacts the OLS requires Commonwealth approval under the Commonwealth Government's Airports (Protection of Airspace) Regulations 1996. Controlled Activity is defined in Section 182 of the Airports Act 1996.

It is likely that a number of activities conducted on a light industrial site as proposed would be categorised as controlled activities which, given the elevation of the site, would impact the Prescribed Airspace. Typical activities would be the erection of structures, use of cranes and discharge of gaseous efflux.

The response to the Council's RFI from the proponent with respect to the impact on Launceston Airport's Prescribed Airspace is general in nature and, does not provide adequate detail or substantiation on the aviation consultant's advice, for Launceston Airport to make a reasonable assessment.

For example;

- there is no specific discussion on the way shielding principles could be applied to the worst case scenario for a building erected on the most elevated sites,
- there is no detailed discussion on how shielding from the existing terrain and vegetation would apply across the site,

- other than stating there is a hill either side of the site there is no evidence to show that navigation of aircraft will not be affected. Consultation with Airservices Australia would be required to determine the veracity of this statement,
- Specific assessments could be made based on the assumption, structures would be constructed to the maximum allowable height, within the proposed subdivision lots,
- while there may be some consideration in international fora to review the OLS surfaces, there is no defined timeframe for this process and there is no guarantee, that should a review take place which resulted in revised surfaces, it would flow through in any expedient way to the Australian regulatory framework and,
- to suggest that there would be no objections by the Civil Aviation Safety Authority (CASA) without some evidence of a consultative process having been undertaken is presumptive, as CASA would have specific concerns about activities on the site which would result from a rezoning of the site.

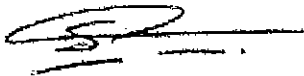
It is Launceston Airport's view that there is insufficient detail in the rezoning proposal to make an adequate assessment of the potential impact future activities on the site may have on airport operations.

Until such detail is provided and the airport is comfortable that airport operations will not be negatively impacted Launceston Airport will oppose the proposed rezoning.

In order to be comfortable with the proposal the airport would also require evidence of a consultative process with CASA and Airservices the outcome of which would clearly enunciate their position with respect to the proposal.

Please do not hesitate to contact me if you have any queries.

Yours sincerely,



Stephen Douglas
Manager Planning and Environment

Independent insight.



Northern Midlands Council
Paul Godier

Dear Paul,

Review Planning Application 16523 & 16525 Midland Hwy, Perth

SGS was commissioned to provide independent advice in regards to this Planning Application. The preliminary advice contained in this letter addresses issues in regards to supply of and demand for industrial land and whether the proposed rezoning is appropriate and in line with the Northern Tasmania Industrial Land Strategy. The review and advice in this letter is based on a desk top review of Planning Application documents (Woolcott Surveys, 1 May 2015) and the Northern Tasmania Industrial Land Strategy.

Key arguments from proponent's documentation

1. Limited supply of Light Industrial zoned land; allegedly less than 2 years of supply. Translink intends to cater for medium to large development on lots of 3 ha and more.
2. In terms of land demand a link is made to population growth, suggesting the site intends to cater for local service industries.
3. The PA aims to rezone 32 ha of land from Rural Resource to Light Industry zone into 70 lots (Annexure 1);
4. On the basis of the concept of 'Willing Partners' it is argued land should be rezoned **and** actively be made available for development. If this is not the case, insufficient land may be available to the market.
5. There are no vacant industrial lots in the industrial precincts in Perth (Cornwall St and Napoleon St).
6. There are two vacant lots (2 ha) in Longford, one of which is zoned Light Industry. There are five underused Light Industry lots.
7. There are seven vacant lots (8 ha) in the Connector Park / Merino St precinct.
8. The proponent identifies the need to consider regionally significant precincts (Translink and Westbury) to substantiate the proposed rezoning.
9. TRANSLink is a regionally significant precinct and aims to capture transport and warehousing and related uses.
10. Westbury is a regionally significant precinct and does not provide for Light Industry.
11. Commercial real estate agents (two out of three) acknowledge there is a lack of industrial land in Perth and Longford. They expect demand of 4 to 6 lots per annum.
12. The proponent concludes that the rezoning would add twelve years of supply.
13. Perth population is growing, thereby driving local service industries.
14. Suggests a relocation of existing industrial uses, encroached by residential uses, to the proposed site where no risk of land use conflict with residential uses exists.
15. The proposed site would appeal to small or single trade companies operating in the local area. There is an unmet need for this market in and around Perth.

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16. Assessment of subject site against criteria of the NTILS alleges the precinct does meet these criteria.
17. Annexure 7 – Site Concept Plans provide an understanding of the intended land area, lots and lot sizes. There is a total of 18 hectares comprising the industrial lot development zone, which appears to exclude any existing uses. In this development zone there are proposed:
 - a. A trades precincts with lots between 900 and 1,000 sqm
 - b. A mixed use precincts with lots between 1,000 and 1,500 sqm
 - c. A premium exposure precinct with lots between 1,200 and 2,000 sqm, and
 - d. A large scale precinct with lots between 2,000 and 8,000 sqm.

Considerations

The proposed rezoning targets land demand for local service industries, which is primarily accommodated in the Light Industry zone. Local service industries consist of a wide range of activities including workshops, panel beaters, trader's workshops, mechanics and others. They provide goods and services in the local area, and are typically population driven. Local service industries tend to occupy lots smaller than 2,000 sqm with some occupying lots of up to 5,000 sqm.

The precincts of TRANSLink and Westbury are regionally significant precincts that aim to accommodate transport & warehousing (TRANSLink) and export oriented industries (rural industries at Westbury). The lot sizes in these precincts are typically (not all) greater than 5,000 sqm in line with the requirements of these industries.

The Northern Tasmania Industrial Land Study and Strategy (NTILS) shows there is a shortfall of industrial land catering for local service industries in the Northern Midlands, i.e. light industry lots smaller than 2,000 sqm and some lots of up to 5,000 sqm. Nearby precincts for local service industries (i.e. locally significant precincts) are:

- Perth at 4.5 km distance. The NTILS indicates there is no *suitable* vacant industrial land. Island Block is well located to accommodate demand related to Perth.
- Youngtown (Connector Park and Merino Drive) at 8.7 to 9.4 km distance. Island Block could arguably accommodate some demand from the northern parts of Launceston. The NTILS indicates there is a current qualitative mismatch where the 5,000 sqm and 1.5ha of suitable vacant land does currently not cater for local service industries due to lot sizes.
- Longford at 11.2 distance. The NTILS indicates there are two vacant industrial lots, which are not well suited to accommodate local service industries if no measures are implemented to make available land better suited for local services industries.

The documentation refers to market demand by local service industries 'in the area' of 4 to 6 lots per annum. It is unclear which geographic area is referred to, possibly the area including Perth, Longford and the northern parts of Launceston (Youngtown). With the majority of demand for lots for local service industries being well below 2,000 sqm (and often even below 1,000 sqm), annual demand according local commercial real estate agents referred to, is likely to be around 4,000 to 6,000 sqm per annum. It is unclear whether this is 'total demand' or 'net additional demand' for land.

According to the NTILS, land demand¹ for local service industries is projected to be as follows:

- Northern Tasmania
 - o 15 years: 24 to 31 hectares

¹ Net additional demand

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Independent insight.



- 30 years: 49 to 66 hectares
- Northern Midlands Council
 - 15 years: 1.2 to 1.5 hectares
 - 30 years: 2.4 to 3.3 hectares
- Launceston City Council (including Youngtown area)
 - 15 years: 16.9 to 21.6 hectares
 - 30 years: 33.8 to 45.2 hectares

Assuming that the Island Block site would capture part of the land demand for local service industries from Launceston, say 30% or 5 to 6.5 hectares (which is optimistic), the total land demand for local service industries for a period of 15 years would be somewhere between 6.2 and 8 hectares. This is well below the proposed rezoning of 18 hectares in the development zone.

In short there is insufficient projected land demand (15 year timeframe) for local service industries to meet the proposed additional supply of 18 hectares.

Some of the concepts not further explored in the Planning Application, which may provide evidence for higher demand for industrial land are:

- The report refers to high population growth in Perth. There was no evidence provided of recent growth nor local projections, which may provide evidence for allowing for higher land demand for local service industries.
- The report suggests a relocation of existing industrial uses in Perth encroached by residential uses. The report provides no evidence on how many businesses and land this involves. It also provides no evidence on the status or existence of a strategy to relocate these businesses, or incentives to enable such an operation.
- The report provides for a range of lot sizes many of which are smaller than 2,000 sqm which suits the target market. It is unclear how many lots of what size are exactly proposed. In broad terms, it appears that the proposed lots greater than 2,000 sqm (the 'large scale precinct') is above and beyond the scale and scope that the market requires.
- While in general the subject site meets the criteria of the NITLS, the maps in the plan appear to show significant slopes especially in the 'large scale precinct' which would make the land less suitable for industrial uses. There is no evidence of a slope analysis and any measures how slope issues would be addressed.
- There may be an opportunity for the site to target demand for rural industries: rural processing, rural support services and/or intense agricultural production (i.e. greenhouse production). There is a need to demonstrate how the site is located in relation to agricultural sources and whether it would be strategically and better positioned than for instance Westbury which does not appear to meet market needs.

Based on the current evidence and market scope of the Planning Application it is recommended to allow for a partial rezoning to Light Industry for a smaller area of land than proposed, only including existing industrial uses (where rezoning would result in greater conformity of use with zoning) and for a smaller area in the development zone (well below the 18 hectares that are currently proposed).

Kind regards,

Ellen Witte
Associate SGS Economics & Planning

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Paul Godier

From: Brett Woolcott [brett@woolcottsurveys.com.au]
Sent: Wednesday, 5 August 2015 12:32 PM
To: Paul Godier; Jan Cunningham
Cc: Duncan Payton; Des Jennings; 'Simon Healey'; 'Ian Abernethy'
Subject: P15-101 - Amendment 03/15 - Updated application documentation for Rezone and Translink Specific Area Plan (Area 8) overlay - EMAIL 1 OF 4
Attachments: Annexure 4 - Rezone Plan.pdf; 2014-20 Rezone Report 050815.pdf; Annexure 1 - SAP Amendment Area 8 Plan.pdf; Annexure 1 - SAP Amendment Text 150715.pdf; Annexure 2 - C.T. 13242-1.pdf; Annexure 3 - C.T. 141442-1.pdf

Importance: High

The Planning Department
 Northern Midlands Council

Attention: Paul Godier

Dear Paul,

RE: P15-101 - Amendment 03/15 - Updated application documentation for Rezone and Translink Specific Area Plan (Area 8) overlay

As per our meetings and correspondence, please find attached update application documentation for our rezone from Rural Resource to Light Industrial of 16523 & 16525 Midland Highway Perth. Our application has been amended to propose the Translink Specific Area (8) overlay to the site with 3 distinct precincts – (i) Development Precinct, (ii) Future Development Precinct and (iii) Green Buffer Precinct . We have also included minor text changes to the existing Translink documentation to correct errors.

Attached are the following:

- Updated planning report
- Annexure 1 – Amended Translink Specific Area text and new Area 8 plan (Figure F1.5) to fit at the back of the existing plans in the scheme (F1.1 to F1.4)
- Annexures 2 & 3 – copy of titles (as previously supplied)
- Annexures 4-6 – updated proposal plans and sample layouts
- Annexure 7 – updated Supply & Demand Assessment
- Annexure 8 – updated Agricultural and Natural Values Assessments
- Annexure 9 – updated Impact Assessment
- Annexure 10 – updated Traffic Impact Assessment
- Annexure 11 – updated Engineering Assessment
- Annexure 12 – updated Bushfire Assessment
- Annexure 13 – Airport OLS Assessment

A few notes regarding previous discussions and queries:

- The quarry footprint (as per its Environmental Management Plan) is limited to the RL232 contour as shown on our proposal plan in Annexure 4. The proposed zone line is consistent with this footprint and allows a vegetation buffer to be maintained between. Future quarry expansion will be to the north in the direction of the source and away from the site and highway.
- The Specific Area Plan for Area 8 (Figure F1.5) has been prepared for the whole site with an indicative road layout. However due to the proposal for the highway upgrades, the road network shown does not include the access point as this is unknown.
- The supply and demand study has been updated to include growth patterns of Perth and Longford. The growth of an average of 30 houses per year in the past 5 years for Perth contradicts the referral by SGS and presents existing and future demand for the site for Light Industrial purposes. This demand has been verified with Real Estate Agents and we are awaiting a letter from an Agent verifying this fact. In addition, the

inclusion of current and future development precincts allows for land to cater for both existing and future demands.

- A Green Buffer precinct has been included to maintain a wildlife corridor and also offer a park area for future development on the site. The green buffer precinct is supported by the Natural Values assessment.
- As mentioned above, future expansion of the quarry will be away from the site, as indicated by the Environmental Management Plan for the lease and also by the actual resource on site. A Light Industrial zoning (not classed as a sensitive use) creates a good buffer between the quarry and existing Low Density Residential development on the south side of the highway. The quarry and highway itself will have more existing impact on residential use than the Light Industrial zoning. Note the existing uses on this site are Light Industrial and the rezone brings these into conformance.
- The Traffic Impact Assessment completed for the existing site access has been based on a full site development of 70 lots. This is relevant to the site if the Highway works do not eventuate, and any intersection works and creation of Council access road into site would be at the developer's expense. It should be noted that either the possibilities of establishment of a Council Road for subdivision, or future Strata Development of the site means the limited access provisions are not relevant to this rezone application.
- It is noted Tas. Water has no objections to the development and offers a possible future option for sewerage disposal.
- An assessment of the Launceston Airport's Obstacle Limitations Surface has been completed regarding future development on the site. It has been found that the majority of the site is shielded and recommendations are made for 2 areas which would be deficient upon future construction. These recommendations can be addressed by Building Envelopes/Part 5 agreements on subdivision lots upon future subdivision applications. The Airport and CASA will now be consulted for approval of the shielding calculations and assessment.

Please contact me as soon as you are able if you have any queries/concerns regarding the proposal and documentation supplied. We are hoping that the proposal can be recommended for approval for the current agenda, to be initiated (hopefully) at the coming Council meeting on Monday 17th August.

Regards,

Brett Woolcott
Director
Registered Land Surveyor

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NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013

**APPLICATION FOR PLANNING SCHEME AMENDMENT UNDER SECTION
33 OF THE LAND USE PLANNING AND APPROVALS ACT 1993:-**

**REZONE LAND FROM RURAL RESOURCE ZONE TO LIGHT INDUSTRY
WITH TRANSLINK SPECIFIC AREA PLAN (AREA 8) OVERLAY – CORRECT
MINOR NUMBERING ERRORS IN THE ZONE.**

16523 & 16525 MIDLAND HIGHWAY, PERTH

Jorjs Pty Ltd & Island Block & Paving Pty Ltd - Owners

C.T. 13242-1 & C.T.141442-1

July 2015

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INTRODUCTION

This application is in relation to 16523 and 16525 Midlands Highway, Perth.

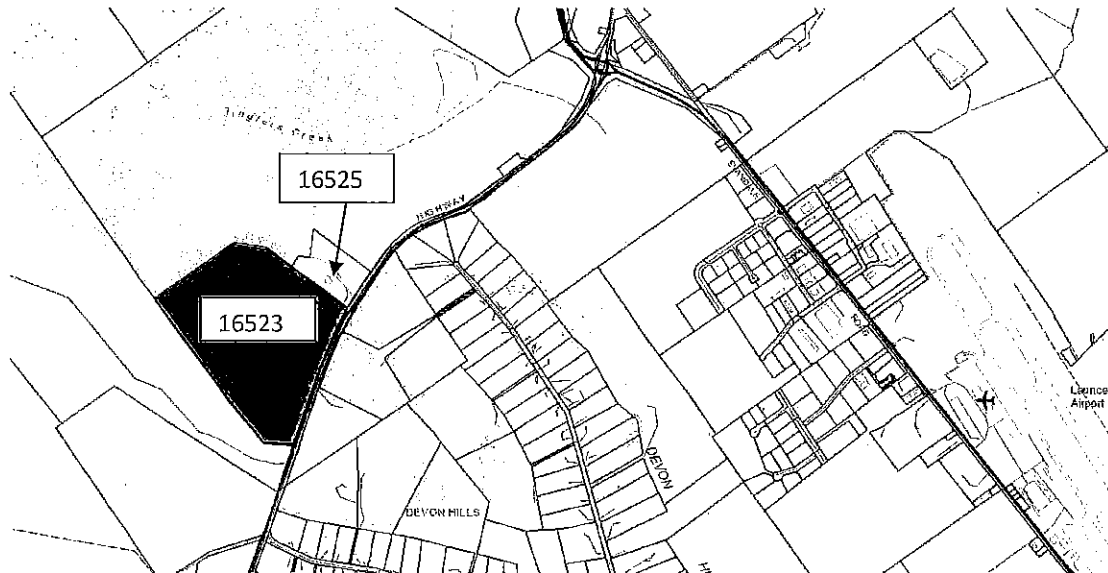


Figure 1-Site Location (Source LISTmap)

16523 Midlands Highway is owned by Jorjs Pty Ltd and currently contains a hard rock quarry (leased by BIS), a large area of vacant unused scrub bushland, and a depot for Digga Excavations including an office building, workshops/maintenance buildings and concrete batching plant. Digga Excavations employs approximately 50 staff.

16525 Midlands Highway is owned by and contains Island Block and Paving, employing approximately 30 staff. Island Block & Paving is one of Australia's leading independent manufacturer's of concrete masonry products and the facility includes three manufacturing plants, along with sales. The site is well located to service Tasmania along with the eastern states of Australia- Victoria, South Australia and New South Wales. Island Block & Paving produce a unique range of bricks, retaining wall blocks, concrete building blocks, weed free paving, patented retaining wall systems and landscape products.

The subject site is currently zoned Rural Resource which does not reflect the current use, nor the low capability of the land to support any meaningful agricultural activities.

The proposal is to rezone land from Rural Resource to Light Industrial zone and include as Translink Specific Area Plan (Area 8) overlay.

The proposal encompasses the whole of 16525 Midland Highway and approximately $\frac{3}{4}$ of 16523 Midland Highway, totaling approximately 32 hectares. The remaining portion of 16523 is to be left Rural Resource. This area contains the hard rock quarry (established over 50 years ago), which falls under extractive industry use and complies with the Rural Resource Zone.

There is a current mining lease covering the quarry. The current level of operation in the quarry is low – and relates to using already blasted material for crushing and transport off-site. The quarry limit to the east and south is the RL232 contour. Future quarry expansion would be to the north, away from the site and highway. The boundary adopted for the rezone area is consistent with the quarry operational footprint and allows a vegetation buffer to be maintained between.

TRANSlink Specific Area Plan (area 8)

Natural advantages:

- Hard rock supply – it has been said that the rock formation is one of the best hard rock sources in the North of the State.
- Highway access – to all parts of the state.
- Close to airport.
- Willing business operators
- Pre-existing uses
- Low agricultural potential for site

Opportunities:

- Capitalize on highway location
- Make best use of hard rock resource
- Recycling materials – currently Island Block and Paving recycles glass in the production of its bricks
- Industries associated with hard rock, recycling, brick/paving manufacturing.
- Support industries
- Industries that use rock as a base material and need good access to a highway.

What will the area look like?

- A well run, established quarry – screened from the highway – moving away from Devon Hills in terms of working face (moving in the direction of the resource).
- A brick/paving works which makes the best use of its resource – incorporating recycled products into its list of usable material.
- A vibrant works depot supporting the quarry and other businesses in the area.
- A subdivided site used for industrial uses, where people work, where there are not many visiting customers.
- Uses associated with hard rock, quarrying, brick/pavers and recycling
- A development screened from the highway
- A development which uses the advantage of the airport and the highway.
- A development which presents a buffer between the existing quarry and Devon Hills.
- The subject site has been broken into three distinct areas which are reflected in the provisions within the SAP

The other consideration in this application is the proposed highway works adjacent the sites by the Department of State Growth. Two sample layout plans are included showing a possible development of the site under the current arrangement, and an overlay of proposed State Growth Highway works showing future development will still have Highway Access.

PROPOSAL

The amendment is summarized below:

AMENDMENT TO THE NORTHERN MIDLAND INTERIM PLANNING SCHEME 2013

To rezone from Rural Resource to Light Industrial and to introduce a new area to the TRANSlink Special Area Plan – Area 8.

F1.1.1 Purpose of the Special Area Plan

Add 2 new sections

h) Provide opportunities for a light industrial area to cater for the needs of Perth and Longford and to capitalize on the existence of an existing hard rock reserve, the related industries and the realigned Midland Highway.

i) To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

F1.2.1 Application of Special Area Plan

Add Area 8 to *Figure F1.5* (Copies at **Annexure 1**)

F1.3 Use Tables

Add Area 8

F1.3.8 Area 8 (see *Figure F.1.1*)

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	<i>If for Minor Utilities</i>
Permitted	
Use Class	Qualification
Business and professional services	<i>If for a veterinary centre or similar specialist animal breeding or care services</i>
Domestic animal breeding, boarding or training	
Extractive industries	<i>If related to an existing extractive industry; or If not: a) located on prime agricultural land or; b) for a Level 2 Activity</i>
Equipment and Machinery sale and hire	
Manufacturing and processing	
Storage	
Utilities	
Discretionary	
Use Class	Qualification

Bulky goods sales	If for rural supplies, landscape supplies and timber yard
Business and professional services	
Community Meeting and Entertainment	
Educational and Occasional Care	If an industry training facility
Emergency Services	
Food services	If for café or take away food premises
General retail and hire	The floor area must not exceed 250sqm
Recycling and waste disposal	
Research and development	
Resource development	If: a) for controlled environment agriculture b) The handling and packing or storing of product for dispatch, or c) Closed cycle aquaculture
Resource processing	
Service industry	
Transport depot and distribution	
Vehicle fuels sales and service	
Vehicle Parking	
Visitor accommodation	If: a) not for existing uses or b) the curtilage increases by more than 30% as at the effective date
Prohibited	
All other uses	

F1.4 Standards for Use or Development

Under F1.4.1 Subdivision

Add words Area 7 to A7

Insert the following new clauses:

<p>A8.1.1 In Area 8 (i) - there must be: a) a lot density of 1 lot per 2000m² over the total area being subdivided; and b) a minimum lots size of 1000m²; and c) frontage to a road of 8.0 metres; or</p> <p>A8.1.2 In Area 8 (ii) - there must be: a) a lot density of 1 lot per 10,000m² over the total area being subdivided; and</p>	<p>P8.1.1 Within Area 8 (i), a proposed lot on a plan of subdivision has: a) a minimum area of 800m²; and b) frontage to a road of at least 6 metres.</p> <p>P8.1.2 Within Area 8 (ii), a proposed lot on a plan of subdivision has: a) a minimum area of 2000m²; and</p>
---	---

<p><i>b) a minimum lots size of 5000m2; and c) frontage to a road of 50.0 metres; or</i></p> <p><i>A8.1.3 In Area 8(iii) No acceptable solution; or</i></p> <p><i>A8.2 The lots must be transferred to Council or other Government bodies for the provision of services.</i></p>	<p><i>b) frontage to a road of at least 8 metres.</i></p> <p><i>P8.1.3 No Performance Criteria</i></p>
--	--

Correct the following clause numbers

A8 to be renumbered A9 – P9

A9 to be renumbered A10 – P10

A10 to be renumbered A11 – P11

A11 to be renumbered A12 – P12

A12 to be renumbered A13 – P16 to be P13

A13 to be renumbered A14 – P17 to be P14

F1.4.3 Height of Buildings

Add

<p><i>A7 Within Area 7 the provisions of Rural Resource zone in regard to height prevail.</i></p>	<p><i>P7 The maximum building height shall be appropriate to the site and have regard to: a) the safety of Launceston Airport; and b) the amenity of the area as a tourist gateway to Launceston</i></p>
<p><i>A8 Within Area 8, the maximum height of buildings must not exceed 12 metres.</i></p>	<p><i>P8 The maximum building height shall be appropriate to the site and have regard to: a) the safety of Launceston Airport; and b) the amenity of the area as a tourist gateway to Launceston</i></p>

F1.4.4 Materials of Presentation

Change P4 to P5

Add

<p><i>A6 Within Area 7 and 8, colours must be muted and in tones sympathetic to the rural and landscaped setting of the area.</i></p>	<p><i>P6 No Performance Criteria</i></p>
---	--

F1.4.7 Building Setback

Add

<p><i>A7 Within Area 7 the provisions of the Rural Resource zone apply in regard to setbacks.</i></p>	<p><i>P7 Within Area 7 the provisions of the Rural Resource zone apply in regard to setbacks.</i></p>
<p><i>A8 Within Area 8, front, side and rear boundary setbacks for buildings or other works must be a minimum of:</i></p> <ul style="list-style-type: none"> <i>a) 20m to the Highway frontage</i> <i>b) 10m to an access road</i> <i>c) 3m to the side boundary</i> <i>d) 3m to the rear boundary</i> <i>e) 20m to the rear boundary where the lots have a boundary to the Midland Highway.</i> 	<p><i>P8 The setback to the side and rear boundary must:</i></p> <ul style="list-style-type: none"> <i>a) Provide adequate access to the site; and</i> <i>b) Not result in an unreasonable loss of amenity to adjoining uses having regard to the:</i> <ul style="list-style-type: none"> <i>i. Bulk and form of the building; and</i> <i>ii. Size and proportion of the lot; and</i> <i>iii. Extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation.</i>

F1.4.8 Open Space and Landscaping

Add

<p><i>A7 Within Area 7, the following setback distance must be used for landscaping, excluding those areas sealed for driveway access:</i></p> <ul style="list-style-type: none"> <i>a) 10m from Evandale Main Road</i> 	<p><i>P7 No performance criteria</i></p>
<p><i>A8 Within Area 8, the following setback distance must be used for landscaping, excluding those areas sealed for driveway access:</i></p> <ul style="list-style-type: none"> <i>a) 5m from any road frontage.</i> 	<p><i>P8 No performance criteria</i></p>

Renumber:

A8 and P8 to be renumbered A9 and P9

A9 and P9 to be renumbered A10 and P10

----- END OF DOCUMENT -----

TITLES

Property Address	16523 MIDLAND HWY PERTH TAS 7300
Property ID	6393538
Title Reference	13242/1
Property Address	16525 MIDLAND HWY PERTH TAS 7300
Property ID	2505117
Title Reference	141442/1

Copies of the titles are attached at **Annexures 2 and 3**

SITE CONDITIONS

The site slopes north to south and also west to east – with a ridge line central. The fall across the site north to south is 50m over 750m – giving a 6.5% fall. Excavations around the quarry have reduced this natural fall to little more than flat land. Existing overhead power lines run parallel along the Highway. The power line easement has been substantially cleared.

The site is serviced by a spring fed dam with an all year round supply. There are a number of above ground water tanks around the site feeding a ring main and servicing five fire hydrants, strategically placed around the site.

LAND CLASSIFICATION

Reference to the Tasmanian Land Classification system reveals that the area subject to this rezone application is Class 5 (incorporates predominately the areas developed and used by Digga Excavations and Island Block & Paving) and Class 5+6 (unused land). These are not prime agricultural land classes and in fact their agricultural productivity is limited by definition. Given the existing uses on site (which will not change) there will be no further impact on agricultural production in the area from this proposal. It will allow the undeveloped land to be used in the future for a purpose.

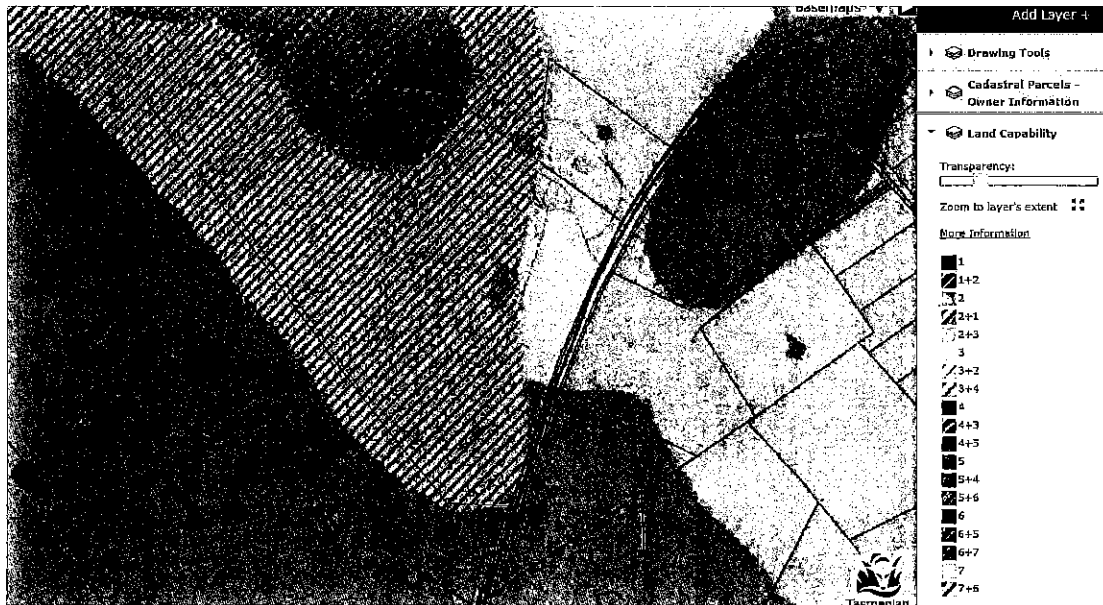


Figure 2-Land Capability (Source LISTmap)

LAND USE PLANNING

The land use control document covering this site is the Northern Midlands Interim Planning Scheme 2013. The sites are zoned Rural Resource use under the Planning Scheme.

A key purpose of the Rural Resource zone is:-

26.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.

26.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

Aside from the quarry area which is not subject to this request to amend, the land capability does not allow the zone purpose to be easily achieved, hence the request to rezone to Light Industrial and amend TRANSlink Special Area Plan (SAP) by adding Area 8.

To be added to the SAP will be the following purposes:-

h) Provide opportunities for a light industrial area to cater for the needs of Perth and Longford and to capitalize on the existence of an existing hard rock reserve, the related industries and the realigned Midland Highway.

i) To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

The sites have a history of industrial usage, similar to those proposed under the Area 8 amendment to the SAP. The addition of the above clauses will better reflect the role the area plays within the region.

The surrounding zones are Rural Resource and Utilities (Midland Highway). Across the highway is Devon Hills (Low Density zone). Off-site impacts of future development of the site can be achieved by appropriate buffers, both on and off-site (including that already in place for nearby Devon Hills allotments facing the Highway) and the planning scheme will control any future development applications.

In the past five years there has been significant residential growth in Perth and Longford (around 30 dwelling per annum in each township) – but no increase in commercial or industrial land in the same period. Perth and Longford then are becoming dormitory suburbs for Launceston. This proposal can address that matter.

CURRENT ZONING

The subject site is currently zoned Rural Resource. Surrounding adjacent zones include Rural Resource and Utilities (Highway). Across the highway is Low Density Zoning (Devon Hills).



Figure 3 - Current Zoning (source LISTmap)

CURRENT USES IN AREA

To the west, north & east of the subject site is grazing land or bush land. Over the highway to the south is an isolated rural residential area (Devon Hills).

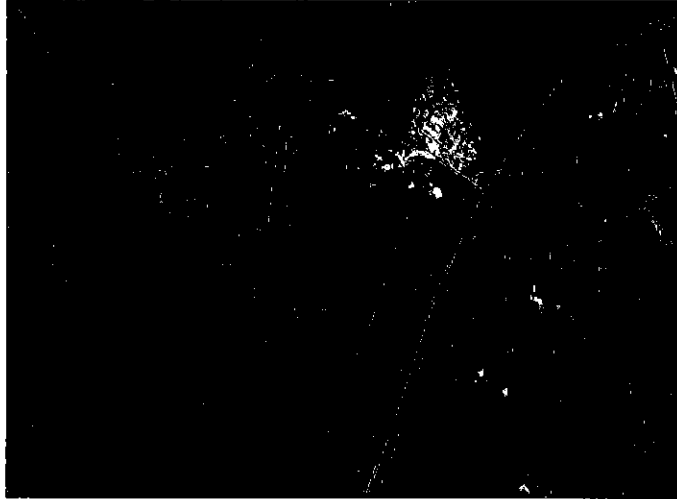


Figure 4 - Surrounding Land Use (source LISTmap)

ENVIRONMENTAL MATTERS

Reference to Tas VEG 3 classifies the vegetation on the site and surrounding lots as:-

Vegetation Community Group	Non eucalypt forest and woodland
Vegetation Community Code	NBA
Vegetation Community Description	(NBA) Bursaria - Acacia woodland and scrub
Emergent Tree	
Forest Structure	Other
Source Date	3/5/1997
Field Checked	
Source Type	UNK

Tas VEG 3 also classifies a large portion of the site as Urban uses – recognizing the existence of the quarry and industrial buildings.

A Natural Values Report examines this in greater detail (see section below).

SUPPORTING MATERIAL

The following documents have been prepared to support this request to amend:

Supply and Demand Study

A Supply and Demand Study has been completed for this request. **See Annexure 7.** It was found that available comparable Light Industrial zoned land in the area has a supply of under 2 years. Adding the subject site to this zone increases the supply to 12 years. This falls within the suggested supply required in the Industrial Land Study Northern Tasmania of 15 to 20 years.

Also, considering the current residential growth of Perth (growth of 30 houses per year for the past 5 years), there will be a future demand for smaller Light Industrial allotments in the area. The Translink site is a different zoning and caters for medium to large development on lots of 3ha minimum. The subject site will fill the demand for smaller lots for business/commercial/light industrial uses as permitted/discretionary in the zone.

Agricultural Land

An agricultural and natural values report has been completed by AK Consultants. **See Annexure 8.**

Land Capability for the area proposed for rezoning on the subject titles (30.8ha) is assessed as Class 5+6 (21.3ha) with approximately 9.5ha already converted to Light Industrial use. The primary production value of the land is insignificant in a local and regional context.

Immediately adjacent land is of marginal production value with only the land to the north east and land to the south west having agricultural characteristics. Land Capability limitations would restrict the cropping frequency and duration particularly in proximity to the boundaries with the subject land and water resource limitations indicates any cropping activity would be mainly limited to dryland.

Immediately adjacent land is likely to remain as grazing. It is anticipated that there would be no impacts from rezoning, however there may be dust and noise resulting from future light industrial use. It is unlikely that this would impact on the capacity to undertake cropping activity or continue with the current existing grazing activity.

Flora and Fauna

A Natural Values report has been prepared by AK Consultants. **See Annexure 8.**

No threatened vegetation communities were identified. Six flora species and one fauna species have been previously recorded on the title. An additional seven flora species and seven other fauna species were considered as potentially present within the study area. The study area has core habitat characteristics for three of the additional seven fauna species.

The report states that a rezone will not impact on natural values. Further assessment will be required prior to determining optimum layouts for future development. A Green Buffer has been adopted as a precinct to be included within the Specific Area Plan.

Impact Assessment

An impact assessment has been prepared for this site and its possible off-site effects. This assessment is attached at **Annexure 9**.

The report concluded the likely end users of this site relates to light industrial type uses within a defined site. The Planning Scheme defines the purpose of Light Industrial uses (and these have been included in the SAP) and how they interact with sensitive uses. The proposed SAP states - off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

Specific management measures can only be imposed when the final use is known -- at the time of Development Applications.

As a general principle it is clear the proposed SAP use can be managed on this site so as there is no impact on the amenity of the sensitive uses in the area.

Traffic Impact

A Traffic Impact Assessment has been completed by Midson Traffic. **See Annexure 10**. The assessment was based on a fully developed site of 70 lots. The report states "The existing junction configuration is considered acceptable for the forecast traffic generation of the fully developed lots in the proposed subdivision." It concludes the proposed development is supported on traffic grounds. Any intersection works would be at the cost of the developer.

Engineering Assessment

An Engineer's report has been completed by JMG Engineers. **See Annexure 11**.

- In regard to water, the report offers 2 options for fire and domestic water reticulation for the site, the final solution will require some decision making with Tas. Water. See extract below:

The first option could be to install sufficient capacity tanks on each proposed allotment that are able to meet the volume requirements of Tas Fire Service to attack a fire at a particular location. The fire appliance vehicle would hook into this supply, and boost it up to sufficient flow that equates to a hydrant. A fire booster pump could be installed on each site that provides sufficient fire flow to meet the criteria for on-site fire hose reels. The on-site tanks would have sufficient storage for the domestic requirements of each lot, with a permanent reserve for fire fighting.

The second option would be to install a water reservoir on the elevated area just to the south of the existing quarry. This reservoir would have sufficient capacity to meet the fire fighting needs of the subdivision. With this option a domestic line could be extended from Devon Hills, and have a booster pump if needed.

In both cases the above fire tanks could be fed from the existing spring on site, pumped to the system or reservoir as required.

- In regard to waste water disposal, the report offers 2 viable options for a future sewerage system for the site, the final solution will require some decision making with Tas. Water.

In terms of the treatment system, there are a number of options to be considered. These are:

- a) Take the sewage to the existing ponds in Richard Street, Western Junction (3.3 km away)
- b) Take it to the existing ponds at Evandale (6.6 km)
- c) Take it to the existing ponds at Perth (9.4 km)
- d) Provide a new Wastewater Treatment system on site

Options a) and d) are the only viable ones. The favoured one would be determined in discussions with TasWater, optimal overall cost (capital and ongoing) and environmental outcomes.

Both of them are considered to be viable, and presenting no unusual technical issues.

- In regard to storm water disposal, the report discusses methods of onsite storm water disposal, including detention systems to alleviate any future downstream issues.

Currently the site discharges run-off in a number of different directions, however the largest amount of runoff collects at the south east corner adjacent to the Midlands Highway, and then via a natural water course to the north of Perth Township. As the new subdivision would ultimately have a large number of developments with impermeable surrounds, then the discharge could increase significantly. To alleviate any possible downstream problems, then a number of methods can be utilized. The site area is sufficient is such that each site could have a stormwater detention system installed, and the pipework reticulation could also have detention capacity. At the south east corner it would be possible to create a detention dam, capacity to be determined.

It should be noted that since the Engineering Assessment was completed, Tas. Water has indicated their possibility of pumping sewerage to Perth from Western Junction. They have indicated this may present an option for sewerage discharge for the site.

Bushfire Management

An initial Bushfire assessment has been prepared by Woolcott Surveys, with the assistance of Ian Abernethy, a certified bushfire consultant (BFP 124). See **Annexure 12**. The report states the required BAL rating of 19 will be easily achievable for the site for a future subdivision.

Launceston Airport Obstacle Limitations Surface (OLS) Analysis

An assessment on impact of future site development on the Launceston Airport's Obstacle Limitations Surface (OLS) has been completed. See **Annexure 13**. The analysis found that existing terrain and infrastructure will shield future development on the majority of the site, and recommendations have been made for two small areas that are not fully shielded.