

<b>Ongoing Maintenance Costs</b> relating to the upkeep of the sealed road.	<b>Avoided Maintenance Costs</b> of the current gravel road section of Nile Road.
<b>Road Safety Costs</b> from an increase in vehicle crash costs over the newly sealed section of Nile Road <sup>4</sup> .	<b>Increased Tourism Spending</b> from additional tourists accessing tourist attractions such as Clarendon House and Deddington Chapel.
<b>Environmental/Wildlife costs</b> relating to increased number of roadkill due to increased road usage.	<b>Travel Time Savings</b> as the provision of a sealed road allows more tourists to travel to Clarendon House in a shorter amount of time, resulting in avoided travel costs.
	<b>Vehicle Operating Cost Savings</b> as the provision of a sealed road will eliminate diversions via the Midlands Highway, thereby decreasing the kilometres travelled, as well as reducing the vehicle operating costs by providing a smoother surface for users to travel on.

### 2.3 Cost-Benefit Analysis

#### Capital Costs – Road Sealing

Based on the data provided by the Council's Infrastructure and Works Team, the cost of reconstructing and sealing of relevant section of Nile Road was valued at \$300,000 per kilometre. Given that the current gravel section of the road being reconstructed and sealed is 8.21 kilometres, the initial reconstruction and sealing capital costs are estimated to be \$2.463 million.

In addition, the sealed road will require a re-sealing every 12.5 years, which is estimated to cost \$197,040 for every occurrence of re-sealing over the 8.21 kilometre section of Nile Road.

The initial capital cost of reconstructing and sealing the road has been assumed to occur at the beginning of 2017. The costs of re-sealing the road are assumed to occur every 12.5 years thereafter.

#### Ongoing Maintenance Costs – Sealed Road

Based on the data provided by the Council's Infrastructure and Works Team, the annual cost of ongoing maintenance for the sealed road is valued at \$2,578 per kilometre without future resealings. These maintenance costs incorporate the costs involved with preventing grass/weeds growing into the seal, shoulder grading to avoid the sealed edge of the road sustaining any breakages and ensuring that the drainage is sufficient to prevent water from entering and affecting the subgrade material that is present under the sealed road.

Given that the sealed section of the road is 8.21 kilometres, the ongoing maintenance costs of the sealed road are estimated to be \$21,165 per annum.

These costs are assumed to commence in 2018 (i.e. Year 2).

#### Road Safety Costs

Based on road safety standards data<sup>5</sup>, it has been determined that on average, the accident rate for every million vehicle kilometre travelled on a sealed road with gravel shoulders is higher in comparison to an unsealed gravel road. This can be attributed to the notion that drivers tend to take more care whilst driving over a gravel road as compared to a regular bitumen road. In addition, with gravel shoulders lining both sides of the sealed road, slight off-road movements can lead to a greater chance of

<sup>4</sup> National standard data indicate that sealed roads as proposed for Nile Rd have higher safety costs than unsealed roads.

<sup>5</sup> Cost-Benefit Analysis Manual: Road Projects, Department of Transport and Main Roads (Qld), based on empirical data.

a driver losing control of their vehicle. Sealed roads with wider, sealed shoulders are safer than gravel roads. However, for the sealing of Nile Rd, Council indicated to use narrow, gravel shoulders (which carry higher safety costs).

Given the higher rate of accidents on this type of sealed road, additional road safety costs are expected to be incurred under the Road Sealing scenario.

These costs are assumed to commence in 2017 (i.e. Year 1).

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### **Environmental/Wildlife Costs**

In the current situation, 40 dead kangaroos were counted along the side of the unsealed section of Nile Road during a recent drive-through.

Under the Road Sealing scenario, the estimated increase in vehicles will see a higher road usage along this section of Nile Road, and hence, will likely see a greater loss in wildlife.

Due to their inherent intangibility and unavailability of data, these costs have not been quantified in this analysis and noted as a qualitative cost item.

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### **Avoided Capital Costs**

Under the BAU scenario, the unsealed section of Nile Road would require future resheetings of the gravel section of the road. This is necessary to maintain the current high standard of the unsealed road. However, under the road sealing scenario, the costs associated with any future resheetings are no longer necessary, and hence, can be considered to be an economic benefit.

Based on the data provided by the Council's Infrastructure and Works Team, the annual cost of future resheetings for the unsealed road is valued at \$1,300 per kilometre.

Given that the section of the road is 8.21 kilometres, the avoided capital costs of the unsealed road are estimated to be \$10,673 per annum.

These benefits are assumed to commence in 2017 (i.e. Year 1).

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### **Avoided Maintenance Costs**

Similar to the avoided capital costs, under the BAU scenario, the unsealed section of Nile Road would have some maintenance costs associated with the upkeep of the gravel road, especially since inexperienced tourists use the road frequently. However, under the road sealing scenario, these costs are no longer necessary, and hence, a benefit.

Based on the data provided by the Council's Infrastructure and Works Team, the cost of ongoing maintenance costs for the unsealed road is valued at \$1,355 per kilometre without future gravel resheetings. These maintenance costs incorporate the costs involved with both grading the road two to three times per annum and maintaining the standard of drainage along the road.

Given that the section of the road is 8.21 kilometres, the avoided maintenance costs of the unsealed road are estimated to be \$11,125 per annum.

These benefits are assumed to commence in 2017 (i.e. Year 1).

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### **Increased Tourism Spending**

Current visitation to Clarendon House is approximately 21,000 visitors per annum as reported by National Trust Tasmania.



In sealing the gravel section of Nile Road, an increase in the number of tourists visiting the Clarendon House, and other (heritage) tourist attractions accessed via Nile Rd is expected. This is primarily due to tourists having a shorter, sealed route (carrying lower liability on rental cars) to these destinations, rather than having to travel over a gravel road, or taking a detour via the Midlands Hwy. It was assumed that there would be an increase of approximately 10% in the number of current tourist vehicles per annum for the first five years after the road sealing<sup>6</sup> before returning to the expected annual growth rate of tourism for the Evandale district<sup>7</sup>.

In addition, a sealed road would allow for charter buses to include these attractions in their regular tours. A letter by National Trust Tasmania to Northern Midlands Council testifies the intention to commence bus tours to Clarendon House and other local attractions, only if Nile Rd is sealed. During the peak season, it was assumed that two tour buses would visit attractions in the area every week, whereas during the off-peak season, only one tour bus would visit attractions in the area every week. The tourist activity generated from these tour buses is separate from the increase in tourists mentioned previously.

The increased tourism will result in greater tourist-related expenditure, and hence, will result in an increase in economic value-added to the Northern Midlands economy. It was assumed that the spending per visitor is \$15, which include the \$5 fee for visiting Clarendon House.

These benefits are assumed to start accruing in 2017 (i.e. Year 1).

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### Travel Time Savings

By sealing the gravel section of Nile Road, travel times will not be enhanced for daily users of the road due to the speed limit remaining at 80 km/hr<sup>8</sup>. Even though the quality of the road enables users to travel at higher speeds, the speed limit will remain the same due to the fact that the safety of wildlife is still at risk. This risk would be exacerbated if the speed limit along Nile Road was raised.

For tourists, however, travel time savings will occur under the road sealing scenario. This is due to the fact that tourists who want to avoid the use of a gravel road when visiting the Clarendon Homestead would have to take a detour via the Midlands Highway under the BAU scenario. This results in a travel time saving of approximately 1 minute for tourists as estimated by the Council's Infrastructure and Works Team.

These benefits are assumed to start accruing in 2017 (i.e. Year 1).

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### Vehicle Operating Cost Savings

Vehicle operating cost savings will occur under the road sealing scenario due to the fact that tourists who want to avoid a gravel road would not need to under this scenario. This results in avoiding an extra 10.94 kilometres in distance travelled as compared to a detour via the Midlands Highway.

Further, those vehicles that used the gravel road before will benefit from the change from a gravel to a sealed road. Literature<sup>9</sup> indicates that vehicles often cost approximately two to three times more to operate on gravel roads as compared to a similar bitumen-based road. The factors behind this include a greater frictional resistance and less traction whilst driving on gravel roads, which increases fuel consumption per kilometre travelled, as well as the gravel road's roughness causing additional tyre-wear, amongst other incurred costs.

<sup>6</sup> Without the sealing of Nile Rd, tourism visitation is assumed to increase by the average for the district.

<sup>7</sup> The annual average growth rate is 1.8% based on historic data (Tasmanian Visitor Survey).

<sup>8</sup> As advised by Council's Works and Infrastructure Manager.

<sup>9</sup> Gravel Roads: Maintenance and Design Manual, Appendix D: When to Pave a Gravel Road (US Department of Transportation, 2000)

Given this presumption, it was assumed that vehicle operating costs would be reduced by half (i.e. 50%) for all current users of the unsealed section of Nile Road, under the Road Sealing scenario.

Under the BAU scenario, local traffic numbers currently using the unsealed section of Nile Road are expected to increase in line with historic Tasmanian population growth<sup>10</sup>. Tourist traffic numbers currently using the unsealed section of Nile Road are assumed to grow in line with the expected annual growth rate of tourism for the Evandale district.

Under the Road Sealing scenario, local traffic numbers currently using the relevant section of Nile Road are assumed to follow the same growth as in the BAU. The number of tourist vehicles currently using the relevant section of Nile Road per annum are expected to change from a quarter of vehicles visiting Clarendon House and other local destinations to two-thirds of vehicles visiting Clarendon House and other local destinations. Further, the number of tourist vehicles are assumed to have an additional increase of 10% in the first five years after sealing before returning to the expected annual growth rate of tourism for the Evandale district for the rest of period of analysis.

Based on these assumptions, there is an additional saving in vehicle operating costs. Over time, the reduced operating costs accrue to a very significant benefit, as can be seen from the results.

These benefits are assumed to grow in line with the increased usage of the newly sealed section of Nile Road and commence in 2017 (i.e. Year 1).

## 2.4 Project Performance

In line with convention, the cost-benefit analysis has been undertaken on an 'incremental' basis. This measures the performance of the Road Sealing scenario against the BAU by subtracting costs and benefits that would have occurred regardless of the investment in the sealing of the gravel section of Nile Road.

Two performance measures are subsequently generated:

- Net Present Value (NPV), and
- Benefit Cost Ratio (BCR).

Details on how these measures are calculated and how they should be interpreted are summarised in Table 2.

<sup>10</sup> ABS Catalogue 3101.0



TABLE 2 INTERPRETATION OF PERFORMANCE MEASURES

Performance measure	Estimation method	Decision rule
Net Present Value (NPV)	A number generated by deducting the present values of the stream of costs from the present value of the stream of and benefits, with the present value of costs and benefits determined by using an appropriate discount rate.	Accept scenario if it has a positive NPV Reject scenario if it has a negative NPV, and The greater the NPV the better.
Benefit Cost Ratio (BCR)	Ratio of discounted present day benefits over discounted present day costs.	Accept scenario if the BCR exceeds one Reject scenario if the BCR is less than one, and The greater the BCR the better.

Source: SGS Economics & Planning

Over a 20-year evaluation period, the sealing of Nile Road appears to be an unsatisfactory project – Both the Net Present Value and Benefit Cost Ratio criteria under this scenario are not met. This is shown in Table 3.

TABLE 3 DISCOUNTED CASH FLOW - SUMMARY

	Road Sealing	Share of costs/benefits
Discount Rate	6% real discount rate	
PV* Capital Costs – Reconstruction & Sealing	\$ 2,450,000	80%
PV Ongoing Maintenance Costs	\$ 223,000	7%
PV Road Safety Costs	\$402,000	13%
<b>Total costs</b>	<b>\$3,075,000</b>	<b>100%</b>
PV Avoided Capital Costs	\$112,000	4%
PV Avoided Maintenance Costs	\$117,000	4%
PV Increased Tourism Benefits	\$411,000	14%
PV Travel Time Savings	\$321,000	1%
PV Vehicle Operating Cost Savings	\$2,227,000	77%
<b>Total benefits</b>	<b>\$ 2,888,000</b>	<b>100%</b>
<b>Benefit Cost Ratio (BCR)</b>	<b>0.94</b>	
<b>Net Present Value (NPV)</b>	<b>-\$187,000</b>	

\* Note: PV means present values.

Source: SGS Economics & Planning

## 2.5 Sensitivity Analysis

When undertaking a CBA, a sensitivity analysis is always necessary to test the underlying assumptions related to the most significant costs and benefits identified in the analysis. This enables the project's performance to be scrutinised under a more constrained scenario, thereby highlighting the effectiveness of the project.

Under this notion, the sensitivity analysis has re-run the modelling under the Road Sealing scenario by reducing the estimated increase in the number of tourists by 50 percent (including those in tour buses).

The results of the sensitivity analysis are tabulated below. The minor change in the Benefit Cost Ratio and Net Present Value under the sensitivity analysis suggests that the impact of tourism has a small impact on the overall viability of the project.

TABLE 4 SENSITIVITY TEST RESULTS (WITH BENEFIT STREAMS REDUCED)

	NPV	BCR
	6% real discount rate	6% real discount rate
<b>Baseline Results (from Table 3)</b>	<b>-\$187,000</b>	<b>0.94</b>
<b>Sensitivity Test</b>	<b>-\$393,000</b>	<b>0.87</b>

Source: SGS Economics & Planning

## 2.6 Recommendations

The cost-benefit analysis undertaken to assess the sealing of Nile Road project highlights that the initiative fails to pass the NPV and BCR criteria, and hence, will provide an economic cost to the Northern Midlands municipality rather than an economic benefit. Consequently, the project fails to meet its proposed objective.

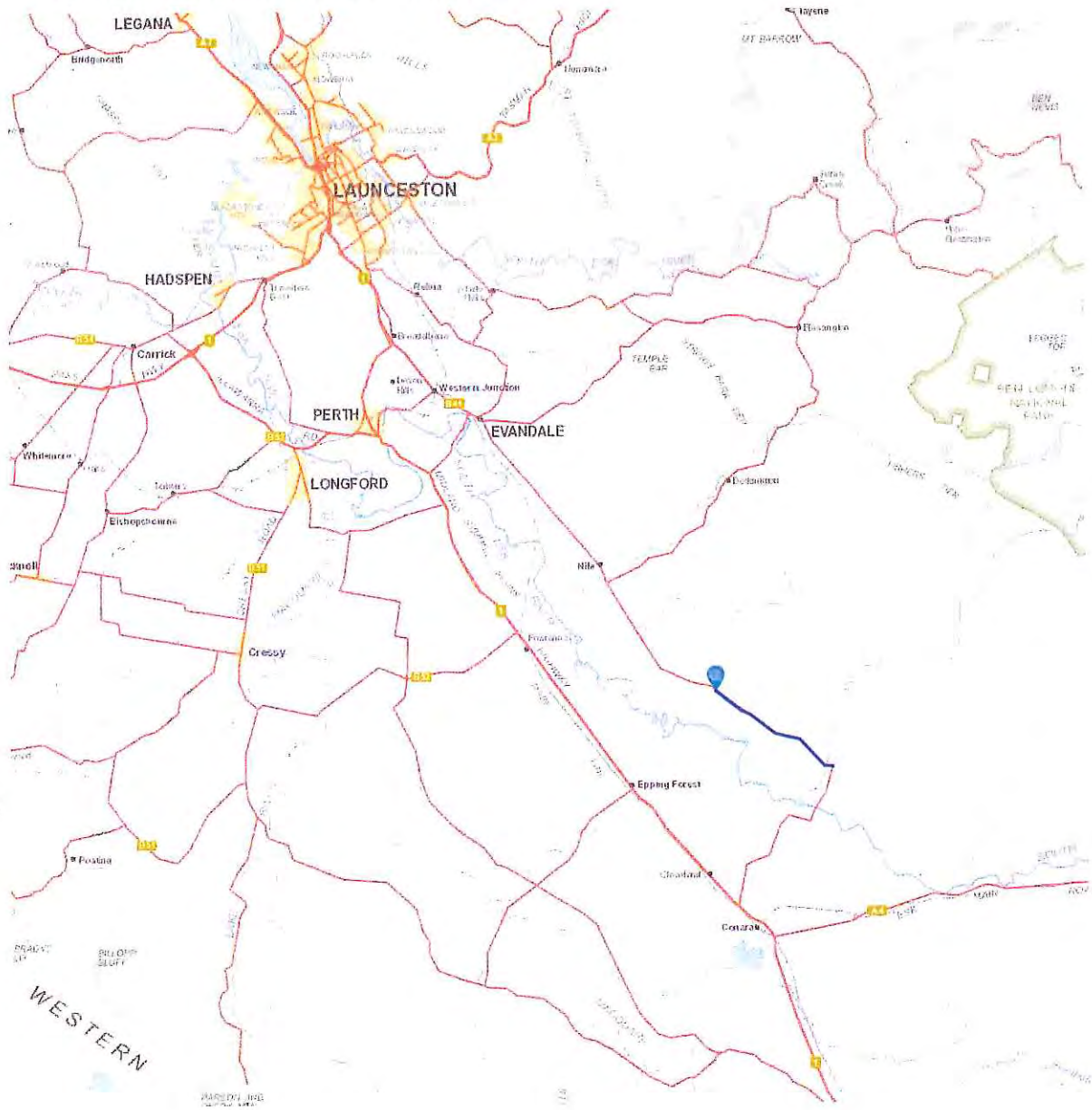
The most significant benefits are the reduced vehicle operating costs which accrue to local residents and visitors alike. The tourism spending benefit, one of the key drivers of the project proposal, accounts for 14% of the benefits only. Furthermore, potential upgrades to Glen Esk Road may be necessary to fully enable tourists to utilise Nile Road, as the present standard of the road is only viewed as being sufficient to serve local traffic usage. Such an upgrade would present an additional indicative cost of \$2 million.

Given the aforementioned limitations of the project, more meritorious projects to stimulate tourism benefits in the region should be considered.



# APPENDIX

FIGURE 1 UNSEALED SECTION OF NILE ROAD



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YOU' ROAD

MIDLANDS HIGHWAY

**PROPOSED  
CONSOLIDATED  
LOT**

**9696m<sup>2</sup> approx**

(CT143939-1 & part of  
CT143939-2)

EXISTING TITLE BOUNDARY

EXISTING TITLE BOUNDARY

PORTION OF  
CT143939-2 TO BE  
ADDED TO  
CT143939-1  
3589m<sup>2</sup>

PROPOSED NEW TITLE  
BOUNDARY

EXISTING FENCE

PROPOSED TITLE BOUNDARY

**BALANCE  
CT143939-2  
6549m<sup>2</sup> +/-**



## Northern Midlands Council Illawarra Road Signs Advertising Policy

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### OBJECTIVE

The purpose of the Northern Midlands Council Highway Signs Advertising Policy is to regulate the use of the advertising space on the Welcome to Longford signs on the Illawarra Road.

Northern Midlands Council, with the permission of the Department of State Growth (DSG), will make 'advertising space' available to local sporting clubs, not for profit organisations, Northern Midlands Council and community groups to promote their events, with a view to providing information to residents and visitors and promoting tourism within and surrounding the Municipality.

### POLICY:

1. Advertising signage placed on the Northern Midlands Council Highway Signs will be legible, inoffensive and in good order. The advertiser will make their own arrangements for the production and payment of good quality signs through a sign-maker of their choice, or self-made, to a high standard.
2. The sign is not to be erected more than 21 days prior to and removed immediately after the event.
3. White corflute signs are to be used, and will measure 1200mm X 500mm.
4. Logos are permissible.
5. Signage must not be luminous or reflective. Jonathan, please note that as the base sign is to be reflective, DSG has no objection if Council wishes to allow luminous or reflective signs or, at the least, for the permanent inserts to be so.
6. It is the responsibility of the advertiser to deliver signage to the Northern Midlands Council by noon on Thursday (for installation the following week).
7. Council staff will install and remove signage each Monday morning or on the next available working day in the case of long weekends.
8. The advertising space is not available for candidates nominating for local, state or federal government elections. It may, however be used by Council to remind people of Council election dates.
9. Signage remains the property of the advertiser. Signage should be collected from the Northern Midlands Council as soon as practicable at the cessation of advertising. Council may dispose of any sign not collected by the sign owner after 28 days.
10. Applicants are encouraged to submit proposed sign designs prior to manufacture to ensure the proposed message/logo is appropriate.



11. Council will have the final decision on permitted signboards, with the aim to ensure there is no inequity between advertisers.
12. Weeks will be determined from Monday to Sundays.
13. Signage can be installed for up to three weeks (maximum) however signs can then be re-booked for another three weeks etc if the space is available. The re-booking can occur on the last Friday of the current booking period.
14. Only one space per east sign and once space per west sign is allowed per event / activity (maximum of two signs in total).
15. Bookings can be made up to twelve months in advance.
16. Council has the right to remove unauthorised temporary or permanent signs erected in the road reservation of Illawarra Road, between the two Welcome signs and within 1km on the approach to each sign.
17. Northern Midlands Council will not be held liable for lost, stolen or damaged signs.

CORP 1

# Northern Midlands Council Account Management Report

## Income & Expenditure Summary for the Period Ended 31 May 2016 (92% of Year Completed)

Line Item Summary Totals	Operating Statement		Corporate Services		Economic & Community Dev		Planning & Development		Works		Total Operating Statement		% of Budget
	2015/16 Budget	2015/16 Actual	2015/16 Budget	2015/16 Actual	2015/16 Budget	2015/16 Actual	2015/16 Budget	2015/16 Actual	2015/16 Budget	2015/16 Actual	2015/16 Budget	2015/16 Actual	
Wages	292,283	289,039	545,051	491,963	480,935	372,711	568,390	478,642	1,507,265	1,256,000	3,394,924.00	2,888,355.00	85.08%
Material & Services Expenditure	428,175	386,849	390,487	341,548	246,426	236,248	579,889	404,504	3,151,661	2,582,417	4,796,658.00	3,951,567.00	82.38%
Depreciation Expenditure	47,360	43,420	53,040	48,620	69,030	63,270	16,620	15,230	4,861,800	4,131,880	5,047,950.00	4,302,420.00	85.23%
Government Levies & Charges	7,360	356	565,650	459,603	10,020	6,532	0	888	79,590	65,096	662,620.00	532,475.00	80.36%
Councillors Expenditure	187,332	152,735	0	0	0	0	0	0	0	0	187,332.00	152,735.00	81.53%
Other Expenditure	491,087	118,406	408,336	428,863	125,169	88,234	19,988	26,410	112,295	71,199	1,156,875.00	733,112.00	63.37%
Oncost	126,192	126,426	234,471	196,659	80,150	67,288	237,920	191,331	557,928	480,224	1,236,661.00	1,061,928.00	85.87%
Internal Plant Hire/Rental	19,290	16,741	17,810	22,218	18,760	15,228	67,320	58,042	823,490	756,611	962,670.00	888,840.00	91.20%
Internal Rental/Rates	300	0	590	0	20	0	0	0	11,250	0	12,160.00	0.00	0.00%
Other Internal Transfers Expenditure	4,000	8,866	6,502,628	5,905,898	18,200	18,172	0	0	26,550	25,375	6,551,378.00	5,958,311.00	90.95%
Oncosts Paid - Payroll	52,459	39,426	106,498	123,364	110,800	129,897	120,462	136,051	294,930	314,389	685,149.00	745,127.00	108.75%
Oncost Paid - Non Payroll	92,806	77,158	159,730	123,065	133,930	103,598	189,309	142,033	461,126	380,335	1,036,904.00	826,209.00	79.68%
Plant Expenditure Paid	11,150	10,777	4,920	4,283	20,650	12,092	25,650	17,713	596,080	407,521	658,420.00	452,386.00	68.71%
	1,759,794	1,270,199	8,990,211	8,146,114	1,314,093	1,113,271	1,825,518	1,472,844	12,489,965	10,471,047	26,379,581	22,473,475	85.19%
Rate Revenue	0	0	(8,749,507)	(8,596,719)	0	0	(22,531)	(23,052)	(658,923)	(670,866)	(9,430,961.00)	(9,290,657.00)	98.51%
Recurrent Grant Revenue	(2,000)	(1,600)	(973,362)	(977,779)	(250,536)	(250,801)	0	0	(1,185,523)	(1,182,215)	(2,411,421.00)	(2,412,395.00)	100.04%
Fees and Charges Revenue	0	0	(210,382)	(197,401)	(357,523)	(279,094)	(751,671)	(756,044)	(401,758)	(402,747)	(1,721,534.00)	(1,529,286.00)	94.65%
Interest Revenue	(352,000)	(273,289)	(45,000)	(100,182)	0	0	0	0	0	0	(397,000.00)	(373,471.00)	94.07%
Reimbursements Revenue	(2,600)	(2,297)	(39,018)	(50,222)	(15,269)	(39,662)	(26,440)	(34,852)	(18,749)	(30,360)	(102,076.00)	(157,383.00)	154.16%
Oncost Recoveries - Internal Tier	(118,217)	(126,493)	(234,141)	(197,536)	(77,285)	(63,840)	(258,453)	(193,599)	(690,387)	(657,927)	(1,378,483.00)	(1,219,395.00)	88.46%
Plant Hire Income - Internal Tier	(17,500)	(24,541)	(15,030)	(15,720)	(15,110)	(15,349)	(50,980)	(54,972)	(1,049,510)	(989,650)	(1,148,140.00)	(1,100,232.00)	95.83%
Other Internal Transfers Income	(33,641)	(30,841)	(451,925)	(35,854)	(546,887)	(500,567)	(656,448)	(613,758)	(5,253,479)	(4,917,892)	(6,942,380.00)	(6,098,932.00)	87.85%
Other Revenue	(1,007,923)	(644,143)	(7,701)	(12,208)	(25,897)	(22,651)	(52,857)	(50,285)	(57,267)	(60,679)	(1,151,645.00)	(789,966.00)	68.59%
	(1,533,881)	(1,103,204)	(10,726,056)	(10,177,621)	(1,288,507)	(1,171,984)	(1,819,380)	(1,726,562)	(9,315,586)	(8,892,346)	(24,683,440)	(23,071,717)	93.47%
Underlying (Surplus) / Deficit Before	225,913	166,995	(1,735,856)	(2,031,507)	25,586	(58,713)	6,128	(253,718)	3,174,369	1,578,701	1,698,141	(598,242)	
Gain on sale of Fixed Assets	(60,000)	(60,000)	0	0	0	0	0	0	0	(74,562)	(60,000)	(134,563)	
Loss on Sale of Fixed Assets	180,000	231,372	0	10,926	0	0	0	0	450,000	97,375	630,000	339,673	
Net Loss On Disposal of Fixed Assets	120,000	171,372	0	10,926	0	0	0	0	450,000	22,813	570,000	205,110	
Underlying (Surplus) / Deficit	345,913	338,366	(1,735,856)	(2,020,581)	25,586	(58,713)	6,128	(253,718)	3,624,369	1,601,514	2,268,141	(393,132)	
Capital Grant Revenue	0	0	0	0	0	0	0	0	(3,163,550)	(3,222,243)	(3,163,550)	(3,222,243)	
Subdivider Contributions	0	0	0	0	0	0	0	0	(3,513,550)	(3,222,243)	(3,513,550)	(3,222,243)	
Operating (Surplus) / Deficit	345,913	338,366	(1,735,856)	(2,020,581)	25,586	(58,713)	6,128	(253,718)	110,819	(1,620,729)	(1,247,409)	(3,615,375)	



Northern Midlands Council  
**Account Management Report**  
for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	Annual Budget %
<b>Capital Expenditure - Governance</b>					
<b>Fleet, Plant &amp; Equipment</b>					
780006 Gov - Office Equipment Purchases	\$2,000	\$1,830	\$2,943	-\$943	147%
780029 Gov - Council Chambers Additional Flag pole	\$0	\$0	\$8,170	-\$8,170	0%
<b>Total Fleet, Plant &amp; Equipment</b>	<b>\$2,000</b>	<b>\$1,830</b>	<b>\$11,113</b>	<b>-\$9,113</b>	<b>556%</b>
<b>Land &amp; Buildings</b>					
780030 Property Purchase - 15 Smith Street Longford	\$220,000	\$201,667	\$215,704	\$4,296	98%
780031 Property Purchase - 33 Church Street, Ross	\$170,000	\$155,833	\$166,244	\$3,756	98%
<b>Total Land &amp; Buildings</b>	<b>\$390,000</b>	<b>\$357,500</b>	<b>\$381,948</b>	<b>\$8,052</b>	<b>98%</b>
<b>Total Capital Expenditure - Governance</b>	<b>\$392,000</b>	<b>\$359,330</b>	<b>\$393,061</b>	<b>-\$1,061</b>	<b>100%</b>
<b>Grand Total</b>	<b>\$392,000</b>	<b>\$359,330</b>	<b>\$393,061</b>	<b>-\$1,061</b>	<b>100%</b>

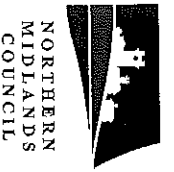
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Northern Midlands Council  
**Account Management Report**  
for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
<b>Capital Expenditure - Corporate Services</b>					
<b>Equipment &amp; Buildings - Corporate Services</b>					
715300 Corp - Computer System Upgrade	\$173,000	\$158,580	\$116,658	\$56,342	67%
715310 Corp - Purchase Office Equipment	\$2,000	\$1,830	\$1,113	\$887	56%
720113 Corp - Office / Council Chambers Improvements	\$50,000	\$45,830	\$6,335	\$43,665	13%
<b>Total Equipment &amp; Buildings - Corporate Services</b>	<b>\$225,000</b>	<b>\$206,240</b>	<b>\$124,105</b>	<b>\$100,895</b>	<b>55%</b>
<b>Total Capital Expenditure - Corporate Services</b>	<b>\$225,000</b>	<b>\$206,240</b>	<b>\$124,105</b>	<b>\$100,895</b>	<b>55%</b>
<b>Grand Total</b>	<b>\$225,000</b>	<b>\$206,240</b>	<b>\$124,105</b>	<b>\$100,895</b>	<b>55%</b>





# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
<b>Capital Expenditure - Economic &amp; Community Develop</b>					
<b>Equipment &amp; Buildings</b>					
707929	Evan - Aged Care Units Carpet Replacement	\$5,000	\$4,580	\$0	0%
750202	Ec & Comm Dev - Sports Centre Equipment Purchases / Improvements	\$10,000	\$9,170	\$0	0%
780025	Ec & Comm Dev - Purchase of Office Equipment	\$2,000	\$1,830	\$0	0%
791097	Rural & Remote Child Care - Minor Equipment	\$0	\$0	-\$481	0%
	<b>Total Equipment &amp; Buildings</b>	<b>\$17,000</b>	<b>\$15,580</b>	<b>\$16,519</b>	<b>3%</b>
<b>Tourism/Economic Development</b>					
780028	Tourism - Public WiFi, Touchscreens	\$20,000	\$18,330	\$1,908	10%
	<b>Total Tourism/Economic Development</b>	<b>\$20,000</b>	<b>\$18,330</b>	<b>\$18,092</b>	<b>10%</b>
	<b>Total Capital Expenditure - Economic &amp; Community</b>	<b>\$37,000</b>	<b>\$33,910</b>	<b>\$2,389</b>	<b>6%</b>
	<b>Grand Total</b>	<b>\$37,000</b>	<b>\$33,910</b>	<b>\$2,389</b>	<b>6%</b>



**Northern Midlands Council**  
**Account Management Report**  
 for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	Annual % Budget
<b>Capital Expenditure - Planning &amp; Development</b>					
<b>Fleet, Plant &amp; Equipment</b>					
700027 Fleet - F27 Animal Control	\$18,000	\$16,500	\$27,122	-\$9,122	151%
700182 Fleet - F182 Planner	\$15,000	\$13,750	\$0	\$15,000	0%
715330 Plan & Dev - Purchase of Office Equipment	\$2,000	\$1,830	\$2,299	-\$299	115%
<b>Total Fleet, Plant &amp; Equipment</b>	<b>\$35,000</b>	<b>\$32,080</b>	<b>\$29,421</b>	<b>\$5,579</b>	<b>84%</b>
<b>Total Capital Expenditure - Planning &amp; Development</b>	<b>\$35,000</b>	<b>\$32,080</b>	<b>\$29,421</b>	<b>\$5,579</b>	<b>84%</b>
<b>Grand Total</b>	<b>\$35,000</b>	<b>\$32,080</b>	<b>\$29,421</b>	<b>\$5,579</b>	<b>84%</b>

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# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
<b>Fleet, Plant &amp; Depot</b>					
700001 Fleet - F1 Works Managers Vehicle	\$20,000	\$18,330	\$0	\$20,000	0%
700005 Fleet - F5 Works Supervisors Vehicle	\$15,000	\$13,750	\$15,553	-\$553	104%
700012 Fleet - F12 Light Truck Litter Collection North	\$25,000	\$22,917	\$78	\$24,922	0%
700023 Fleet - F23 Utility Litter & Garbage Collection	\$20,000	\$18,330	\$19,819	\$181	99%
700025 Fleet - F25 Utility Vehicle	\$21,000	\$19,250	\$198	\$20,802	1%
700030 Fleet - F30 Flocon	\$200,000	\$183,330	-\$50,619	\$250,619	-25%
700035 Fleet - F35 Street Sweeper	\$350,000	\$320,830	\$291,926	\$58,074	83%
700047 Fleet - F47 Grader & Roller	\$300,000	\$275,000	\$355,631	-\$55,631	119%
700059 Fleet - F59 Forklift	\$38,000	\$34,830	\$198	\$37,802	1%
700063 Fleet - F63 Mower Reserves South	\$40,000	\$36,667	\$50,478	-\$10,478	126%
700064 Fleet - F64 Tractor	\$66,000	\$60,500	\$330	\$65,670	1%
700110 Fleet 110 - Mower Avoca Reserves	\$0	\$0	\$568	-\$568	0%
700179 Fleet - F179 Building Management and Maintenance	\$38,000	\$34,833	\$38,002	-\$2	100%
700184 Fleet - F184 4x2 Utility	\$0	\$0	\$17,569	-\$17,569	0%
745320 Works - Purchase Small Plant	\$20,000	\$18,330	\$12,423	\$7,577	62%
745337 Works - CCTV Installation	\$15,000	\$13,750	\$4,845	\$10,155	32%
745338 Works - Office Equipment Purchases	\$2,000	\$1,830	\$271	\$1,729	14%
720200 Works - Longford Depot Improvements	\$15,000	\$13,750	\$14,193	\$807	95%
720201 Works - Crown Depot Improvements	\$15,000	\$13,750	\$11,407	\$3,593	76%
720205 Lfd - Archive Storage at Works Depot	\$50,000	\$45,833	\$25,386	\$24,614	51%
<b>Total Fleet, Plant &amp; Depot</b>	<b>\$1,250,000</b>	<b>\$1,145,810</b>	<b>\$808,254</b>	<b>\$441,747</b>	<b>65%</b>

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
<b>Recreation</b>					
707719 Ross - Cannon at War Memorial Restoration	\$0	\$0	\$1,300	-\$1,300	0%
707752 Lfd - Sports Centre Landscaping	\$20,000	\$18,330	\$0	\$20,000	0%
707774 Eyan - Lamp Posts Main Street	\$25,000	\$22,920	\$3,445	\$21,555	14%
707792 Lfd - Recreation Ground Raw Water Watering System	\$5,000	\$4,580	\$10,676	-\$5,676	214%
707801 Rec - Private Power Poles All Areas	\$15,000	\$13,750	\$5,137	\$9,863	34%
707814 Rec - Street Tree Program All Areas	\$80,000	\$73,330	\$29,175	\$50,825	36%
707824 Town - Pool Chlorine Weigh System Indicator	\$0	\$0	\$1,476	-\$1,476	0%
707825 City - Pool Chlorine Weigh System Indicator	\$0	\$0	\$1,476	-\$1,476	0%
707826 Ross - Pool Chlorine Weigh System Indicator	\$0	\$0	\$5,240	-\$5,240	0%
707827 Lfd - NMC Marquee	\$0	\$0	\$287	-\$287	0%
707835 Lfd - Recreation Ground Topdressing	\$10,000	\$9,170	\$10,979	-\$979	110%
707855 All Areas - Town Entrance Landscaping/Beautification	\$50,000	\$45,830	\$11,435	\$38,565	23%
707887 Lfd - St Georges Square Bike Park Redevelopment	\$0	\$0	\$287	-\$287	0%
707899 Various - Signage Projects	\$45,000	\$41,250	\$20,750	\$24,250	46%
707913 City - Recreation Ground Sewer Dump Point	\$8,000	\$7,330	\$0	\$8,000	0%
707923 City - Recreation Ground Building Improvements	\$25,000	\$22,920	\$0	\$25,000	0%
707924 City - Pool Roller cover and Signage	\$5,000	\$4,580	\$0	\$5,000	0%
707935 City - Main Road Reserve Childcare Turning Head	\$2,000	\$1,830	\$0	\$2,000	0%
707936 Eyan - Falls Park Fence	\$0	\$0	\$0	\$0	0%
707937 Lfd - Rec Ground Scoreboard and Entrance Improve	\$20,000	\$18,330	\$0	\$20,000	0%
707938 Pth - Rec Ground Interchange Shed	\$10,000	\$9,170	\$8,800	\$1,200	88%

# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	Annual Budget %
<b>Buildings</b>					
707871.1	\$42,000	\$38,500	\$53,296	-\$11,296	127%
707877	\$40,000	\$36,670	\$11,504	\$28,496	29%
707882	\$0	\$0	\$17,933	-\$17,933	0%
707902	\$5,000	\$4,584	\$2,441	\$2,559	49%
707920	\$20,000	\$18,330	\$14,461	\$5,539	72%
707921	\$20,000	\$18,330	\$0	\$20,000	0%
707922	\$15,000	\$13,750	\$0	\$15,000	0%
707925	\$0	\$0	\$6,765	-\$6,765	0%
707926	\$10,000	\$9,170	\$0	\$10,000	0%
707927	\$15,000	\$13,750	\$0	\$15,000	0%
707928	\$20,000	\$18,330	\$1,545	\$18,455	8%
707930	\$25,000	\$22,920	\$0	\$25,000	0%
707931	\$39,000	\$35,750	\$440	\$38,560	1%
707932	\$15,000	\$13,750	\$0	\$15,000	0%
707933	\$3,000	\$2,750	\$0	\$3,000	0%
707934	\$150,000	\$137,500	\$5,067	\$144,933	3%
707941	\$20,000	\$18,333	\$8,847	\$11,153	44%
715350	\$64,118	\$58,775	\$0	\$64,118	0%
	<b>\$503,118</b>	<b>\$461,192</b>	<b>\$122,300</b>	<b>\$380,818</b>	<b>24%</b>
<b>Waste Management</b>					
712952	\$25,000	\$22,920	\$0	\$25,000	0%
728755	\$30,000	\$27,500	\$9,792	\$20,208	33%
728766	\$0	\$0	\$0	\$0	0%
	<b>\$55,000</b>	<b>\$50,420</b>	<b>\$9,792</b>	<b>\$45,208</b>	<b>18%</b>
<b>Roads</b>					
<b>Town - Bond St Grant to High Reconstruction</b>					
750156	\$115,000	\$105,420	\$20,890	\$94,110	18%
750156.1	\$0	\$0	\$20,635	-\$20,635	0%
750156.2	\$0	\$0	\$23,212	-\$23,212	0%
750156.3	\$0	\$0	\$12,482	-\$12,482	0%



# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
750156.4	\$0	\$0	\$3,708	-\$3,708	0%
Clown - Bond St Grant to High Reconstruction Prep for Seal					
750156.5	\$0	\$0	\$6,012	-\$6,012	0%
Ross - Bond St Reconstruction Grant to High Seal					
750156.7	\$0	\$0	\$8,415	-\$8,415	0%
Town - Bond St Grant to High Reconstruction Naturestrips					
750156.8	\$0	\$0	\$6,090	-\$6,090	0%
Town - Bond St Grant to High Reconstruction Driveways					
750156.9	\$0	\$0	\$4,988	-\$4,988	0%
Clown - Bond St Grant to High Reconstruction Other					
750156.91	\$0	\$0	\$20,983	-\$20,983	0%
Town - Bond St Grant to High Reconstruction Storm Water					
Total Clown - Bond St Grant to High Reconstruction					
	\$115,000	\$105,420	\$127,416	-\$12,416	111%
<b>Clown - Glenelg St Ch 0.285 to Ch 0.640</b>					
750493	\$350,000	\$320,830	\$47,445	\$302,555	14%
Town - Glenelg St Ch 0.285 to Ch 0.640 K&G					
750493.1	\$0	\$0	\$59,580	-\$59,580	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Excavation					
750493.2	\$0	\$0	\$62,314	-\$62,314	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Subbase					
750493.3	\$0	\$0	\$49,283	-\$49,283	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Base					
750493.4	\$0	\$0	\$9,076	-\$9,076	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Prep for Seal					
750493.5	\$0	\$0	\$43,010	-\$43,010	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Seal					
750493.7	\$0	\$0	\$38,528	-\$38,528	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Naturestrips					
750493.8	\$0	\$0	\$13,430	-\$13,430	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Driveways					
750493.9	\$0	\$0	\$972	-\$972	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Other					
750493.91	\$0	\$0	\$21,830	-\$21,830	0%
Town - Glenelg St Ch 0.285 to Ch 0.640 Stormwater					
Total Clown - Glenelg St Ch 0.285 to Ch 0.640					
	\$350,000	\$320,830	\$345,469	-\$4,531	99%
<b>Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485</b>					
750361	\$160,000	\$146,670	\$61	\$159,939	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485					
750361.1	\$0	\$0	\$20,329	-\$20,329	0%
Excavation					
750361.2	\$0	\$0	\$100,876	-\$100,876	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485 Subbase					
750361.3	\$0	\$0	\$101,575	-\$101,575	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485 Base					
750361.4	\$0	\$0	\$10,473	-\$10,473	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485 Prep for Seal					
750361.5	\$0	\$0	\$93,217	-\$93,217	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485 Seal					
750361.8	\$0	\$0	\$2,114	-\$2,114	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.484 Driveways					
750361.9	\$0	\$0	\$24,651	-\$24,651	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485 Other					
750361.91	\$0	\$0	\$865	-\$865	0%
Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485 Other					
750364	\$230,000	\$210,830	\$0	\$230,000	0%
Cry - Delmont Rd Reconstruction Ch 3.910 to 4.920					
Total Cry - Delmont Rd Reconstruction Ch 1.800 to 2.485					
	\$390,000	\$357,500	\$354,161	\$35,839	91%

**Cty - Gatenby St Macquarie to Spencers Lane**

# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget	
750460.750460.1	Cry - Gatenby St Macquarie to Spencers Lane K&G Cry - Gatenby St Macquarie to Spencers Lane	\$20,000 \$0	\$18,330 \$0	\$7,120 \$8,605	\$12,880 -\$8,605	36% 0%
750460.2750460.3	Excavation Cry - Gatenby St Macquarie to Spencers Lane Subbase Cry - Gatenby St Macquarie to Spencers Lane	\$0 \$0	\$0 \$0	\$8,455 \$6,353	-\$8,455 -\$6,353	0% 0%
750460.4	Excavation Cry - Gatenby St Macquarie to Spencers Lane Prep for Seal	\$0	\$0	\$2,535	-\$2,535	0%
750460.5	Seal Cry - Gatenby St Macquarie to Spencers Lane Seal Cry - Gatenby St Macquarie to Spencers Lane	\$0 \$20,000	\$0 \$18,330	\$4,788 \$37,855	-\$4,788 -\$17,855	0% 189%
<b>Cry - Macquarie Rd Ch 10.680 to 11.675 Reconstruct</b>						
750755.750755.1	Town - Macquarie Rd Ch 10.680 to 11.675 Reconstruct Town - Macquarie Rd Ch 10.680 to 11.675 Excavation	\$275,000 \$0	\$252,083 \$0	\$1,505 \$12,022	\$273,495 -\$12,022	1% 0%
750755.2750755.3	Town - Macquarie Rd Ch 10.680 to 11.675 Subbase Town - Macquarie Rd Ch 10.680 to 11.675 Base	\$0 \$0	\$0 \$0	\$58,877 \$63,729	-\$58,877 -\$63,729	0% 0%
750755.4	Town - Macquarie Rd Ch 10.680 to 11.675 Prep for Seal	\$0	\$0	\$5,453	-\$5,453	0%
<b>NI</b>						
750755.5750755.8	Seal Town - Macquarie Rd Ch 10.680 to 11.675 Seal Town - Macquarie Rd Ch 10.680 to 11.675 Driveways	\$0 \$0	\$0 \$0	\$54,624 \$847	-\$54,624 -\$947	0% 0%
750755.9750755.91	Town - Macquarie Rd Ch 10.680 to 11.675 Other Town - Macquarie Rd Ch 10.680 to 11.675 Stormwater	\$0 \$0	\$0 \$0	\$22,894 \$3,083	-\$22,894 -\$3,083	0% 0%
<b>Total Cry - Macquarie Rd Ch 10.680 to 11.675 Reconstruct</b>						
		\$275,000	\$252,083	\$223,034	\$51,966	81%
<b>Cry - Macquarie St, Main to Gatenby</b>						
750784.750784.1	Cry - Macquarie St, Main to Gatenby K & G Cry - Macquarie St, Main to Gatenby Excavation	\$60,000 \$0	\$55,000 \$0	\$14,025 \$12,891	\$49,975 -\$12,891	23% 0%
750784.2750784.3	Cry - Macquarie St, Main to Gatenby Subbase Cry - Macquarie St, Main to Gatenby Base	\$0 \$0	\$0 \$0	\$5,511 \$10,226	-\$5,511 -\$10,226	0% 0%
750784.4750784.5	Cry - Macquarie St, Main to Gatenby Prep for Seal Cry - Macquarie St, Main to Gatenby Seal	\$0 \$0	\$0 \$0	\$10,226 \$2,984	-\$10,226 -\$2,984	0% 0%
750784.6750784.7	Cry - Macquarie St, Main to Gatenby Footpath Cry - Macquarie St, Main to Gatenby Nature Strip	\$0 \$0	\$0 \$0	\$8,000 \$85	-\$8,000 -\$85	0% 0%
750784.8750784.9	Cry - Macquarie St, Main to Gatenby Driveways Cry - Macquarie St, Main to Gatenby Other	\$0 \$0	\$0 \$0	\$1,440 \$5,564	-\$1,440 -\$5,564	0% 0%
750784.91	Cry - Macquarie St, Main to Gatenby Stormwater Total Cry - Macquarie St, Main to Gatenby	\$0 \$60,000	\$0 \$55,000	\$793 \$63,335	-\$793 -\$3,335	0% 106%
<b>Evan - Logan Rd Verge Reconstruction No 48 to 58</b>						
750718.750718.1	Evan - Logan Road Verge Reconstruction No 48 to 58 K&G	\$81,000	\$74,250	\$12,956	\$68,044	16%
750718.2	Excavation Evan - Logan Road Verge Reconstruction No 48 to 58	\$0	\$0	\$16,202	-\$16,202	0%
750718.3	Base Evan - Logan Road Verge Reconstruction No 48 to 58 Subbase	\$0	\$0	\$10,910 \$20,460	-\$10,910 -\$20,460	0% 0%



# Northern Midlands Council Account Management Report For year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
750718.4	Evan - Logan Road Verge Reconstruction No 48 to 58 Prep for Seal	\$0	\$3,939	-\$3,939	0%
750718.5	Evan - Logan Road Verge Reconstruction No 48 to 58 Seal	\$0	\$11,333	-\$11,333	0%
750718.7	Evan - Logan Road Verge Reconstruction No 48 to 58 Nature Strip	\$0	\$5,905	-\$5,905	0%
750718.8	Evan - Logan Road Verge Reconstruction No 48 to 58 Driveways	\$0	\$11,214	-\$11,214	0%
750718.9	Evan - Logan Road Verge Reconstruction No 48 to 58	\$0	\$6,308	-\$6,308	0%
750718.91	Evan - Logan Road Verge Reconstruction No 48 to 58	\$0	\$13,128	-\$13,128	0%
	<b>Total Evan - Logan Rd Verge Reconstruction No 48 to 58</b>	<b>\$81,000</b>	<b>\$74,250</b>	<b>\$112,356</b>	<b>139%</b>
<b>Evan - Relbia Rd Ch 1.375 to 2.530</b>					
751050.901	Edale - Relbia Rd Reconstruction Chn 1.375 to 2.530 Other	\$0	\$0	\$0	0%
	<b>Total Evan - Relbia Rd Ch 1.375 to 2.530</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0%</b>
<b>Lfd - Smith Howick to Hay</b>					
751144.6	Lfd - Smith Street Howick to Hay Footpath	\$0	\$0	\$0	0%
751145.6	Lfd - Smith Street Hay to Gate Footpath	\$0	\$0	\$0	0%
	<b>Total Lfd - Smith Howick to Hay</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0%</b>
<b>Pth - Fore St Construct Turning Head</b>					
750446	Pth - Fore St Construct Turning Head	\$56,000	\$51,330	\$41,587	74%
750446.1	Pth - Fore St Construct Turning Head Excavation	\$0	\$0	-\$6,542	0%
750446.2	Pth - Fore St Construct Turning Head Subbase	\$0	\$0	\$4,176	0%
750446.7	Pth - Fore St Construct Turning Head Nature Strips	\$0	\$0	-\$468	0%
750446.9	Pth - Fore St Construct Turning Head Other	\$0	\$0	-\$2,131	0%
750446.91	Pth - Fore St Construct Turning Head Other Stormwater	\$0	\$0	-\$1,459	0%
	<b>Total Pth - Fore St Construct Turning Head</b>	<b>\$56,000</b>	<b>\$51,330</b>	<b>-\$362</b>	<b>101%</b>
<b>Ross Streetscape Improvements</b>					
714846	Ross - Streetscape Improvements	\$60,000	\$55,000	\$9,448	16%
714846.24	Ross - Main St Project Footpath Female Factory to Old Pump Shed	\$0	\$0	-\$8,271	0%
714846.25	Ross - Main St Project Garden Beds Ross Drill Hall	\$0	\$0	-\$39,144	0%
	<b>Total Ross Streetscape Improvements</b>	<b>\$60,000</b>	<b>\$55,000</b>	<b>\$3,137</b>	<b>95%</b>
<b>Resealing Program</b>					
715005	Roads - Resealing All Areas	\$640,000	\$586,667	\$75	0%
715005.0001	Lfd - Reseal Anstey St Ch 0.314 to 0.457	\$0	\$0	-\$4,144	0%
715005.002	Avoca - Reseal Arthur St 0.099 to 0.152	\$0	\$0	-\$1,654	0%
715005.003	Avoca - Reseal Arthur St Ch 0.172 to 0.187	\$0	\$0	-\$699	0%
715005.013	Lfd - Reseal Bishopbourne Rd 8.980 to 9.915	\$0	\$0	\$16,096	0%
715005.0131	Lfd - Reseal Bishopbourne Rd 9.915 to 11.400	\$0	\$0	-\$26,396	0%
715005.015	Avoca - Reseal Blenheim St Ch 0.00 to 0.153	\$0	\$0	\$4,116	0%
715005.015A	Avoca - Reseal Blenheim St 0.153 to 0.284	\$0	\$0	-\$3,259	0%
715005.015B	Ross - Reseal Bond Street Grant to High (Part Op)	\$0	\$0	-\$4,822	0%

# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
715005.024Lfd - Reseal Catherine St Ch 1.531 to 1.590	\$0	\$0	\$2,183	-\$2,183	0%
715005.024Lfd - Reseal Catherine St Ch 1.590 to 1.693	\$0	\$0	\$2,750	-\$2,750	0%
715005.044Avoca - Reseal Falmouth St Ch 0.94 to 0.263	\$0	\$0	\$3,795	-\$3,795	0%
715005.044Avoca - Reseal Falmouth St Ch 0.263 to 0.420	\$0	\$0	\$3,186	-\$3,186	0%
715005.053Lfd - Reseal Hay St Ch 0.00 to 0.162	\$0	\$0	\$8,163	-\$8,163	0%
715005.082Lfd - Reseal Malcombe St Wellington to Laycock	\$0	\$0	\$3,680	-\$3,680	0%
715005.082Lfd - Reseal Malcombe St Laycock to Marlborough	\$0	\$0	\$10,809	-\$10,809	0%
715005.086Avoca - Reseal Merrywood Rd Ch1.182-1.461	\$0	\$0	\$5,004	-\$5,004	0%
715005.093Evan - Reseal Nile Road ch 11.475 to ch 12.480	\$0	\$0	\$16,236	-\$16,236	0%
715005.094Evan - Reseal Nile Rd Ch 13.25 to Ch 13.485	\$0	\$0	\$7,594	-\$7,594	0%
715005.095Evan - Reseal Nile Rd Ch 28.750 to 29.000	\$0	\$0	\$3,920	-\$3,920	0%
715005.103Lfd - Reseal Pultney St Wellington to Marlborough	\$0	\$0	\$9,399	-\$9,399	0%
715005.106Avoca - Reseal Rossarden Rd 0 to Culvert	\$0	\$0	\$27,482	-\$27,482	0%
715005.106Avoca - Reseal Rossarden Rd 1.510 to 2.515	\$0	\$0	\$18,291	-\$18,291	0%
715005.106Avoca - Reseal Rossarden Rd 2.515 to 2.795	\$0	\$0	\$5,259	-\$5,259	0%
715005.108Avoca - Reseal Royal George Rd Ch4.955-7.190	\$0	\$0	\$39,286	-\$39,286	0%
715005.108Avoca - Reseal Royal George Rd Ch7.190-8.0	\$0	\$0	\$15,608	-\$15,608	0%
715005.108Avoca - Reseal Royal George Rd Ch8.8-9.750	\$0	\$0	\$15,262	-\$15,262	0%
715005.108Avoca - Reseal Royal George Rd Ch9.750-10.335	\$0	\$0	\$9,929	-\$9,929	0%
715005.109Avoca - Reseal Royal George Rd Ch10.335-11.345	\$0	\$0	\$16,223	-\$16,223	0%
715005.109Avoca - Reseal Royal George Rd Ch11.345-12.675	\$0	\$0	\$21,770	-\$21,770	0%
715005.109Avoca - Reseal Royal George Rd Ch12.675-14.425	\$0	\$0	\$29,705	-\$29,705	0%
715005.109Avoca - Reseal Royal George Rd Ch14.425-16.635	\$0	\$0	\$37,322	-\$37,322	0%
715005.109Avoca - Reseal Royal George Rd Ch 16.635 to 17.460	\$0	\$0	\$15,350	-\$15,350	0%
715005.109Avoca - Reseal Royal George Rd Ch 17.460 to 19.055	\$0	\$0	\$27,558	-\$27,558	0%
715005.109Avoca - Reseal Royal George Rd Ch 19.055 to 20.590	\$0	\$0	\$26,055	-\$26,055	0%
715005.117Avoca - Reseal Storys Creek Rd 0.00 to 0.805	\$0	\$0	\$15,387	-\$15,387	0%
715005.117Avoca - Reseal Storys Creek Rd 0.805 to 0.930	\$0	\$0	\$2,469	-\$2,469	0%
715005.120Lfd - Reseal Tasmania St Ch 0.000 to 0.135	\$0	\$0	\$3,615	-\$3,615	0%
715005.130Lfd - Reseal Union St Ch 0.354 to 0.417	\$0	\$0	\$3,709	-\$3,709	0%
715005.157Lfd - Reseal Gay St Ch 0.151 to 0.250	\$0	\$0	\$1,285	-\$1,285	0%
<b>Total Resealing Program</b>	<b>\$640,000</b>	<b>\$586,667</b>	<b>\$469,544</b>	<b>\$170,456</b>	<b>73%</b>
<b>Resheeting Program</b>					
715125 Southern - Resheeting	\$200,000	\$183,333	\$53,240	\$146,760	27%
715460 Roads Northern - Resheeting	\$200,000	\$183,333	\$115,367	\$84,633	58%
<b>Total Resheeting Program</b>	<b>\$400,000</b>	<b>\$366,666</b>	<b>\$168,607</b>	<b>\$231,393</b>	<b>42%</b>
<b>Black Spot Projects</b>					
750401 Pth - Elizabeth / Main Street Intersection	\$51,432	\$47,146	\$81,962	-\$30,530	159%
<b>Total Black Spot Projects</b>	<b>\$51,432</b>	<b>\$47,146</b>	<b>\$81,962</b>	<b>-\$30,530</b>	<b>159%</b>
<b>Footpath Construction Program</b>					
750037.6 Pth - Arthur St Fairlight to Clarence Footpath	\$110,000	\$100,830	\$103,972	\$6,028	95%
750088.6 Pth - Bankisia Grove Phillip to End Footpath	\$20,000	\$18,330	\$21,145	-\$1,145	106%
750234.6 Pth - Callistemon Court Arthur to End of Bowl Footpath	\$22,000	\$20,170	\$213	\$21,787	1%
750433.6 Pth - Fairlight St Highway to Doctors	\$24,000	\$22,000	\$20,014	\$3,986	83%

# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
750446.6	\$0	\$0	\$38	-\$38	0%
750446.8	\$0	\$0	\$104	-\$104	0%
750460.6	\$23,000	\$21,080	\$30,044	-\$7,044	131%
750460.8	\$0	\$0	\$12,609	-\$12,609	0%
<b>Driveways</b>					
750460.9	\$0	\$0	\$944	-\$944	0%
750460.91	\$0	\$0	\$2,162	-\$2,162	0%
750473.6	\$24,000	\$22,000	\$0	\$24,000	0%
750493.6	\$70,000	\$64,167	\$62,624	\$7,376	89%
750517.6	\$0	\$0	\$8,405	-\$8,405	0%
750549.6	\$0	\$0	\$0	\$0	0%
750800.6	\$9,000	\$8,250	\$3,526	-\$3,526	0%
751017.6	\$11,000	\$10,080	\$0	\$9,000	0%
751133.6	\$18,000	\$16,500	\$75	\$11,000	0%
751150.6	\$55,000	\$50,420	\$26,900	\$17,925	49%
751169.6	\$30,000	\$27,500	\$0	\$30,000	0%
751346.6	\$25,000	\$22,920	\$197	\$24,803	1%
751351.6	\$31,500	\$28,870	\$14,323	\$17,177	45%
751352.6	\$0	\$0	\$14,323	-\$14,323	0%
751353.6	\$50,000	\$45,830	\$22,354	\$27,646	45%
751568.6	\$17,000	\$15,580	\$34,225	-\$17,225	201%
751999.6	\$0	\$0	\$1,756	-\$1,756	0%
<b>Total Footpath Construction Program</b>					
	\$539,500	\$494,527	\$379,952	\$159,548	70%
<b>Pth - Cromwell St Ch 0.073 to North</b>					
750329	\$50,000	\$45,830	\$251	\$49,749	1%
to North K&G					
750329.1	\$0	\$0	\$7,169	-\$7,169	0%
to North Excavation					
750329.2	\$0	\$0	\$8,356	-\$8,356	0%
to North Subbase					
750329.3	\$0	\$0	\$8,380	-\$8,380	0%
to North Base					
750329.4	\$0	\$0	\$1,787	-\$1,787	0%
to North Prep for Seal					
750329.5	\$0	\$0	\$12,115	-\$12,115	0%
to North Seal					
750329.7	\$0	\$0	\$0	\$0	0%
to North Nature Strips					
750329.8	\$0	\$0	-\$1,716	\$1,716	0%
to North Driveways					
750329.9	\$0	\$0	\$1,200	-\$1,200	0%
to North Other					
750329.91	\$0	\$0	\$190	-\$190	0%
Total Pth - Cromwell St Ch 0.073 to North Stormwater					
	\$50,000	\$45,830	\$37,731	\$12,269	75%



# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
<b>Lfd - Wilmores Lane Ch 1.295 to 4.280</b>					
751400	Lfd - Wilmores Lane Reconstruction Ch 1.295 to 2.690	\$300,000	\$275,000	\$15,164	5%
751400.1	Lfd - Wilmores Lane Reconstruction Ch 1.295 to 2.690	\$0	\$0	-\$21,870	0%
751400.2	Excavation	\$0	\$0	-\$95,884	0%
751400.3	Lfd - Wilmores Lane Reconstruction Ch 1.295 to 2.690	\$0	\$0	-\$125,860	0%
751400.4	Subbase	\$0	\$0	-\$9,971	0%
751400.5	Lfd - Wilmores Lane Reconstruction Ch 1.295 to 2.690	\$0	\$0	-\$110,022	0%
751400.8	Base	\$0	\$0	-\$4,438	0%
751400.9	Lfd - Wilmores Lane Reconstruction Ch 1.295 to 2.690	\$0	\$0	-\$11,432	0%
751400.91	Prep for Seal	\$0	\$0	-\$34,799	0%
751401	Lfd - Wilmores Lane Reconstruction Ch 2.690 to 4.280	\$342,000	\$313,500	\$0	0%
<b>Total Lfd - Wilmores Lane Ch 1.295 to 4.280</b>		<b>\$642,000</b>	<b>\$588,500</b>	<b>\$429,440</b>	<b>67%</b>
<b>Other Road Projects</b>					
715470	Roads - Replacement of Crossovers All Areas	\$0	\$0	-\$885	0%
750436	Pth - Fairfough St Kerb Extension Arthur to Subdivision	\$0	\$0	-\$11,379	0%
750572	Pth - Hobart Road (from Reibla Rd to Strathroy Bridge)	\$0	\$0	-\$5,394	0%
750715	Evan - Logan Rd Traffic Islands outside Falls Park	\$0	\$0	\$0	0%
750774	Ctown - Macquarie Rd Ch 32.940 to 33.865 Reconstruct	\$0	\$0	\$0	0%
751050.9	Evan - Reibla Road Guard Rail Installation Ch 1.450 to 1.730	\$42,000	\$38,500	\$8,714	79%
751197	Pth - Talisker St Midlands Hwy Junction	\$63,035	\$57,782	\$73,533	117%
751548	Ctown - Macquarie Rd Ch 33.865 to Ch 34.215 Reconstruct	\$0	\$0	-\$797	0%
	<b>Total Other Road Projects</b>	<b>\$105,035</b>	<b>\$96,282</b>	<b>\$125,274</b>	<b>119%</b>
	<b>Total Roads</b>	<b>\$3,834,967</b>	<b>\$3,515,361</b>	<b>\$3,069,361</b>	<b>80%</b>
<b>Bridges</b>					
741130	Lfd - Bridge 1130: Woolmers Lane, Macquarie River	\$0	\$0	-\$14,829	0%
742030	Cty - Bridge 2030: Powranna Rd Macquarie River	\$1,922,000	\$1,761,829	-\$208,156	111%
743177	Cty - Bridge 3177: Powranna Rd Macquarie River	\$150,000	\$137,500	-\$149,525	0%
743259	Cty - Bridge 3259: Lake River Rd Dabool Rivulet	\$140,400	\$128,700	-\$155,306	111%
743767	Avoca - Bridge 3767: Royal George Rd, Unnamed Crk	\$100,000	\$91,670	-\$39,330	61%
746500	Evan - Bridge 6500: Kingston Rd Broad Valley Crk	\$23,000	\$21,083	-\$22,739	1%
747350	Cty - Bridge 7350: Cressy Rd, Lake River	\$1,400,000	\$1,283,333	-\$1,188,914	15%
	<b>Total Bridges</b>	<b>\$3,735,400</b>	<b>\$3,424,115</b>	<b>\$1,162,617</b>	<b>69%</b>

# Northern Midlands Council Account Management Report for year to May 2016

	Annual Budget	YTD Budget	YTD Actual	Budget Variance	% Annual Budget
<b>Urban Stormwater Drainage</b>					
738565 Pth - Stormwater West Perth Catchment Survey	\$0	\$0	\$10,846	-\$10,846	0%
788576 Lfd - Stormwater Detention Basin Paton Street	\$73,485	\$67,361	\$74,553	-\$1,068	101%
788588 Ctown - Stormwater Glenelg Street	\$0	\$0	\$1,125	-\$1,125	0%
788594 Lfd - Flood Levee Pump Testing Site South Esk	\$10,000	\$9,170	\$11,644	-\$1,644	116%
788597 Pth - Frederick St Stormwater	\$10,000	\$9,167	\$8,970	\$1,030	90%
788598 Pth - Stormwater Cromwell St	\$0	\$0	\$1,666	-\$1,666	0%
788601 Evann - Stormwater Translink Upgrade	\$200,000	\$183,334	\$140,314	\$59,686	70%
788605 Storm Water Management Plans	\$135,000	\$123,750	\$24,969	\$110,031	18%
788606 Pth - Seccombe St Stormwater Extension Minerva Drive to Fairtlough	\$32,000	\$29,333	\$0	\$32,000	0%
788607 Lfd - Town Hall to pit in Mitre 10	\$0	\$0	\$6,311	-\$6,311	0%
<b>Total Urban Stormwater Drainage</b>	<b>\$460,485</b>	<b>\$422,115</b>	<b>\$280,398</b>	<b>\$180,087</b>	<b>61%</b>
<b>Total Capital Expenditure - Works Department</b>	<b>\$10,299,970</b>	<b>\$9,441,576</b>	<b>\$6,992,125</b>	<b>\$3,307,845</b>	<b>68%</b>
<b>Grand Total</b>	<b>\$10,299,970</b>	<b>\$9,441,576</b>	<b>\$6,992,125</b>	<b>\$3,307,845</b>	<b>68%</b>

# MAKING BY-LAWS (I)

PART II OF THE *LOCAL GOVERNMENT ACT 1993*

P+D I

GOOD PRACTICE GUIDELINES

AUGUST 10

Note: This information sheet should be read in conjunction with the other information sheets in this series:

- Making By-laws (1): Part II of the *Local Government Act 1993*
- Making By-laws (2): Steps in making a by-law
- Making By-laws (3): Regulatory Impact Statements Section 156A *Local Government Act 1993*
- Making By-laws (4): Penalties and Infringement Notices - The *Monetary Penalties Enforcement Act 2005*
- Making By-laws (5): Tabling a by-law in parliament & the requirements of the Standing Committee on Subordinate Legislation
- Making By-laws (6): Making a by-law for which a Regulatory Impact Statement is not required

## Power to make by-laws

By-laws relate to council functions or powers and enable councils to regulate local issues and conditions.

They are made under the *Local Government Act 1993* (the Act).

Once made, a by-law must be tabled in both houses of the Tasmanian Parliament and can be disallowed by a motion of either house.<sup>1</sup>

The Act details the requirements and procedures that must be followed when making by-laws. It also imposes some restrictions on their extent and nature. Other Acts may also have an impact on the making and scope of a by-law. These include the *Acts Interpretation Act 1931*, the *Subordinate Legislation Committee Act 1969*, and the *Monetary Penalties Enforcement Act 2005*.

## Restrictions on making by-laws

Councils must not make by-laws that:

- apply retrospectively
- shift the burden of proof unless specifically provided for in an Act
- are contrary to law, or conflict with a planning scheme in the municipal area
- restrict competition or have a significant impact on business, unless the outcome is justified in the public interest
- exempt a person from prosecution for nuisance under common law
- exempt a council from any liability
- permit rates, charges, fees or fines to be set, altered or substituted other than by amending the by-law.

Where any by-law is made in contravention of these restrictions, it is invalid.

<sup>1</sup> Section 47 of the *Acts Interpretation Act 1931*



## Decision to make a by-law

A council intending to make a by-law must first pass a resolution of intent to that effect by an absolute majority of councillors.

A by-law is invalid if such a resolution is not passed.

The resolution of intent may be passed at various stages in development of the by-law. However a council would normally make its resolution based on a draft by-law or explanatory materials setting out what the by-law will cover and the impact it will have.

## Preparing a Regulatory Impact Statement (RIS)

A council must prepare a Regulatory Impact Statement (RIS) for a by-law (apart from certain exceptions set out in Section 156A(1A) of the Act which are discussed in more detail in information sheet 'Making By-laws (5)<sup>2</sup>).

A RIS must include:

- the by-law's objectives and the means by which they are to be achieved
- the nature of any restriction on competition and impact on business
- assessment of the direct and indirect economic, social and environmental impact of the by-law
- assessment of the benefits or costs to the community
- any alternative options
- details of the proposed consultation process.

If a council believes there will be no impact on business, supporting evidence must be included in the RIS.

Similarly, if a council is of the view the by-law will impact on business, an assessment of whether the benefits outweigh the costs should be included.

The documents must be submitted to the Director of Local Government in the final versions of the RIS and by-law that will be made available for public consultation.

The director has responsibility for issuing a certificate certifying the statement is satisfactory and the council may commence the public consultation process.

Before issuing such a certificate the director will consider all aspects of the RIS including details of how the community and any specific stakeholders will be consulted during the public consultation process. If the RIS is unsatisfactory, the director will advise the council of matters requiring amendment.

2. See by-law information sheet (5) 'Making By-laws (5): Making a by-law for which a Regulatory Impact Statement is not required'.

## Notice of proposed by-law

Once the director has issued a certificate for the RIS, the council must publish a notice in a daily newspaper circulating in the municipal area and display a notice in accordance with Section 157 of the Act.

The notice must contain the following information as specified by regulation 35 of the *Local Government (General) Regulations 2005*:

- the title of the by-law
- the objectives of the by-law
- the potential impact and the primary features of the proposed by-law affecting the community or particular groups within the community
- an invitation for submissions from the public
- the manner in which submissions may be made
- the period in which submissions may be made
- the availability of the RIS and either a copy of the by-law or the means of obtaining a copy
- a contact person or persons for inquiries on the content and effect of the proposed by-law.

The notice must specify that public comment can be made for at least 21 days after the notice is published.

In addition to this notice, councils will be expected to consult with their communities in a number of other ways.

For example:

- media releases
- mention in the Mayor's column in local newspapers or council newspaper
- posting information and an invitation for submissions on the council website
- articles in council and community newsletters
- direct mail contact /approaching identified stakeholder or community organisations and/or individuals.
- The second *Statewide Communication and Consultation Partnership Agreement* between State Government and local government also provides that councils will consult with relevant state agencies during the public consultation phase of any by-law making process. It is expected that councils will identify any relevant agencies and write to them inviting submissions during the public consultation phase.

## Consultation and role of Regulatory Impact Statements (RIS)

Any person may make a submission to a council in relation to a proposed by-law. A council must consider every submission made to it.

If a council decides to alter the draft by-law, it may do so only by an absolute majority. However the alteration should not substantially change the purpose or effect of the by-law unless it is first publicly notified.

Once submissions have been considered, council may formally make the by-law.

## Making the by-law

The council may make a by-law under its common seal after the following steps have occurred:

- council has passed a formal resolution of its intention to make a by-law,
- the RIS has been certified by the Director of Local Government, and
- the relevant notice and public consultation procedures.

The by-law must then be certified by:

- a legal practitioner to ensure its provisions are in accordance with the law, and
- the general manager of the council to ensure the by-law has been made in accordance with the Local Government Act.<sup>3</sup>

A by-law is of no effect if it is not certified in accordance with these requirements.

The Local Government Act and the Acts Interpretation Act require a by-law to be published in the *Tasmanian Government Gazette*. A by-law commences on its date of publication in the Gazette or on a later date specified in the by-law. The by-law must be published in the Gazette within 21 days of a council's formal resolution to make the by-law.<sup>4</sup> If this requirement is not met, the by-law can be disallowed by the Parliament.

## Expiry of a by-law

Unless repealed earlier, a by-law made under the Local Government Act expires 10 years from the date it was enacted<sup>5</sup>, regardless of whether it is amended during those 10 years.

## Role of the Local Government Division

Under the *Local Government Act 1993* the primary role of the Director of Local Government is to certify that the RIS meets the requirements of the Act and advise the council that its public consultation process for the by-law may commence. The Local Government Division will provide assistance in explaining the process of developing a by-law and preparing the RIS although it cannot provide legal advice.

The division maintains a directory of council by-laws in Tasmania on its website at:

<http://www.dpac.tas.gov.au/divisions/lgd>.

3. Section 162 of the Act

4. Section 47 of the *Acts Interpretation Act 1931*

5. Section 155 of the Act

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# MAKING BY-LAWS (2)

## STEPS IN MAKING A BY-LAW

GOOD PRACTICE GUIDELINES

AUGUST 10

Note: This information sheet should be read in conjunction with the other information sheets in this series:

- Making By-laws (1): Part 11 of the *Local Government Act 1993*
- Making By-laws (2): Steps in making a by-law
- Making By-laws (3): Regulatory Impact Statements Section 156A *Local Government Act 1993*
- Making By-laws (4): Penalties and Infringement Notices - The *Monetary Penalties Enforcement Act 2005*
- Making By-laws (5): Tabling a by-law in parliament & the requirements of the Standing Committee on Subordinate Legislation
- Making By-laws (6): Making a by-law for which a Regulatory Impact Statement is not required

### Steps in making a by-law

1. Consider the need for regulation, in the context of existing regulation, and with regard to the alternatives to making a by-law.
2. Prepare a draft by-law.
3. Undertake initial consultation on the by-law with key stakeholders. This may include inviting comments or submissions and holding meetings or workshops.
4. Adjust the by-law to reflect comments received during initial consultation process.
5. Council passes a formal resolution (by an absolute majority) of its intention to make a by-law. This can occur at any stage in the process up to this point. However, at this point the by-law consultation draft should be finalised and the council may wish to see it.
6. Council prepares a draft Regulatory Impact Statement (RIS) if required (see Section 156A of the Act or information sheet (3)).
7. The RIS and by-law are referred to the Director of Local Government for consideration.
8. If satisfied that the RIS meets all statutory requirements, the Director will issue a certificate of approval to the council.
9. Council gives notice of the proposed by-law and carries out its public consultation.
10. Notice of the proposed by-law is advertised in print media.

## GOOD PRACTICE GUIDELINES

11. Copies of the RIS and by-law are to be made available for public inspection/purchase, and displayed on the council's website, as required under Section 158 of the Act.
12. Submissions are invited from the community and key stakeholders. Section 159 of the Act requires that all submissions are to be considered by the council.
13. If required, alterations to the draft by-law are to be made only by an absolute majority. If the alteration substantially changes the purpose of the proposed by-law, or its effect on the public, the council will provide public notice.
14. Council makes the by-law under its common seal.
15. The by-law is certified by a legal practitioner and the general manager of the council.
16. The by-law must be published in the *Tasmanian Government Gazette* within 21 days of being made by the council and be titled with reference to the municipal area, subject matter and the year in which it is made.
17. The general manager of the council is to make the by-law available for purchase and should put it on the council's website.
18. The by-law is submitted to the Subordinate Legislation Committee as required within seven working days of publication in the Gazette.
19. The by-law is tabled in parliament within 10 sitting days of publication in the Gazette, as required under Section 47 of the *Acts Interpretation Act 1931*.
20. Council sends the Director of Local Government a sealed copy of the by-law, the certifications under Section 162 of the Act and a statement explaining:
  - the purpose and effect of the by-law
  - the outcomes of public consultations in respect of the by-law.

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# MAKING BY-LAWS (3)

## REGULATORY IMPACT STATEMENTS

### SECTION 156A LOCAL GOVERNMENT ACT 1993

GOOD PRACTICE GUIDELINES  
AUGUST 10

Note: This information sheet should be read in conjunction with the other information sheets in this series:

- Making By-laws (1): Part II of the *Local Government Act 1993*
- Making By-laws (2): Steps in making a by-law
- Making By-laws (3): Regulatory Impact Statements Section 156A *Local Government Act 1993*
- Making By-laws (4): Penalties and Infringement Notices - The *Monetary Penalties Enforcement Act 2005*
- Making By-laws (5): Tabling a by-law in parliament & the requirements of the Standing Committee on Subordinate Legislation
- Making By-laws (6): Making a by-law for which a Regulatory Impact Statement is not required

## 1. Purpose and Process of a Regulatory Impact Statement

When a council seeks to make a new by-law or a significant amendment to an existing by-law, the *Local Government Act 1993* requires that a Regulatory Impact Statement (RIS) is prepared.

The preparation of an RIS is a rigorous process aimed at analysing the most efficient and effective options available to address a particular issue and avoiding unnecessary regulation.

An RIS is required to identify whether the benefits of regulation outweigh the costs of a restriction on competition or an impact on business imposed by the by-law. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed by-law and alternatives considered.

An RIS should also briefly detail its purpose and the statutory context in which it operates to help the general public understand the function and role.

Once the RIS has been prepared, the council must submit it to the Director of Local Government for assessment. If the director is satisfied the RIS meets the statutory requirements, a certificate will be issued and the council may then commence the public consultation process.

## 2. By-law objectives and how to achieve them

The Competition Principles Agreement requires that a review of any proposed legislation (including council by-laws) should at least clarify the objectives of the legislation.

Under section 156A(2)(a) of the *Local Government Act* councils are required to outline the objectives of a by-law and the means by which the by-law will achieve those objectives.



Councils need to clearly detail:

- the issue to be addressed by the by-law
- what the by-law will do to address the issue (objectives)
- how the by-law will achieve the objectives

The objectives of a by-law are the outcomes, goals, standards or targets needed to address the issue.

Key provisions within the by-law should demonstrate how it will address the issue and achieve the stated objectives.

### *Example*

*What is the issue to be addressed by the by-law?*

*To find an economically efficient and environmentally sustainable solution for the disposal of green waste.*

*What will the by-law do to address this issue?*

*The by-law has the following objectives:*

- *prohibit green waste being disposed to landfill*
- *prohibit all domestic and industry outdoor burning of green waste*
- *establish a system whereby green waste is traded for renewable energy*

*How will the by-law achieve these objectives?*

*The by-law will:*

- *provide for a green waste collection service, operated by council – refer clauses 5 to 8*
- *provide for a license system allowing, under specified standards, the disposal of green waste – refer clauses 10 to 15*
- *include, as a condition of licence, that energy produced by appropriate disposal of green waste will be provided to residents at a subsidised rate – refer clauses 12(a) to (g)*

### **3. Background/context**

Background information helps show the public why a by-law is necessary and preparing it can help a council to clarify whether a by-law is the best way of dealing with a problem.

Councils are encouraged to address:

- the nature of the identified problem and its causes
- why the by-law is needed
- any complaints from members of the public
- if it is a general initiative by the council
- the extent of the by-law
- if it affects the community as a whole, or just particular parts of the municipal area?
- the risks if the by-law were not introduced
- other important characteristics of the current environment

- why the issue needs to be resolved
- relevant existing laws
- possible administrative solutions
- why current laws can't adequately deal with the problem
- plans/policies/strategies/guidelines/laws etc the by-law will work in conjunction with or support
- previous public consultation
- the result of independent legal advice sought in the development of the by-law

### **Example**

*The council generates up to 5000 cubic metres of green waste a year, which is currently stockpiled and burnt twice a year.*

*Burning of green waste stockpiles is no longer considered a feasible method of disposal because of:*

- *State Government policy aimed at phasing out the practice of burning green waste*
- *council environmental policy that requires sustainable development and intergenerational equity*
- *community concerns about spontaneous combustion of stock piles*

*The introduction of the Green Waste Disposal by-law addresses community and council concerns about the current method of green waste disposal and also enables council to adapt and conform to State Government policies and pressures.*

*The by-law licensing system authorises only those disposal methods which create renewable energy. This requirement enables council to use a newly established private facility which will provide residents with power at a subsidised rate in return for the green waste supplied by the council.*

*A discussion paper was distributed to key stakeholders and made available to the public via council's website and at the council's offices. The paper covered significant issues including the prohibition of traditional methods of green waste disposal, renewable energy, the suggested process for delivering subsidised power and various alternatives. Comments received on the discussion paper then formed the basis of a public meeting/workshop where participants were able to directly voice their concerns and ideas. As required by the Local Government Act the council considered all feedback received and, where appropriate, incorporated suggestions into the development of the by-law.*

*The council also sought independent legal advice and was advised there were no legal issues to be addressed.*

## **4. Restriction on competition and impact on the conduct of business**

Councils are required to identify and describe any restriction on competition or impact on business that may emerge as a result of the by-law.

If these are numerous they can be categorised appropriately. However, they should not be grouped together if they impact on different markets, or if they relate to different forms of restriction. For more information - refer to appendix 1.

If a council assesses that a proposed by-law is **unlikely** to restrict competition or impact on business it is to state the reasons for that assessment.

Restrictions on competition may include:

- restrictions on market entry – outright prohibitions, licensing or registration requirements, allocation of quotas;
- competitive conduct – hours of operation, permissible advertising;
- product/service innovation – quality/standard of a product or service; and
- administrative discretion – preferential purchasing, public versus private sector providers.

#### *Example*

*The Green Waste Disposal by-law introduces a licensing system for the disposal of green waste. To obtain a licence the specified standard must be met.*

*Both the licensing system and its requirements could be considered as restricting competition. The licensing system could limit participation in the market place and its compliance requirements may stifle innovation.*

*However, the significant environmental, economic and social benefits which the by-law will achieve more than justify these restrictions. Further, without the restrictions council would not be able to take advantage of the service offered by the disposal company.*

Impacts on business may include:

- added costs
- additional compliance and/or reporting
- disincentives

#### *Example*

*There are no other businesses operating in the disposal of green waste or in the production of renewable energy in the municipal area. The by-law does not provide any disincentives and there are no additional compliance or reporting costs other than those required by the license system. Therefore, it is unlikely the by-law will have a significant impact on business.*

*Primary industries operating in the region may be affected by the prohibition on disposing of green waste to landfill or by burning but the council green waste collection service and the provision of subsidised power should offset this impact.*

*In addition, it is likely that there will be increased employment and investment in the area as a result of the by-law and this should have a positive impact for businesses already in the area.*



## 5. Assessment of the costs versus the benefits of any restriction on competition or on the conduct of business

The council should attempt to identify and quantify the costs and benefits of any restriction on competition or the conduct of business. Where costs and benefits cannot be quantified, any restrictions must be stated and presented to enable a comparison of the costs and benefits.

Costs/benefits should include those:

- readily identifiable and valued in monetary terms, such as penalty or licence fees;
- identifiable and measured in physical terms but not easily in monetary terms, such as a reduction/increase in pollution; and
- known to exist but which cannot be precisely identified and accurately quantified, such as aesthetic effects from the maintenance of parks.

When assessing the costs and benefits of restrictions councils need to identify the groups that will be affected. They may include consumers, business, government (including the council in question, other councils and the State Government) and/or the community.

### Example

*Costs and benefits of restrictions.*

*(Key: Con = effect on consumers; Bus = effect on business; Gov = effect on Government; and Com = effect on community).*

	<i>Costs</i>	<i>Benefits</i>
<i>Restrictions on market entry (licence)</i>	<ul style="list-style-type: none"> <li>• <i>may limit participation (Bus)</i></li> <li>• <i>increased compliance costs (Bus)</i></li> <li>• <i>increased maintenance and enforcement costs (Bus, Gov)</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>ensures compliance with and maintenance of safety and workplace standards (Bus, Com)</i></li> <li>• <i>enables council to obtain subsidised power for its constituents (Com, Con)</i></li> <li>• <i>environmental benefits are innumerable (Com, Bus, Gov, Con)</i></li> </ul>
<i>Compliance with specified standard</i>	<ul style="list-style-type: none"> <li>• <i>may stifle innovation (Bus, Gov, Com, Con)</i></li> <li>• <i>may limit participation (Bus, Gov, Com, Con)</i></li> <li>• <i>may reduce variety of goods and services available (Con, Com, Gov)</i></li> <li>• <i>current technology may</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>ensures all green waste disposed of produces renewable energy (Com, Gov)</i></li> <li>• <i>provides increased choice for consumers (Con, Com)</i></li> <li>• <i>enables a more economical and efficient use of natural resources (Gov, Com, Con)</i></li> <li>• <i>supports and encourages</i></li> </ul>

	<i>become obsolete (Bus)</i>	<i>economic investment in the region (Com, Gov, Bus)</i> <ul style="list-style-type: none"> <li>• <i>environmental benefits are innumerable (Com)</i></li> </ul>
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All costs and benefits must be identified and quantified wherever possible, rather than simply undertaking a qualitative appraisal. Where costs and benefits cannot be quantified, the impact on business must be stated and presented in a way that enables a comparison of costs and benefits which also extend to the alternative approaches.

**Example**

*Costs and benefits of the impact on business.*

*(Key: Con = effect on consumers, Bus = effect on business, Gov = effect on Government and Com = effect on community)*

Costs	Benefits
<i>Loss of alternative methods of green waste disposal (Bus, Com, Gov)</i>	<ul style="list-style-type: none"> <li>• <i>increased investment in the area (Bus, Com, Con, Gov)</i></li> <li>• <i>increased employment in the area (Com)</i></li> <li>• <i>environmental benefits (Com)</i></li> <li>• <i>subsidised power (Com, Con, Bus)</i></li> <li>• <i>green waste collection service (Com, Bus)</i></li> </ul>

The Local Government Act requires that if a council assesses that a proposed by-law is likely to restrict competition or impact on business, it is to state whether or not the benefits of the impact outweigh the costs.

**6. Assessment of direct or indirect economic, environmental or social impacts**

Councils are required to identify and describe the direct and indirect impacts of a proposed by-law.

Direct impacts are those that affect the individuals, groups and organisations that are the target of the proposal.

Indirect impacts are those that flow on to any other party. Some indirect impacts may be unanticipated, but consideration should be given to potential wider implications beyond the target group.

Direct and indirect impacts may be both a cost and/or a benefit. Councils should consider indirect benefits or costs such as:

- externalities<sup>1</sup> as a consequence of the by-law – particularly in relation to environmental impacts

- reduction in the effectiveness of existing regulations
- unacceptable increases in regulations
- reducing market flexibility

Consider issues such as:

- administrative costs
- costs to the community
- enforcement costs
- impact on infrastructure

### Example

Direct and indirect social, economic and environmental impacts. (Key: Con = effect on consumers, Bus = effect on business, Gov = effect on Government and Com = effect on community)

		Direct	Indirect
Environmental	Benefits	<ul style="list-style-type: none"> <li>• use of renewable energy (Com)</li> <li>• reduction of pollution as a result of burning green waste (Com)</li> <li>• reduction of green waste to landfill (Com, Bus, Gov)</li> </ul>	<ul style="list-style-type: none"> <li>• supports principles of sustainable development</li> </ul>
	Costs	<ul style="list-style-type: none"> <li>• slight increase in diesel pollution from green waste collection service (Com)</li> <li>• slight increase in noise pollution from green waste collection service (Com)</li> </ul>	<ul style="list-style-type: none"> <li>• prohibiting green waste going to landfill will result in loss of material as a ground cover at waste transfer stations (Com)</li> </ul>

1. The Tasmanian Government Department of Treasury and Finance provides that externalities arise when, given a free hand, some participants in the market system impose a significant burden (or benefit) on others, which is not reflected in the prices charged. The common example is polluters. In the absence of any regulation, it can be difficult to make polluters accountable for their external effects on the environment. See [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)

Social	Benefits	<ul style="list-style-type: none"> <li>• employment opportunities with disposal company (Com, Bus)</li> <li>• reduced risk of fire from spontaneous combustion (Com, Gov)</li> <li>• green waste collection service (Com, Bus, Gov, Con)</li> <li>• subsidised power (Com, Bus, Con)</li> </ul>	<ul style="list-style-type: none"> <li>• employment opportunities from increased investment in the area (Com, Bus)</li> </ul>
	Costs	<ul style="list-style-type: none"> <li>• prohibition on outdoor burning and disposing of green waste to landfill (Com, Bus)</li> </ul>	<ul style="list-style-type: none"> <li>• some residents may be affected by noise and visual pollution created by the operation of the plant (Com)</li> </ul>
Economic	Benefits	<ul style="list-style-type: none"> <li>• reduction of unemployment (Com)</li> <li>• increased investment (Com, Bus, Gov, Con)</li> </ul>	<ul style="list-style-type: none"> <li>• investment will have a positive impact for other businesses in the area (Com, Bus, Gov, Con)</li> </ul>
	Costs	<ul style="list-style-type: none"> <li>• potential reduction in market flexibility (Bus, Con, Gov)</li> <li>• potential restriction on competition (Bus, Con, Gov)</li> </ul>	<ul style="list-style-type: none"> <li>• administrative, compliance and enforcement costs (Bus, Gov)</li> </ul>

## 7. Discussion of alternatives

The discussion of alternatives is important as it demonstrates that the chosen option of regulatory intervention is the most suitable method to address the identified issue.

Councils are encouraged to discuss:

- maintaining the status quo
- non-regulatory alternatives
- the option of having no by-law in place
- diluting or fortifying the by-law as it is proposed

When discussing alternatives councils should consider the costs and benefits. This includes assessing restrictions on competition or impact on business as well as economic, social or environmental



impact. Again, these impacts should be attributed to the groups that will be affected (consumers, business, government and/or community).

## 8. Assessment of public costs and benefits

The public benefit test assesses whether the benefits outweigh the costs and determines whether a by-law is the most effective option for achieving the objectives.

The Local Government Act requires councils to determine whether a by-law is in the public interest. Under the Act a council must not make a by-law that restricts competition or has a significant impact on business unless the outcome is justified in the public interest. Accordingly, councils need to demonstrate that a by-law is for the net benefit of the community.

Alternatively, a council may justify a by-law in the public interest if it can demonstrate it will have the least net cost to the community or imposes the least possible regulation on the community to achieve its objectives.

Assessment of the cost/benefit to the community should include consideration of alternatives. This will further demonstrate that, of the options available to council, developing a by-law imposes the least net cost or the greatest net benefit to the community.

For more information, refer to appendix 2.

### *Example*

*The community will benefit from the introduction of the by-law by virtue of:*

- *access to renewable energy*
- *reduced pollution from the burning of green waste*
- *reduced risk of spontaneous combustion of green waste stockpiles*
- *introduction of a green waste collection service by the council*

*However, in addition to benefiting the current members of the community, this by-law is also for the future. After considering all available options the council finds regulation to be the most feasible option to achieve the objectives. The by-law has been carefully constructed by a certified legal practitioner to ensure it imposes the least possible regulation on the community. Importantly, the by-law targets an issue which is not otherwise addressed by regulation in an effective manner.*

## 9. Details of the public consultation process

Consultation is a vital element of the by-law making process.

In addition to the Act's requirement that councils detail the proposed public consultation process in the RIS, councils are also reminded that under the Act they have a general duty to consult, involve and be accountable to the community.

Consultation with key stakeholders should begin during the early stages of the by-law development process. Consultation will provide the council with valuable feedback enabling exploration of alternative options and resulting in a more effective by-law.

Consultation should occur as widely as possible and as a minimum should include those most likely to be affected. Consultation will provide feedback and support for the proposed regulation as well as informing the council of the costs and benefits of regulation. The RIS and draft by-law should form the basis of the consultation process.

The council should identify key stakeholders including market participants such as producers, suppliers, and consumers, and interest groups which have a personal concern such as environmental groups, ratepayers associations, progress associations and local chambers of commerce.

Best practice consultation methods include consultation within the council and with:

- other councils
- state agencies
- key stakeholders
- affected businesses

This may not be necessary in every case but certainly if other councils have by-laws on the same issue consultation with those councils should take place.

Explanatory notes should be developed to assist understanding and consideration should be given to public meetings and letterbox drops.

The by-law should be published by:

- advertising in a daily newspaper, local newspapers and newsletters
- advertising on council's website
- a media release inviting comment on the intended by-law

The *Second Statewide Communication and Consultation Partnership Agreement* between State Government and local government also requires that councils consult with relevant state agencies during the public consultation phase of by-law development. Councils should seek input/feedback from all relevant agencies.

## Appendix I – Restrictions on competition

### 1. Restrictions on market entry

Market entry relates to the processes an individual or firm needs to undertake to begin trading in a particular market. In most instances there will be commercial barriers to market entry, such as the purchase of suitable plant and equipment, but in many cases there are also regulatory barriers.

These barriers can include:

- an outright prohibition in regard to a particular business activity
- a statutory monopoly concerning a business activity that operates either statewide or in a particular locality
- licensing or registration requirements restricting the number of market participants or limiting participation to those that meet defined standards, hold certain qualifications or are members of particular occupational or professional organisations
- allocation of quantitative entitlements, quotas or franchises among participants in particular business activities
- the allocation of licences that allow the holder access to natural resources (including water, minerals, forests and fisheries) or which create rights, or permit specified activities

The removal of entry barriers can have an important impact, even if few or no new firms actually enter the market. In this situation, firms that were once isolated from competition realise that, unless they become more competitive, new entrants reacting to market signals may seize opportunities and erode the market share of existing firms.

### 2. Restrictions on competitive conduct

By-laws can potentially limit the competitive conduct of firms in the marketplace by restricting ordinarily acceptable forms of competitive behaviour. Such restrictions might include matters like:

- price controls in relation to goods and services
- hours of operation and size of premises
- provision of specified facilities or the use of specific equipment
- geographical area of operation
- permissible advertising
- business ownership
- type of goods or services that can be offered for sale

### 3. Restrictions on product or service innovation

By-laws can potentially restrict competition by regulating the quality or standard of a product or service, thereby reducing the scope for innovation. Such restrictions can include prescribed quality or technical standards in the production or packaging of a product or the delivery of a service.

### 4. Administrative discretion

By-laws can also restrict competition by providing for administrative discretion that has traditionally been exercised to inhibit competition.

This discretion can include:

- favouring existing suppliers
- preferential purchasing arrangements
- financial assistance available if a business is carried on in a certain location including direct grants or subsidies or waiver of various local government taxes or charges
- treating public and private sector providers differently

- setting technical specifications that are only available from a single supplier

## Appendix 2 – Public benefit test

The following list of issues, while not exhaustive, can be used to assist in determining whether a regulatory restriction on competition is in the public benefit.

Does the restriction:

- promote competition in an industry
- assist economic development (e.g. in natural resources, through encouragement of exploration, research and capital investment)
- foster business efficiency, especially where this results from improved international competitiveness
- encourage industry rationalisation, resulting in more efficient allocation of resources and lower production costs
- expand employment growth or prevent unemployment in efficient industries or particular regions
- foster industry harmony
- assist efficiency in small business (e.g. by providing guidance on costing and pricing or marketing initiatives which promote competitiveness)
- improve the quality and safety of goods and services and expand consumer choice
- supply better information to consumers and business, thereby permitting more informed choices in their dealings at a lower cost
- promote equitable dealings in the market
- promote industry cost savings, resulting in lower prices at all levels of the supply chain
- encourage the development of import replacements
- encourage growth in export markets
- implement desirable community standards with the minimum impact on competition in the market place
- protect the environment



### Appendix 3 – Useful resources

The Legislation Review Handbook and the Subordinate Legislation Act Handbook – both available at:

<http://www.treasury.tas.gov.au>

#### Queensland documents

*Guidelines for conducting public interests tests on possible anti-competitive provisions in local laws and local law policy, and Guidelines to assist Local Governments identify possible anti-competitive provisions in proposed local laws and proposed local law policies, both available at:*

<http://www.dip.qld.gov.au/local-government/local-laws-public-interest-test.html>

#### Australian Capital Territory Government document

*Best Practice Guide for Preparing Regulatory Impact Statements, available at*

[http://www.treasury.act.gov.au/documents/regulatory\\_impact\\_statement\\_guide.pdf](http://www.treasury.act.gov.au/documents/regulatory_impact_statement_guide.pdf)

#### Local Government division of the National Competition Policy website

[http://www.npc.ncc.gov.au/pages/local\\_government](http://www.npc.ncc.gov.au/pages/local_government)

Disclaimer: Information on legislation contained in this document is intended for information and general guidance only. Such information is not professional legal opinion.

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# MAKING BY-LAWS (4)

## PENALTIES AND INFRINGEMENT NOTICES - THE MONETARY PENALTIES ENFORCEMENT ACT 2005

GOOD PRACTICE GUIDELINES  
October 11

Note: This information sheet should be read in conjunction with the other information sheets in this series:

- Making By-laws (1): Part 11 of the *Local Government Act 1993*
- Making By-laws (2): Steps in making a by-law
- Making By-laws (3): Regulatory Impact Statements Section 156A *Local Government Act 1993*
- Making By-laws (4): Penalties and Infringement Notices - The *Monetary Penalties Enforcement Act 2005*
- Making By-laws (5): Tabling a by-law in parliament & the requirements of the Standing Committee on Subordinate Legislation
- Making By-laws (6): Making a by-law for which a Regulatory Impact Statement is not required

### How to ensure infringement notice provisions comply with the *Monetary Penalties Enforcement Act 2005*

It is important that all by-laws and infringement notices issued under by-laws are consistent with the *Monetary Penalties Enforcement Act 2005* (MPEA). If by-laws and infringement notices do not comply with the MPEA, penalties imposed under the by-law may be unenforceable.

### Legislative requirements: By-laws and infringement notices

#### By-laws

Section 149 of the *Local Government Act 1993* (the Act) states that by-laws may provide that a council:

- may issue infringement notices in respect of offences specified in the by-laws
- may issue one infringement notice in respect of more than one offence
- may impose a monetary penalty for an offence in respect of which an infringement notice is issued.

Section 149 also provides that a by-law which provides for the issue of an infringement notice and monetary penalty is to specify:

- the amount of the monetary penalty
- the person who may issue a notice of infringement
- the person to whom payment of the monetary penalty may be made
- the period within which the monetary penalty is to be paid in order to avoid the infringement notice being referred to the Director of the Monetary Penalties Enforcement Service.

## Infringement notices

Section 149(4) states that an infringement notice is to be in accordance with section 14 of the MPEA.

Section 14 of the MPEA requires that an infringement notice is to:

- specify the offence or offences in respect of which it is served
- specify the prescribed penalty or penalties that are applicable
- specify the total amount payable if the notice relates to more than one offence
- specify the payment procedures available
- specify any other details prescribed under the MPEA or the Act that creates the offence.
- inform the person on whom it is served that if he or she wishes to have any of the offences heard and determined by a court, he or she must lodge (with the council) a notice of election in accordance with the MPEA within 28 days of the service of the infringement notice
- inform the person on whom it is served that if he or she does not lodge a notice of election within 28 days of the service of the infringement notice and the infringement notice is not withdrawn, he or she will be taken to be convicted of the offence or offences set out in the infringement notice and the monetary penalty set out in the infringement notice may be enforced under the MPEA.

## Compliance

To ensure compliance with these requirements, it is recommended that councils develop a standard form for an infringement notice.

It is good practice to incorporate the MPEA into a by-law by way of a general clause such as the following:

"The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law."

This is preferable to directly quoting certain sections of the MPEA within a by-law, such as section 17 which outlines the options for dealing with an infringement notice that is issued by a council. Direct replication of the provisions of sections of the MPEA, although it may be useful for providing information for those who are unfamiliar with the MPEA, would result in inconsistency if the MPEA were amended. Amendments to the by-law itself would be necessary in that situation.

## Example of infringement notice provisions in by-laws

The model provisions in the *Local Government (Amendment of By-laws) Order 2008* and *2009* provide a useful example for councils who may be drafting penalty and infringement notice provisions. Also, an example of good practice is attached to this information sheet.

Please note that a council drafting a new by-law should always seek independent legal advice to ensure that the suggested template is appropriate for the specific by-law in question.



## Common difficulties

There are some common difficulties faced by councils in ensuring that by-laws are compliant with the MPEA and in developing penalties that make the best use of the infringement notice system. These are discussed below.

### Failing to specify offences

A common problem is the failure to adequately specify individual offences and the relevant maximum and infringement notice penalties for those offences. The approach set out earlier in this information sheet is the simplest and clearest way of setting out the infringement notice offences and penalties. Maximum penalties should be specified in the clause in which the offence is created, for example:

- x. A person must not participate in an organised sport, contest or game in a public reserve without approval from the general manager.

Penalty: A fine not exceeding 4 penalty units.

The relevant part of the schedule to the by-law could read:

Column 1 Clause	Column 2 General description of offence	Column 3 Infringement notice penalty (penalty units)
x	Organised sport in a reserve without approval	4

### Penalty amounts

Part of the incentive of the infringement notice system is that the penalty imposed by an infringement notice is set at an amount somewhat lower than a person might expect should the matter go to court.

If an infringement notice specifies the maximum penalty for an offence, a person is likely to be better off having the offence heard in court where he or she may be fined a lesser amount.

It is recommended that an infringement notice penalty be set at approximately 25 per cent of the maximum penalty for the offence in question.

### Reduced penalties for early payment

It is recommended that discounts for early payment only be used in relation to high volume infringement notices and where they have been effective in the past. If a council wishes to specify a reduced penalty for early payment, it could add an additional column to the sample schedule, as follows:

Column 1 Clause	Column 2 General description of offence	Column 3 Infringement notice penalty (penalty units)	Column 4 Reduced penalty if paid to council within 14 days of date of infringement notice (penalty units)
x	Organised sport in a reserve without approval	4	0.5



### Continuing offences

A number of by-laws prescribe continuing penalties – a daily penalty that accumulates while the offence continues. Any daily rate can only apply up to the time the infringement notice is written, as the infringement notice must state an actual amount. As such, it is best not to deal with continuing offences by infringement notice.

### Recovery of debt through civil action

If a council wishes to retain the ability to take civil action to recover a debt as well as action under the MPEA, they could insert a subclause such as the following:

"All monies payable to the council or general manager in respect of an infringement notice are a debt due to the council and recoverable at law."

Disclaimer:

Information on legislation contained in this document is intended for information and general guidance only. Such information is not professional legal opinion.

Attachment

Template by-law infringement notice provision

Infringement notices

1. In this clause –
  - “specified offence” means an offence against the clause specified in Column 1 of Schedule X.
2. An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule X is the penalty payable under the infringement notice for that offence.
3. An authorised officer may –
  - a. issue an infringement notice to a person whom the authorised officer has reason to believe is guilty of a specified offence
  - b. issue one infringement notice in respect of more than one specified offence.
4. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
5. In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
6. Payment of an infringement notice issued under this by-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, MPES.

This example requires a schedule setting out the offences and the infringement notice penalties. A sample template for such a schedule is below.

Schedule X

Column 1 Clause	Column 2 General description of offence	Column 3 Infringement notice penalty (penalty units)
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# MAKING BY-LAWS (5)

## TABLING A BY-LAW IN PARLIAMENT: REQUIREMENTS OF THE STANDING COMMITTEE ON SUBORDINATE LEGISLATION

GOOD PRACTICE GUIDELINES  
JANUARY 11

Note: This information sheet should be read in conjunction with the other information sheets in this series:

Making By-laws (1): Part 11 of the Local Government Act 1993

Making By-laws (2): Steps in making a by-law

Making By-laws (3): Regulatory Impact Statements Section 156A Local Government Act 1993

Making By-laws (4): Penalties and Infringement Notices - The Monetary Penalties Enforcement Act 2005

Making By-laws (5): Tabling a by-law in parliament & the requirements of the Standing Committee on Subordinate Legislation

Making By-laws (6): Making a by-law for which a Regulatory Impact Statement is not required

Once a by-law has been made by a council and certified by the general manager and a legal practitioner it must be published in the *Tasmanian Government Gazette* before it has legal effect.<sup>1</sup> A by-law usually commences on the date of publication or at a later date specified in the by-law.

When arranging for publication in the Gazette, a copy of the sealed by-law is to be sent to Print Applied Technology<sup>2</sup> with a request for 25 copies of the by-law to be printed for tabling in Parliament. The by-law must be published in the Gazette within 21 days of being made by the council under its common seal.<sup>3</sup> A by-law that is not published in the Gazette is of no effect.<sup>4</sup>

Once a by-law has been published in the Gazette, the council must send copies of the by-law to the Parliamentary Standing Committee on Subordinate Legislation (Subordinate Legislation Committee) and arrange for the by-law to be tabled in both houses of parliament.

### (1) Send copies of by-laws and relevant documentation to the Subordinate Legislation Committee

Councils should provide certain information to the Subordinate Legislation Committee within seven working days of the by-law being published in the Gazette.

The role of the committee is to scrutinise subordinate legislation<sup>5</sup>. If it is not satisfied that appropriate legislative requirements have been met, the by-law may be disallowed or clauses struck out.

1. Section 163 of the Acts Interpretation Act 1931

2. Copies may be sent by mail or electronically to: Print Applied Technology, GPO Box 307 HOBART TAS 7001 or [sales@thepat.com.au](mailto:sales@thepat.com.au)

3. Section 47 of the Acts Interpretation Act 1931

4 Section 153 of the Local Government Act 1993

5. Subordinate Legislation Committee 1969



Councils should provide the committee with the following documents:

- Eight (8) copies of the by-law as certified and published in the Gazette (available from Print Applied Technology)
- eight (8) copies of the by-law's 'purpose and effect statement' made under section 164(c)(i) of the *Local Government Act 1993*
- eight (8) copies of the Regulatory Impact Statement, as approved by the Director of Local Government
- Eight (8) copies of the by-law certifications made by a legal practitioner and the general manager under Section 162 of the *Local Government Act 1993*

A covering letter (see appendix 1) should accompany the required documents.

### **By-law purpose and effect statement**

The purpose and effect statement explains the by-law and the procedures followed in its making. A sample purpose and effect statement has been included as a guide (see appendix 2).

Further questions about the Subordinate Legislation Committee should be directed to the secretary of the committee.

### **(2) Tabling by-laws in the Parliament**

A by-law must be tabled in both houses of the Tasmanian Parliament within 10 sitting days of the by-law being published in the Gazette. Information on sitting schedules can be obtained from the Tasmanian Parliament's web site at: <http://www.parliament.tas.gov.au>.

Printed by-laws must be forwarded to the clerks of each house of parliament with a covering letter to each clerk. Templates for the covering letters to the clerks of both houses of parliament have been included (see appendices 3 and 4).

Ten (10) printed copies of the by-law as certified and published in the Gazette are required for the Legislative Council. Fifteen (15) printed copies are required for tabling in the House of Assembly. A separate package is to be sent to the clerk of each house of parliament and must be contained in a blue/grey parliamentary tabling folder. Parliamentary tabling folders can be obtained on request from the Local Government Division. Information on the contents for the cover of each tabling folder has been provided (see appendices 5 and 6).

Once the clerks have received the by-law it will be tabled at the next parliamentary sitting day. If tabling is to occur on an alternative date, those dates must be specified in the instructions.

For further information about the tabling of by-laws in the House of Assembly; telephone 6233 2200 or email [assembly@parliament.tas.gov.au](mailto:assembly@parliament.tas.gov.au).

For further information about tabling by-laws in the Legislative Council telephone 6233 2300 or email [council@parliament.tas.gov.au](mailto:council@parliament.tas.gov.au).



**(3) Copies of information to Director of Local Government**

The *Local Government Act 1993* requires that when a by-law has been made a council is to provide the director with:

- a sealed copy of the by-law
- the certification required under Section 162 of the Local Government Act
- a statement explaining the purpose and effects of the by-law, and the outcomes of public consultation in respect of the by-law

**(4) Copies of by-laws for the Local Government Division – statewide directory of by-laws**

Councils should provide up to date information about by-laws on their council website.

The Local Government Division also maintains a statewide directory which is used extensively by councils and members of the public. The public listing of current by-laws can be found on the division's website at <http://www.dpac.tas.gov.au/divisions/lgd>.

**Appendix I — Sample covering letter for committee on subordinate legislation**

<<Name of Secretary>>

Parliamentary Standing Committee on Subordinate Legislation

Parliament House

HOBART TAS 7000

<<date>>

Dear <<name of Secretary>>

**By-laws for consideration of the Parliamentary Standing Committee on Subordinate Legislation**

Please find enclosed eight (8) copies of [by-law(s)] that [has/have] been published in the *Tasmanian Government Gazette*, and a statement [for each by-law] as to the purpose and effect of the by-law. Eight (8) copies of the Regulatory Impact Statement are also enclosed.

I enclose these documents for consideration of the Parliamentary Standing Committee on Subordinate Legislation.

<<name of council>>

<<title of by-law>>

<<by-law number and year>>

The by-law(s) [were/was] duly published in the *Tasmanian Government Gazette* and the <<name of council>> has made arrangements with the Clerks of the House of Assembly and of the Legislative Council for the by-law(s) to be tabled in both houses of parliament in accordance with Section 47(3) of the *Acts Interpretation Act 1931*.

Yours sincerely

General Manager

<Name of Council>

Appendix 2 — Sample statement of purpose and effect

Local Government Act 1993

STATEMENT OF PURPOSE AND EFFECT OF A BY-LAW

NAME OF COUNCIL .....

TITLE OF BY-LAW .....

BY-LAW NO .....

INTENTION DESCRIPTION OF THE PURPOSE AND EFFECT OF THE BY-LAW

.....  
.....

INTENTION TO MAKE A BY-LAW

Attached is an extract of the [name of council] minutes indicating:

- (1) the date of council meeting
- (2) the wording of the resolution
- (3) that the resolution passed by an absolute majority of the council

NOTICE OF INTENTION TO MAKE A BY-LAW

Attached is a copy of the advertisement placed with [newspaper name and first publication date] of council's intention to make this by-law.

SUBMISSIONS

A total of <number> submissions were received following public consultation on the by-law.

A meeting of [name of council] considered the submissions on <date>.

MAKING OF THE BY-LAW

Attached is an extract of the minutes indicating:

- the date of council meeting
- the wording of the resolution
- that the resolution passed by an absolute majority of the council.

<Name>

General Manager

<name of council>

<date>

Appendix 3 — Sample covering letter to the Clerk of the House of Assembly

Clerk of the House  
HOUSE OF ASSEMBLY  
Parliament House  
Hobart

<<name of council>>

<<title of by-law>>

<<by-law number and year>>

<<If including more than one by-law in the folder, include details, as above, for each by-law>>

I enclose 15 copies of the above by-law(s) for tabling in the House of Assembly at the next parliamentary sitting day.

General Manager  
<<name of council>>

Encl.



Appendix 4 — Sample covering letter to the Clerk of the Legislative Council

The Clerk of the Legislative Council  
LEGISLATIVE COUNCIL  
Parliament House  
Hobart

<<name of council>>

<<title of by-law>>

<<by-law number and year>>

<< If providing more than one folder of by-laws, include details, as above, for each by-law >>

I enclose 10 copies of the above by-law for tabling in the Legislative Council at the next parliamentary sitting day.

General Manager

<<name of council>>

Encl.

Appendix 5 — Sample tabling paper cover for the House of Assembly

<<name of council>>

<<title of by-law>>

<<by-law number and year>>

HOUSE OF ASSEMBLY

THE CLERK OF THE ASSEMBLY

Appendix 6 — Sample tabling paper cover for the Legislative Council

<<name of council>>

<<title of by-law>>

<<by-law number and year>>

LEGISLATIVE COUNCIL

THE CLERK OF THE COUNCIL

Disclaimer: Information on legislation contained in this document is intended for information and general guidance only. Such information is not professional legal opinion.

# MAKING BY-LAWS (6)

## WHEN A REGULATORY IMPACT STATEMENT IS NOT REQUIRED

GOOD PRACTICE GUIDELINES  
AUGUST 10

Note: This information sheet should be read in conjunction with the other information sheets in this series:

- Making By-laws (1): Part 11 of the *Local Government Act 1993*
- Making By-laws (2): Steps in making a by-law
- Making By-laws (3): Regulatory Impact Statements Section 156A *Local Government Act 1993*
- Making By-laws (4): Penalties and Infringement Notices - The *Monetary Penalties Enforcement Act 2005*
- Making By-laws (5): Tabling a by-law in parliament & the requirements of the Standing Committee on Subordinate Legislation
- Making By-laws (6): Making a by-law for which a Regulatory Impact Statement is not required

Section 156A(1) of the *Local Government Act 1993* (the Act) requires a council to prepare a Regulatory Impact Statement (RIS) in respect of any by-law it intends to make.

However, sub-section (1A) removes the requirement for a RIS for any by-law where:

- the purpose is to repeal another by-law
- it is a minor or technical amendment to an existing by-law
- it does not significantly alter the purpose or effect of the existing by-law
- it does not alter the impact on the public of the existing by-law

Whether the by-law falls into one of the categories above is a judgement to be made by the council seeking to make the by-law. The council may wish to seek legal advice on the matter as a by-law without an RIS may be challenged.

### Steps in making a by-law for which a RIS is not required:

- the council passes a formal resolution by an absolute majority of its intention to make a by-law
- the by-law receives certification by a legal practitioner and the general manager of the council as required
- the by-law is sealed by the council
- the by-law is published in the *Tasmanian Government Gazette* by the council
- the by-law is made available for purchase
- the by-law is submitted to the Joint Standing Committee on Subordinate Legislation



- the by-law is tabled in parliament
- a copy of the by-law, as published in the Gazette, the certification under Section 162 of the Act, and a statement explaining the purpose and effect of the by-law and the outcomes of public consultation are sent to the Director of Local Government
- copies of the by-law are to be kept by the general manager of the council and made available for inspection or purchase by the public at a charge no greater than is needed to recoup the cost of providing the document
- any by-law which affects the conduct of the public requires notice to be provided in appropriate locations and setting out the purpose and effect of the by-law and advising of penalties for breach of the by-law.

Disclaimer: Information on legislation contained in this Information Sheet is intended for information and general guidance only. Such information is not professional legal opinion.

**Policy Name:****Dog Management Policy****Originated Date:**

Adopted (as Policy 30)

**Amended Date/s:**

Amended 23 April 2007 – Min. No. 111/07

Amended 15 December 2010 – Min. No. 351/10

**Amended 27 June 2016 – Min. No. XXX/16  
2021****Review****Applicable Legislation:**

Dog Control Act 2000.

**Dataworks Reference:**

44/001/001

**Objective**

The objectives listed in this section have been developed to guide the Dog Management Policy and to ensure that Council consistently and effectively fulfils its responsibilities under the *Dog Control Act 2000*, particularly with regard to the protection of residents' rights.

The objectives of the Policy are:

1. To ensure that owners of dogs comply with their obligations under the *Dog Control Act 2000*.
2. To prevent the danger caused by dogs to the public and to other dogs and animals.
3. To minimise the distress and nuisance caused by dogs to the public.
4. To actively promote the responsible ownership of dogs.
- 5. To provide for the reasonable exercise and recreational needs of dogs.**
- 6. To Provide routine patrols during normal business hours.**
- 7. To Provide an emergency after-hours dog management service to collect dogs at large provided that the dog has been secured.**
- 8. To provide an emergency after-hours dog management service if a dog attack occurs.**

**Purpose**

The *Dog Control Act 2000* came into force on 4 April 2001. This Act replaced the *Dog Control Act 1987* as the Principal Act managing the control of dogs in Tasmania.

The *Dog Control Amendment Act 2009* came into force on 2 December 2010, amending the Principal Act, the *Dog Control Act 2000*.

Council is required to manage the provisions of the Act. This includes the development of a Dog Management Policy for the Municipal area.

The Policy must include at a minimum:

- ◆ A code relating to responsible ownership of dogs.



- ◆ The provision of declared exercise areas.  
**A fee structure.**

---

### **CODE OF RESPONSIBLE DOG OWNERSHIP**

Council is committed to the objective of promoting responsible dog ownership and has adopted the following code which requires dog owners to:

- ◆ Ensure that the dog is kept under control at all times **and when in a public place it must be on a lead not exceeding 2 metres.**
- ◆ Ensure that the dog is registered in accordance with the *Dog Control Act 2000*, with a financial incentive provided for owners to de-sex dogs that are not being kept for intentional breeding purposes
- ◆ Ensure that the dog receives necessary care and attention in accordance with good veterinary practice, and is supplied with adequate food, clean water and shelter.
- ◆ Ensure that the dog receives adequate exercise.
- ◆ Ensure the dog, by age 6 months, has an approved microchip implanted.
- ◆ **Exemptions from compulsory microchipping exist for racing grey hounds, all working dogs and specified hunting dogs (that immediately before 01 July 2001 had been tattooed by an approved organisation with a tattoo that identified the dog as being a part of that organisation).**
- ◆ Take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent or loud barking/ howling or by any other means.
- ◆ Take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person.
- ◆ Take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.
- ◆ Take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person.
- ◆ Comply with all regulations under the *Dog Control Act 2000*, including the requirement for the person in charge of a dog to immediately remove and dispose of faeces left by the dog in a public place or in a place not owned by the person.

### **EDUCATION**

Council makes available a pamphlet which includes information on:

- ◆ the requirements of the *Dog Control Act 2000*;
- ◆ the code of responsible dog ownership;

- ♦ the role and function of Council and Council's responsibilities to the community regarding dog management;
- ♦ services available to assist community members to be responsible dog owners.

Council Officers will, upon request, visit local schools to make presentations to students on dog ownership issues and responsibilities.

### **FEES**

Council strives to set dog registration fees that are affordable by dog owners, yet provide a return for the costs associated with the delivery of dog control services.

Dog owners are encouraged to register their dogs early in the financial year. Encouragement in this regard is offered by the way of a discount if registration fees are paid prior to the 31st of August each year.

In developing registration fees each year Council utilises the following principles:

- ♦ Owners of de-sexed dogs are levied an amount as affordable as possible.
- ♦ Owners who choose to keep entire dogs (either male or female) are required to pay a higher level of fees.
- ♦ Pensioners are provided with an opportunity to register their first dog at a discounted rate.
- ♦ Owners with disabilities who keep either guide dogs or hearing dogs are not charged.
- ♦ Owners of dogs kept for breeding purposes and registered with the **Tasmanian Canine Association** are levied a fee that recognises the purpose for which they are kept. The fee will, however, be discounted from that which would normally apply to an entire animal.
- ♦ Owners of Greyhounds registered with the Tasmanian Greyhound Racing Board are provided with an opportunity to register the animal at a discounted rate.
- ♦ Owners of working dogs are provided with an opportunity to register the animal at a discounted rate.
- ♦ Owners of certified hunting dogs are provided with an opportunity to register the animal at a discounted rate.
- ♦ **Failing to provide evidence of microchipping at time of registration incurs an additional fee.**

Owners seeking concessional registration need to produce written evidence of eligibility as prescribed in the Act. In the case of working dogs, a demonstration of working stock may be required. Breeders must produce a current Stud Prefix issued by the TCA.

Council sets its dog fees at its ordinary Council meeting held in May of each year. The fees are advertised and standard renewal notices are provided to all those who have registered a dog previously.



**DECLARED AREAS – OFF LEAD**

Under the Act, Council can declare dog exercise areas on land solely under the jurisdiction of the Council, where dogs can be exercised off the lead if under effective control at all times. (You must be able to demonstrate that your dog is immediately responsive to your commands in an off leash area.)

The following areas have been declared:-

**Evandale:** Honeysuckle Reserve (off Leighlands Road)

Saddlers Court Reserve

**Longford:** Union Street (fenced area between Union Street and Railway line)

Coronation Park (Catherine Street)

**Perth:** Mulgrave Street Reserve (fenced land between Mulgrave Street and Arthur Street)

**Cressy:** Stock Route

Council will continue to investigate the suitability of these and other areas and their facilities for this purpose and undertake upgrades or declare new sites as needed.

**MUNICIPAL DOG POUND**

Council operates a Municipal dog pound in accordance with the requirements of the *Dog Control Act 2000*.

After 3 days, if the owner cannot be identified, every effort is made to secure an alternative home for dogs which are impounded and have not been claimed. However, dogs will be euthanised as a last resort when required.

The information pamphlet includes encouragement for dog owners to contact Council in person, by phone, email or Councils face book page in the event of losing their dog. Such action aims to facilitate the re-uniting of impounded dogs with owners.

**KENNEL LICENCES**

Under the *Dog Control Act 2000*, a person must apply to Council's General Manager for a kennel licence if more than two dogs over the age of six months, or more than four working dogs over the age of six months, are to be kept on their premises.

Council requires a kennel licence applicant to advertise the licence application, including the specific number of dogs and their breed/kind, in a Wednesday edition of the Examiner newspaper, and any person residing within 200 metres of the boundary of the premises may object against the granting of the licence. ~~Council also will letterbox drop all residences within 200 metres of the premises applying for the licence, and will inform by letter owners of~~

~~properties within the 200 metre range who do not live at the property.~~

Council upon payment of the required fee, renews kennel licences on an annual basis. Council requires the holder of a kennel licence to apply for a new kennel licence if significant change in the breed/kind and/or number of dogs has occurred since the last licence was issued.

### **COMPLAINTS AND NUISANCE PROVISIONS**

Council considers every complaint received.

Issues raised are investigated in a pro-active manner which ensures that all facts are considered and the rights of the dog owner and the general public are balanced.

Council makes every effort to ensure vexatious and false complaints are avoided and/or promptly managed.

### **Animal Welfare issues are to be directed to the RSPCA**

Where necessary, Council institutes proceedings against a dog owner for an offence under

### **DOG AT LARGE**

It is a requirement of the *Dog Control Act 2000* that a dog be under effective control at all times whilst in a public place. This means on a lead held by a person able to control the dog or, if in an area where a lead is not required, the dog is within sight of the person and is immediately responsive to the person's commands.

A dog that is not under effective control within a public place or is in or on premises without the consent of the occupier is considered a 'dog at large'.

Whilst Council will, on first offence, seek to reunite dogs at large with their owners with no penalty, fees and charges will apply where after hours call out or impoundment were required. Subsequent offences may incur further penalties in accordance with the regulations to the Act.



### **DANGEROUS DOGS**

The *Dog Control Act 2000* makes specific provision for dogs that may be considered a danger to other animals or persons within the community. A dog may be declared dangerous by the General Manager if it has caused serious injury to a person or another animal or there is reasonable cause to believe that the dog is likely to cause such injury.

In the first instance, Council's Animal Control Officer will undertake an investigation of any alleged incident or assertion that such an incident is likely. Matters such as the temperament of the dog, physical evidence, witness and participant statements and past history will inform the investigation. Based on the investigation, the Animal Control Officer will make a recommendation to the General Manager in regard to the making, or otherwise, of a dangerous dog declaration and the application of any other penalties.

If a dog is declared dangerous, the General Manager will serve a notice on the owner of the dog advising of the declaration, the reasons for it and the owners appeal rights before the Magistrates Court.



**NORTHERN  
MIDLANDS  
COUNCIL**

## **Information for Northern Midlands Dog Owners**

*Having a dog in Northern Midlands brings some responsibilities. The first is the care and welfare of your dog.*

*Then there are other things required by law and Council's Dog Management Policy.*

Northern Midlands Council aims to balance the expectations of dog owners and the community when we implement the *Tasmanian Dog Control Act 2000*.

Dogs are valued companions of many residents and visitors and we want you and your dog to be happy.

Council also has to protect community health, safety and amenity – it's our responsibility under the Dog Control Act.

### **Containing Your Dog to Your Property:**

The *Dog Control Act 2000* states that a property where a dog resides must be securely fenced. No matter how well behaved your dog is, you need to have a secure area fenced off for the dog, or the entire property's boundary fenced. If your dog is at large and not contained to your property you can be issued a fine under Section 16(1) of the Dog Control Act 2000.

### **Dog Registration Tags:**

According to the *Dog Control Act 2000*, every dog over the age of 6 months must be registered by its owner (over the age of 18 years) with their local Council.

Many stray dogs picked up are not wearing their collar and registration tag. As a result, we cannot immediately identify the owner of the dog and therefore cannot return the animal to its owner promptly. Instead we put the dog in the Council pound whilst seeking the owner, or awaiting the owner's call about the dog.

You will have to pay \$68 (on the first occasion, \$90 on further occasions) to release your dog from the pound, as well as \$20 for each day the dog has been in the pound.

Therefore, it is to your advantage to ensure your dog is wearing its collar and registration tag at all times.

### **Microchips:**

All dogs over the age of 6 months must be microchipped.

Exemptions apply to Racing Greyhounds, Working Dogs and Approved Hunting Dogs (means a hunting dog that immediately before 1 July 2011, has been tattooed by an approved organization with a tattoo that identifies the dog as being a member of a hunt club)



### Change of Address:

Under the Act, dog owners are required to inform Council promptly when the dog transfers to another address for a period of more than 60 days. This allows Council to maintain an up to date register of the dogs in the area which assists with the return of any dogs found straying.

### Walking your dog in public areas:

The *Dog Control Act 2000* states that dogs, when in a public place or on or near a road related area, must be on a leash. For the safety of community members and the dog, all dogs should be on a lead 2 metres or less in length when they are out in public.

The *Dog Control Act 2000* does not allow for dogs in public to be off-lead, when the dog is exercised in area signposted as an official off-leash Council Dog Exercise area (the dog must still be under effective control when in that area).

Council's Dog Management Policy allows for the exercising of dogs in the following off-leash areas:

Evandale	Honeysuckle Banks (off Leighlands Road) Saddler's Reserve
Longford	The fenced-off dog exercise area, part of the car park development between Union Street and the railway line near the boat ramp Coronation Park (Southern end of Longford on Cressy Road)
Cressy	The Old Stock Route off Murfet Street
Perth	The section of land between Arthur and Mulgrave Streets, adjacent to the railway line.

### Effective Control:

The Dog Control Act uses this term. It means on-lead on roads, footpaths and in towns and other declared areas, leads 2 metres long and tight conditions to be under 'effective control' if off-lead.

### Prohibited Public Areas:

A person must not take a dog into any grounds of a school, a shopping centre or any shop, the grounds of a public swimming pool, any playing area of a sportsground on which a sport is being played or any area within 10 metres of a children's playground.

### Dog Faeces:

Many people complain to Council about dog faeces on footpaths and grass verges. Under the *Dog Control Act 2000* it is an offence for a dog owner to not immediately remove and dispose of their dog's faeces dropped in a public place.

Council asks that you either carry bags or a scoop to collect your dog's faeces. Council provides degradable dog tidy bags in all off-leash dog exercise areas.

Under the *Dog Control Act 2000*, Council has the right to fine a dog owner up to \$154 for this offence.

### Barking dogs:

Frequently I find when I approach a dog owner, following a complaint by a neighbour about the dog persistently barking, that the dog owner is unaware of the problem as the barking is occurring when the owner is away from their property.



Under the Act, Council has the right to fine a dog owner up to \$308 for having a dog that is causing a nuisance which the owner does not stop. In serious cases, Council can take legal action against the dog owner.

If your dog is at home alone for periods of time, I recommend you occasionally check with your neighbour's to find out if your dog is causing a nuisance when you are out. If you find this is the case and you cannot work out how to stop the barking, please call me and I will provide advice to assist you address this or any other dog related matter.

I recommend boarding your dog while away on holiday's rather than having someone feed your dog; unless you are sure your dog will not bark and howl while you are away. There is an increase in complaints over holidays.

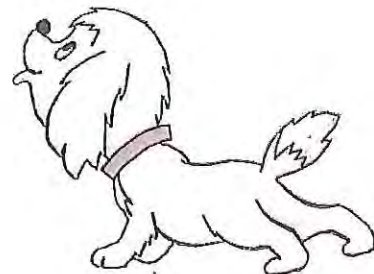
Another factor which causes barking problems and dogs escaping frequently is not having them sterilized. Unless you are a registered breeder it is recommended you sterilise your dog, it will also stop the large number of unwanted pups and dogs that are euthanased each year.

**Information for barking complaints:** If you do not feel comfortable approaching the dog/s owner, or you have already tried this approach and the nuisance is continuing you need to complete the enclosed official complaint form and return to Council with the appropriate fee of \$20.00

Upon receipt of this official complaint form Council will formally investigate the complaint. You will also need to start recording information on the enclosed record of nuisance by barking form and return to Council after a minimum of 14 days continuous monitoring.

### More Information and Services

Northern Midlands Council 13 Smith Street LONGFORD  
 Ph: (03)63977303  
 Email: [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au)  
 Animal Control after hours emergency 0419358395



#### See Councils website for

Dog Management Policy

Cat Ownership

Stock Control

Native Animals

Poultry

Bees and wasps

[www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)

#### Tasmanian Government information on the Dog Control Act 2000

[http://www.dpac.tas.gov.au/divisions/local\\_government/dog\\_control](http://www.dpac.tas.gov.au/divisions/local_government/dog_control)

RSPCA – Animal welfare

Ph:1300139947

[rspcatas.org.au](http://rspcatas.org.au)

**PLAN 1**

**PLANNING APPLICATION P16-018**

**7-21 PATON STREET, LONGFORD**

**ATTACHMENTS**

- A** Application & plans, correspondence with applicant
  
- B** Responses from referral agencies
  - TasWater
  - NMC Works & Infrastructure Department
  
- C** Representations & applicant's response
  
- D** Tasmanian Planning Commission Amendment Series R1-7/09 – Rezoning Rural General to Residential Serviced, & Environment Protection Authority sign-off letter dated 4.4.12



PLANNING APPLICATION  
Proposal

Description of proposal: Subdivision of 23 lots in  
3 stages.

(attach additional sheets if necessary)

Site address: 7 Paton St, Longford

ID no: ..... and/or Council's property no: .....  
and/or

Area of land: 2.67 ha/m<sup>2</sup> and/or CT no: 16822/1, 220850/1 +  
140396/1

Estimated cost of project \$..... (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 .....

If variation to Planning Scheme provisions requested, justification to be provided:

(attach additional sheets if necessary)

If outbuilding has a floor area of over 56m<sup>2</sup>, or there will be over 56m<sup>2</sup> of outbuildings on the lot,  
or is over 3m at apex in residential zone, details of the use of the outbuilding to be provided:

(attach additional sheets if necessary)

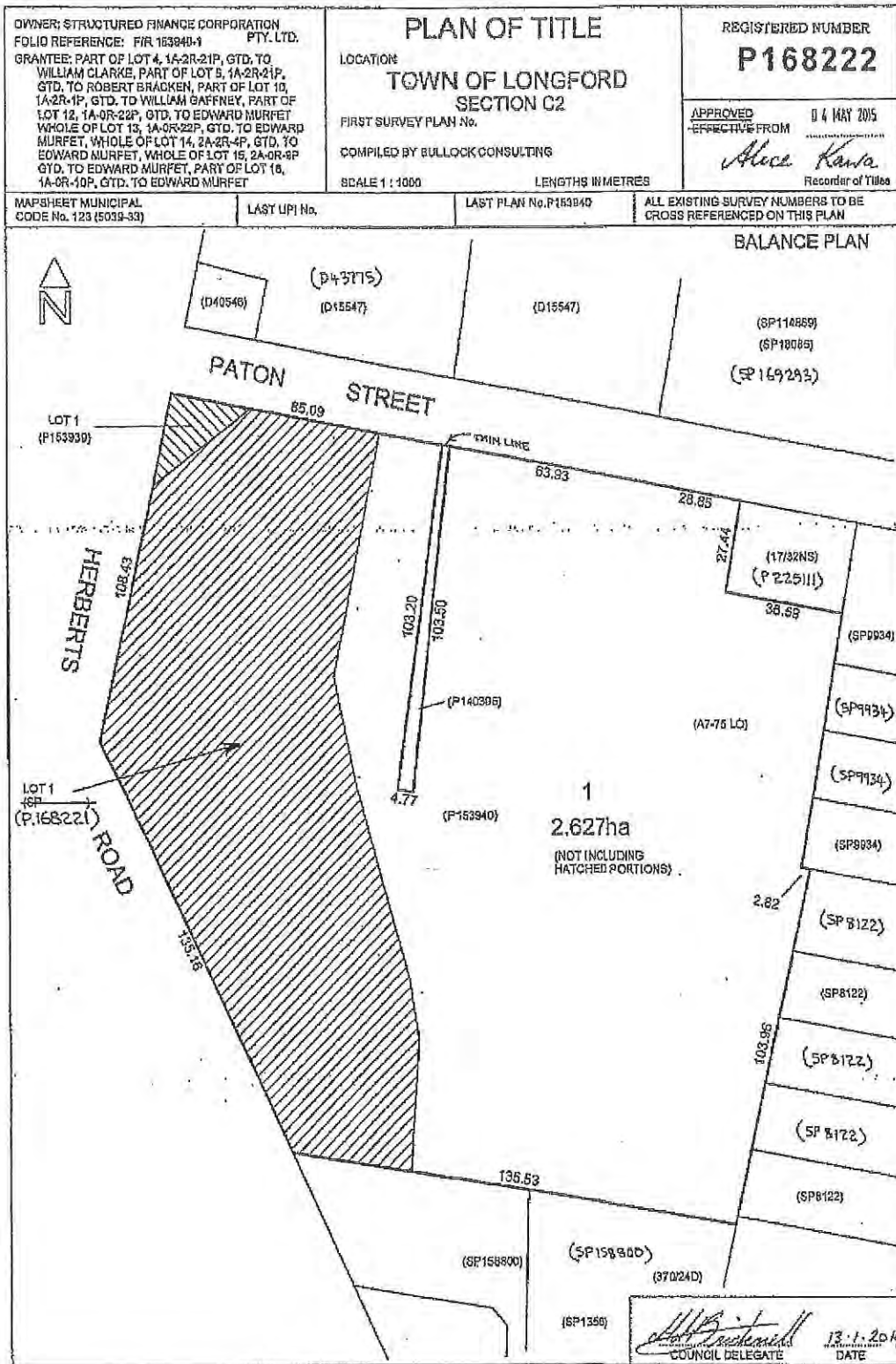
Is any signage required? No (if yes, provide details)





**FOLIO PLAN**  
**RECORDER OF TITLES**

Issued Pursuant to the Land Titles Act 1980



Exhibited

## Northern Midlands Council

Re Site Specific Study Request for 23 lot subdivision P16=018 7-21 Paton St Longford

I refer to your recent Application for a planning permit for the above and your request for a site specific study which satisfies the requirements of Part E11 of the Northern Midlands Interim Planning Scheme having regard to the attenuation area of 1 kilometre resulting from rendering conducted from the JBS Swift abattoir site in Wellington St Longford.

Clause E11.6.1 (P1) requires the study to demonstrate there will not be environmental nuisance or environmental harm having regard to

a) The degree of encroachment

The proposed subdivision development of vacant land is only marginally within the attenuation zone in accordance with the plan attached. There is a substantial portion of the town of Longford between the subdivision site and the abattoir which comprises primarily residential use, along with some recreational, business and industrial uses.

b) The nature of the emitting operation protected by the attenuation area

The emitting operation is an abattoir, which emits noise and odours, neither of which are prevalent at the site of the subdivision having regard to the distance from it.

c) The degree of hazard or pollution that may emanate from the emitting operations

As a result of the distance between the abattoir and the subdivision site and the significant residential development the sites, it is unlikely the emissions will have any impact on the development site

d) The measures within the proposal to mitigate the impact the emitting activity to the sensitive use

As a result of the distance between the abattoir and the significant residential development, we don't believe any measures are required

Will Edwards

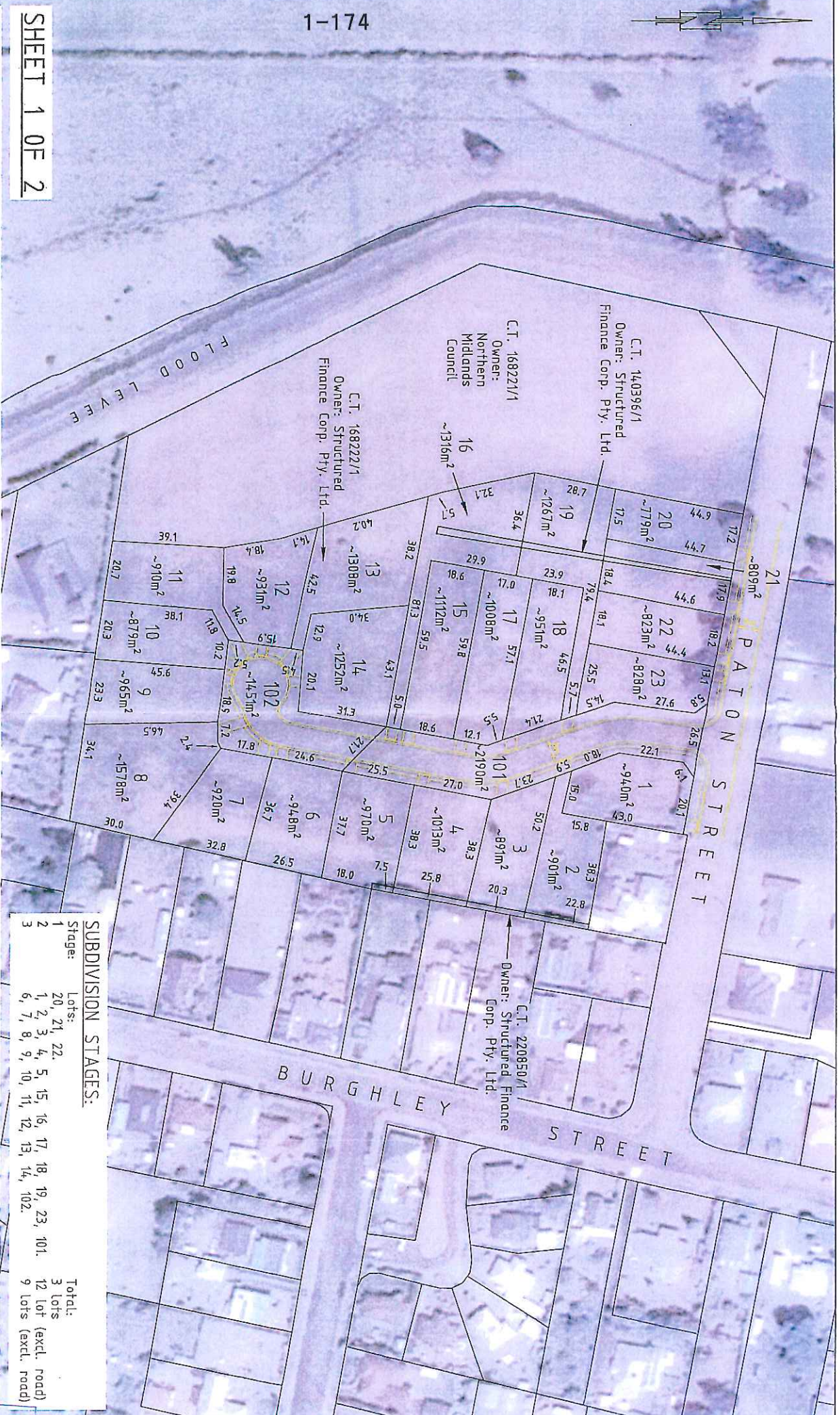
For and on behalf of Structured Finance Corporation Pty Ltd

Submitted





1-174



**SHEET 1 OF 2**

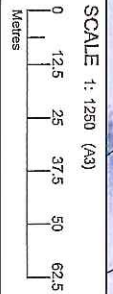
**IMPORTANT NOTE:**

This plan was prepared for land of the above owner as a proposed subdivision to accompany a subdivision application to the Local Government Authority and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

**SUBDIVISION STAGES:**

Stage:	Lots:	Total:
1	20, 21, 22	3 Lots
2	1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 23, 101	12 Lot (excl. road)
3	6, 7, 8, 9, 10, 11, 12, 13, 14, 102	9 Lots (excl. road)

NO	DATE	BY	REVISION



DATE	DESCRIPTION	BY	DATE

PROPOSED SUBDIVISION  
 C.T. 168222/1, C.T. 104396/1, C.T. 220850/1  
 PATON STREET, LONGFORD  
 for STRUCTURED FINANCE CORP P/L

**PDA Surveyors**  
 Surveying, Engineering & Planning

303 Sibley Street,  
 Longford, Tamara, QLD  
 www.pdasurveyors.com.au  
 Phone: +61 08 831 4099  
 Fax: +61 08 831 4098  
 Email: pda@pda.com.au

DATE: 17TH DECEMBER 2015

SCALE: 1: 1250 (A3)  
 DRAWN BY: JON HUBBARD  
 CHECKED BY: JON HUBBARD  
 DATE: 27/15-P03



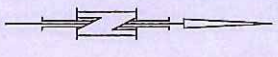
**SHEET 2 OF 2**

Contour Interval: 0.2m

1-175

FLOOD LEVEL

Existing Rising Main



REV	DATE	BY	CHKD
A			
B			
C			
D			
E			

DATE	20th APRIL 2016
SCALE	1: 1250 (A3)
AD	AD
AD	AD

PROPOSED SUBDIVISION  
 C.T. 168222/1, C.T. 104396/1, C.T. 220850/1  
 PATON STREET, LONGFORD  
 for STRUCTURED FINANCE CORP P/L

**PDA Surveyors**  
 Surveying, Engineering & Planning

302 Biddiana Street  
 Lismanton, Tasmania, 7550  
 www.pdas.com.au Phone: +61 03 6331 4088  
 1: 1250 (A3)  
 J.S. WARDEN  
 27715-P03

**LEGEND:**

- Top of Bank
- Toe of Bank
- W Proposed Reticulated Water
- W Existing Reticulated Water
- SW Proposed Stormwater
- SW Existing Stormwater
- S Proposed Sewer
- S Existing Sewer

**NOTES:**

- Contour Interval: 0.2m.  
 All sewer mains DN150mm with DN100mm connections  
 All water mains DN100mm with OD25mm connections

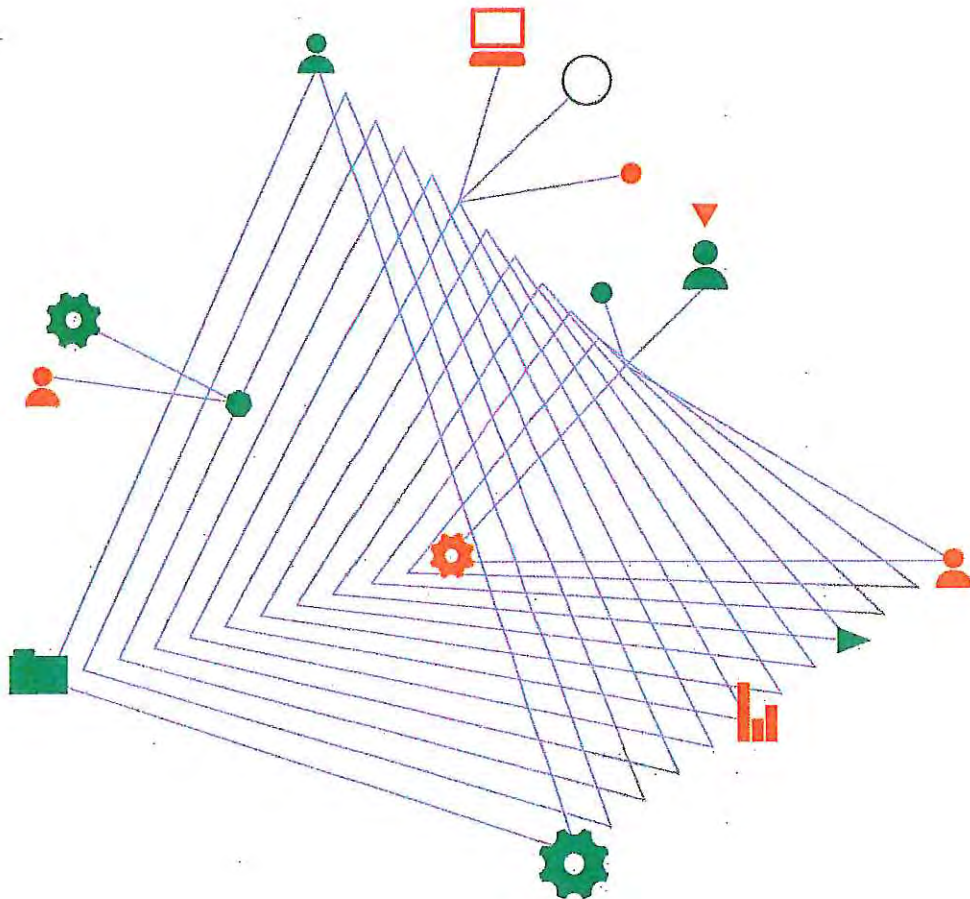


**Structured Finance Corporation**

**Former Longford Sawmill Construction  
Environmental Management Plan**

Paton Street, Longford, Tasmania

12 April 2016



Experience  
comes to life  
when it is  
powered by  
expertise

Exhibited

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# Former Longford Sawmill Construction Environmental Management Plan

Prepared for  
Structured Finance Corporation

Prepared by  
Coffey Environments Australia Pty Ltd  
227 Collins Street  
Hobart TAS 7000 Australia  
t: +61 3 9290 7191  
ABN: 65 140 765 902

<b>Project Director</b>	Dr David Tully Senior Principal
<b>Project Manager</b>	Catherine Pene Senior Environmental Scientist

12 April 2016

ENAUHOBA06862AC



## Quality information

### Revision history

Revision	Description	Date	Author	Reviewer
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V1	Final	8/04/16	CP	DT
V2	Draft	12/04/16	CP	DT
V2	Final	12/04/16	CP	DT

### Distribution

Report Status	No. of copies	Format	Distributed to	Date
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V2 Final	1	PDF	Structured Finance Corporation	12/04/2016

Exhibited

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## 1. Introduction

### 1.1. Background

Mr William Edwards, on behalf of Structured Finance Corporation (Structured Finance), contracted Coffey Environments Australia Pty Ltd (Coffey) to prepare a Construction Environmental Management Plan (CEMP) for proposed redevelopment of the Former Longford Sawmill site located at Paton Street, Longford, Tasmania ('the site'). The site location is shown on Figure 1, general site features are shown on Figure 2 (Appendix A).

The site was utilised as a saw mill since at least 1935 until decommissioning sometime around 2006. All site infrastructure was removed from the site during the decommissioning process.

Coffey completed environmental site assessment (ESA) and remediation works at the site between 2011 and 2012. Upon completion of the ESA and remediation works it was concluded that the site was suitable for residential development provided that the following recommendations were implemented:

- Measures are taken to prevent groundwater extraction for domestic use at the site.
- If buried refuse is identified during future development the refuse is removed for off-site disposal.
- All future excavations are closely inspected and any unusually coloured, odourous or noxious substances revealed during development of the site are considered suspect and advice is sought from a qualified environmental scientist.

### 1.2. Objectives

The objective of the CEMP is to facilitate implementation of the listed recommendations above and allow the development of the site to progress.

The CEMP includes information and guidance in relation to:

- Restrictions on groundwater use.
- Identifying measures to minimise human health hazards and potential environmental impacts during site excavation works.
- Outlining procedures to be followed relating to excavation and/or removal of buried refuse and potentially contaminated soil, during any excavation, construction or maintenance works.
- Providing information relating to off-site disposal of buried refuse and potentially contaminated soil.

### 1.3. Responsibility

The implementation of this CEMP will be the responsibility of the Principal Contractor for the redevelopment project. The Principal Contractor may at times expressly delegate responsibility for individual items to its sub-contractors as appropriate. However, the Principal Contractor retains overall responsibility for implementation of this CEMP and any changes required should site conditions change.

The owner(s) of the site are responsible for the dissemination of this CEMP to the Principal Contractor engaged to work on site.

Compliance with the guidance within this CEMP must be followed by all persons involved in any works at the site that may result in the disturbance and/or excavation of soil or surface cover. It is the Principal Contractor's responsibility to ensure that all site workers have been trained on the CEMP and understand its requirements, as part of the site induction process. Documented evidence of this training must be retained by the primary contractor. A copy of this CEMP shall be kept on the site at all times during the redevelopment works.

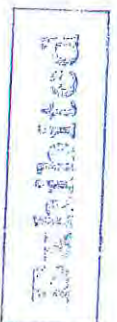
Parties responsible for the implementation of this CEMP are summarised in Table 1.1 below.

**Table 1.1 – Responsible Parties**

	<ul style="list-style-type: none"> <li>- Appoint a Principal Contractor undertaking construction works and ensure requirements of the CEMP are understood and implemented.</li> <li>- Ensure that any on-going requirements of this CEMP are undertaken.</li> <li>- Inform any future owners of the site of the requirements of the CEMP.</li> </ul>
	<ul style="list-style-type: none"> <li>- Ensure civil works staff are inducted and appropriately trained.</li> <li>- Induction and training in the requirements of the CEMP for sub-contractors working at site.</li> <li>- Maintenance of work process documentation, including activity records, job safety analysis (JSAs) etc.</li> <li>- Ensure regular progress reports are provided to Site Owner.</li> <li>- Oversee logistics for soil access and soil sampling access if required (including implementation of material tracking sheets, see Appendix B)</li> </ul>
	<ul style="list-style-type: none"> <li>- Review any proposed amendments to the CEMP.</li> <li>- Assess any potentially contaminated soil encountered during construction works.</li> <li>- Provide guidance for the disposal of any contaminated soil encountered during construction works.</li> </ul>

Key regulations, legislation and policies considered most applicable to soil and groundwater management during any intrusive site works (excavation, construction or maintenance) include:

- Environmental Management and Pollution Control Act (1994).
- Environmental Management and Pollution Control (Waste Management) Regulations, 2000.
- Information Bulletin 105: Classification and Management of Contaminated Soil for Disposal (November 2010), EPA Tasmania.
- NEPM (2013) – National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).
- Australian Standard: AS 4482.1-2005 Guide to the investigation and sampling of potentially contaminated soil. Part 1: Non-volatile and semi-volatile compounds
- Australian Standard: AS 4482.2-1999 Guide to the sampling and investigation of potentially contaminated soil. Part 2: Volatile substances.





## 2. Site description

Site identification details are provided in Table 2.1 below.

**Table 2.1 – Site Identification Details**

	Former Longford Sawmill
	Paton Street, Longford, TAS
	2.7 hectares (Ha)
	Title Reference: 168222/1
	Property ID: 3365128
	General Residential (Northern Midlands Interim Planning Scheme, 2013 (NMC, 2013))
	Vacant
	Residential
	Former Longford Sawmill, Proposed residential subdivision, Geotechnical and Environmental Site Assessment, Longford Tasmania. April, 2006.
	Former Longford Sawmill Environmental Site Assessment, Paton Street, Longford Tasmania. December, 2011.
	Remedial Excavation at the Former Longford Sawmill Site, Paton Street, Longford. March, 2012.

The site is currently vacant with no infrastructure remaining after decommissioning and the surface comprises of a combination of gravel and grass/soil coverings. The site is approximately 140m above mean sea level and slopes gently to the west where it is bounded by a flood levee with Back Creek beyond.

## 3. Soil and groundwater condition

### 3.1. Site investigations

Coffey undertook geotechnical investigation, environmental site assessment and remediation works at the site between 2006 and 2012 (Coffey Geotechnics 2006, Coffey Environments 2011 and Coffey Environments 2012).

Information below was current at completion of site works in 2012. Coffey is not aware of any additional works that have been completed at the site that would influence the information below.

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### 3.2. Contamination risks associated with shallow soils

Previous intrusive site investigation works revealed significant amounts of buried refuse (metal, wire, wood, glass etc.) at the site. Identified refuse was later removed during remedial excavation works (Coffey Environments, 2012), however previously un-identified buried refuse is likely to pose an aesthetic and public health concern if unearthed during construction works.

During previous site investigation works various types of refuse were found to be buried at shallow depths across the site, which included:

- Metal (drums, posts, signs etc.)
- Wire
- Wood/sawdust
- Glass
- General rubbish

The ESA included soil sampling and analysis at a number of discrete locations across the site and did not identify contaminant concentrations above human health and environmental risk levels. However, if contamination is encountered during construction works, populations at risk include:

- On-site workers – contaminants may enter the body during intrusive works through inhalation, ingestion or skin adsorption.
- Environment – contaminants may discharge to the environment through rainwater coming into contact with contaminated soils discharge of dust and leaching of contaminants into ground from contaminated soil.

The management measures in this CEMP will mitigate the potential risks to on-site workers and the environment, should refuse or other contamination be encountered during redevelopment works. Potential risks to future site occupiers are not discussed herein as it is considered likely that contamination would be appropriately managed during the redevelopment works such that it would not pose a risk to future users of the site.

### 3.3. Groundwater conditions

Concentrations of some metals (cadmium, copper, nickel and zinc) were reported at concentrations above the nominated ecosystem protection guidelines during the 2011 groundwater assessment. However these concentrations were considered likely to be naturally occurring and not attributed to historical site activities. The concentration of nickel exceeded drinking water guidelines at two locations suggesting that extraction of groundwater from beneath the site for use as drinking water should be restricted.

## 4. Management procedures

### 4.1. Introduction

The CEMP requires that regular inspections and monitoring are undertaken at the site during all excavation works. The inspections and monitoring must be documented in a manner that allows for review either during or at the completion of site works.

In preparation of this CEMP, potential environmental impacts from excavation work activities have been considered, with the recommended control measures applying to regulatory requirements as well as site specific conditions.

The actions outlined within this CEMP are to be implemented by the Principal Contractor's Site Supervisor at all times. In addition, the measures implemented for this site must ensure that environmental receptors and human health are protected when the site is not occupied by site workers.

The CEMP does not and should not be looked upon as ensuring complete safety. The CEMP is to be used to identify risks and hazards associated with excavation activities, which cannot be seen, and give appropriate guidance and instruction that must be observed.

### 4.2. Controlled activities

All soil disturbing activities performed during the site redevelopment shall be controlled in accordance with the guidance provided herein, including:

- Soil excavation.
- Soil stockpiling (if required).
- Inspection and sampling of site soils.
- Placement of excavated soil back on-site or loading for off-site disposal.

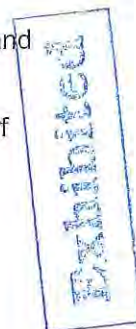
It is anticipated that the majority of the proposed control measures will be standard construction site procedures. However, the relevance and effectiveness of these protocols should be reviewed during the redevelopment works on a regular basis.

### 4.3. Preliminary activities

Each contractor employed at the site must develop a site-specific Health and Safety Plan specific to their own activities. The site health and safety plan must describe measures and actions to be implemented by site staff to ensure a safe work area is maintained. The site safety plan must identify the risks and hazards associated with the required scopes of work and outline measures to be implemented to mitigate those risks.

Prior to commencing any excavation works underground service location plans must be obtained and the location(s) of underground services across the area of works must be verified and marked.

Prior to commencement, contractors and workers must be made aware of the potential presence of buried refuse and other soil contamination and be familiar with the requirements of the CEMP.





## 4.4. Excavation and spoil management

### 4.4.1. Buried refuse

Should any buried refuse be identified within the top 1m of soil during construction the material shall be removed and disposed of to an appropriately licenced off-site facility following procedures set out below. Care should be taken to ensure that minimal soil is removed during the excavation of the refuse.

### 4.4.2. Handling of spoil

All identified refuse and excess spoil shall be disposed of at a facility licensed to receive the materials. The Principal Contractor or relevant sub-contractor shall obtain the necessary approvals/permits from the landfill prior to transportation of any materials off-site. All weighbridge dockets shall be retained by the Principal Contractor.

The Principal Contractor and sub-contractors shall apply the following procedure when handling and disposing of all spoil materials from site:

- Whenever possible, excavated material bound for off-site disposal shall be placed directly into trucks. If stockpiling is required, stockpile(s) shall only be established in areas where stormwater (surface runoff) diversion and collection/soakage systems and silt control measures have been implemented. Additionally, stockpiled material shall be kept damp to prevent dust generation.
- Trucks shall be loaded within the site where runoff and possible spills during loading will be controlled and contained. Wherever possible, the Contractor shall load excavated spoil directly onto trucks adjacent to excavation areas.
- Each truck will have a tracking document signed out on-site and collected at the landfill and/or stockpiling site to track each load of material.
- Trucks shall have their loads covered during transport of material to the approved disposal site.

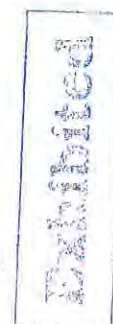
## 4.5. Groundwater

### 4.5.1. Accessing groundwater

Regional groundwater was reported to be encountered between approximately 2.3m below ground surface (mbgs) and 3.6mbgs within a clay aquifer (Coffey Environments, 2011). Groundwater at the site is not suitable for extraction for residential use (drinking water) due to reporting concentrations of nickel that exceeded the adopted assessment criteria (NHMRC/NRMMC, 2015).

Although it was concluded that the nickel concentrations reported in the groundwater beneath the site are likely to be naturally occurring and not a result of past uses of the site (Coffey Environments, 2011), the groundwater is still classified as unsuitable for use as drinking water and should therefore not be extracted for potable use without pre-treatment.

Water that is encountered at the site, through pumping or extracting and is required to be removed needs to be contained at the site so as not to cause environmental harm. Further procedures for disposal need to be followed, refer to Section 4.5.2.





## 4.5.2. Off-site disposal of groundwater

Off-site disposal of wastewater must be conducted in accordance with the Environmental Management and Pollution Control (Waste Management) Regulations 2000 and local water authority (TasWater) requirements.

Dedicated water drums can be provided by a registered waste contractor to store potentially contaminated water on-site. Testing and assessment of the quality of the extracted water must be conducted prior to disposal. A suitably qualified environmental consultant should conduct sampling and analysis and would be best contacted when/if groundwater is intercepted at the site to provide advice on appropriate management options. The analytical suite should be appropriate for the contaminants encountered at the site.

Dependant on the results of analysis the liquid waste will typically be disposed to a licensed waste treatment facility either directly or via a Trade Waste Agreement between the waste contractor and the water authority. If contaminant concentrations preclude local disposal via this method then interstate disposal may be required.

## 4.6. Environmental controls

### 4.6.1. Overview

In order to minimise the potential for adverse effects to human health or the environment resulting from the site works, a series of protective measures shall be put in place during any excavation activities. Given that the level of contamination discovered at the site is minor, the control measures discussed below are anticipated to be largely precautionary.

### 4.6.2. Dust and odours

Site works shall be carried out so that noxious, objectionable or offensive odours or airborne and deposited dust do not extend beyond the property boundary of the site. Generation of dusts shall be appropriately managed by employing standard dust suppression techniques. Where appropriate, the following controls shall be implemented:

- Dampening down using a water truck or portable water sprays within the excavation area and truck loading area.
- Where stockpiling is necessary, the material will be kept damp to avoid dust generation.

Offensive odours are not expected to be of concern during the site redevelopment works.

### 4.6.3. Sediment and erosion

The following sediment and erosion control measures will be undertaken:

- Effort shall be made to undertake the excavation works in a period of dry weather to minimise the risks of stormwater entering the excavations.
- Erosion and sediment controls shall be put in place around the excavations as necessary to inhibit refuse or potentially contaminated soil/sediment from being transported away from the area.



- The erosion and sediment control measures will primarily include battering and/or bunding of the excavations to ensure surface run-off falling onto refuse or potentially contaminated soil is retained within the excavations.
- Trucks used to transport any refuse or contaminated soil must be covered, and as reasonable, any loose material on the side of the trucks or on the wheels shall be removed before the truck leaves the site.

## 4.7. Complaint management

All site neighbours shall be informed of the proposed works. Clear signage shall be erected at the active site works perimeter providing contact details for the appointed Principal Contractor and site contacts. Complaints shall be managed in a formalised manner, whereby prompt action is taken to investigate and evaluate each complaint. Where necessary, complaints shall be mitigated and the problem rectified. An up-to-date record of all complaints shall be kept on-site at all times.

## 4.8. Discovery of unexpected additional refuse and soil contamination

The site was assessed in accordance with Australian Standard AS4482.1 *Guide to the investigation and sampling of sites with potentially contaminated soil*, adopting a grid based approach to soil assessment. Although no contamination was identified during the assessment works, there is some potential for additional buried refuse and unidentified contamination to be present at the site within areas in-between the original assessment locations.

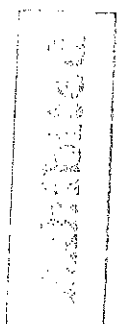
Measures, that can be undertaken to manage any unexpected contamination include:

- Ensuring all workers are trained to recognise signs of potential contamination such as odours or soil discolouration.
- Ensuring there is a response plan that can be activated if potentially contaminated hot spots are found, such as:
  - Stop work and report signs to the site supervisor immediately.
  - Isolate the area with a physical barrier and sign posts to identify it as potentially contaminated.
  - Assume the area is contaminated until an assessment proves otherwise.
  - Assess the area to identify contaminants.

Assessment of the potentially contaminated material shall be completed by an appropriately qualified environmental consultant. Should it be found that the material is contaminated it will require disposal in accordance with EPA Tasmania Information Bulletin 105 *Classification and Management of Contaminated Soil for Disposal*, 2012 (EPA Tas, 2012). Soils disposed of off-site should be tracked via the use of a Soil Tracking Form. An example of a Soil Tracking Form is provided in Appendix B.

Measures that must be undertaken to manage exposure of site workers to unexpected contaminants include:

- Avoid handling of potentially contaminated soil.
- Wash hands before eating, drinking or smoking.
- Avoid activities that may introduce soil to the mouth, such as nail biting.



- Store and consume food and drink in a designated clean area.
- Remove soiled clothing and footwear before entering a designated clean area and before leaving the site.
- Use personal protective equipment (PPE) as required. In addition to hard hats, safety boots, safety glasses and hearing protection, this equipment may include:
  - Impermeable (latex or nitrile) gloves, if handling potentially contaminated soil.
  - Long sleeved shirt and long trousers.
  - Dust masks.
  - Vapour masks.
- Store personal protective equipment in a clean place to avoid contamination.
- Replace gloves and masks regularly, and other equipment as required.

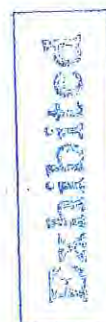
The principal contractor must ensure that site workers and visitors are provided with:

- Site safety induction briefing.
- Adequate hand washing facilities.
- A designated clean area for storage and consumption of food and drink.
- Adequate personal protective equipment, as described above.

## 5. Record keeping and reporting

A site logbook will be maintained on-site during all Controlled Activities (as set out in Section 4.2 above) and shall contain the following information:

- Weather conditions.
- Site conditions.
- Progress/problems associated with the site work.
- Numbers of personnel on-site and use of PPE.
- Visual dust.
- Monitoring data.
- Safety, health and environmental discussions and safety non-compliance issues.
- Third party complaints lodged regarding the works, as well as all corrective measures implemented to limit such complaints from reoccurring.
- All incidents and near losses/misses.
- Any other relevant information.





Former Longford Sawmill CEMP  
Paton Street, Longford, TAS

## 6. Limitations

This CEMP document should be read together with "Important Information About Your Coffey Environmental Report" attached to this report.

## 7. References

**Coffey Environments (2011)** *Former Longford Sawmill Environmental Site Assessment, Paton Street, Longford Tasmania.* December, 2011.

**Coffey Environments (2012)** *Remedial Excavation at the Former Longford Sawmill Site, Paton Street, Longford.* March, 2012.

**Coffey Geosciences (2006)** *Former Longford Sawmill, Proposed residential subdivision, Geotechnical and Environmental Site Assessment, Longford Tasmania.* April, 2006.

**CRC CARE (2011)** Technical Report No. 10 – Health Screening Levels for Petroleum Hydrocarbons in Soil and Groundwater, September 2010. Friebel, E., Nadebaum, P. & GHD Pty Ltd.

**EPA Tas (2012)** EPA Tasmania Information Bulletin 105 '*Classification and Management of Contaminated Soil for Disposal*'. November 2012.

**NEPC (2013)** National Environment Protection (Assessment of Site Contamination) Measure, National Environment Protection Council, 1999 (as amended 2013). April, 2013.

**NHMRC / NRMMC (2015).** National Health and Medical Research Council / National Resource Management Ministerial Council) – Australian Drinking Water Guidelines. 2011, Updated March 2015.

**NMC (2013)** Northern Midlands Council, *Northern Midlands Interim Planning Scheme.* June, 2013.

**Standards Australia (2005)** *AS4482.1: Guide to the Investigation and Sampling of Sites with Potentially Contaminated Soil.* November, 2005.

Exhibited



# Important information about your Coffey Environmental Report

## 1. Introduction

This report has been prepared by Coffey for you, as Coffey's client, in accordance with our agreed purpose, scope, schedule and budget.

The report has been prepared using accepted procedures and practices of the consulting profession at the time it was prepared, and the opinions, recommendations and conclusions set out in the report are made in accordance with generally accepted principles and practices of that profession.

The report is based on information gained from environmental conditions (including assessment of some or all of soil, groundwater, vapour and surface water) and supplemented by reported data of the local area and professional experience. Assessment has been scoped with consideration to industry standards, regulations, guidelines and your specific requirements, including budget and timing. The characterisation of site conditions is an interpretation of information collected during assessment, in accordance with industry practice,

This interpretation is not a complete description of all material on or in the vicinity of the site, due to the inherent variation in spatial and temporal patterns of contaminant presence and impact in the natural environment. Coffey may have also relied on data and other information provided by you and other qualified individuals in preparing this report. Coffey has not verified the accuracy or completeness of such data or information except as otherwise stated in the report. For these reasons the report must be regarded as interpretative, in accordance with industry standards and practice, rather than being a definitive record.

## 2. Your report has been written for a specific purpose

Your report has been developed for a specific purpose as agreed by us and applies only to the site or area investigated. Unless otherwise stated in the report, this report cannot be applied to an adjacent site or area, nor can it be used when the nature of the specific purpose changes from that which we agreed.

For each purpose, a tailored approach to the assessment of potential soil and groundwater contamination is required. In most cases, a key objective is to identify, and if possible quantify, risks that both recognised and potential contamination posed in the context of the agreed purpose. Such risks may be financial (for example, clean up costs or constraints on site use) and/or physical (for example, potential health risks to users of the site or the general public).

## 3. Limitations of the Report

The work was conducted, and the report has been

prepared, in response to an agreed purpose and scope, within time and budgetary constraints, and in reliance on certain data and information made available to Coffey. The analyses, evaluations, opinions and conclusions presented in this report are based on that purpose and scope, requirements, data or information, and they could change if such requirements or data are inaccurate or incomplete.

This report is valid as of the date of preparation. The condition of the site (including subsurface conditions) and extent or nature of contamination or other environmental hazards can change over time, as a result of either natural processes or human influence. Coffey should be kept apprised of any such events and should be consulted for further investigations if any changes are noted, particularly during construction activities where excavations often reveal subsurface conditions. In addition, advancements in professional practice regarding contaminated land and changes in applicable statutes and/or guidelines may affect the validity of this report. Consequently, the currency of conclusions and recommendations in this report should be verified if you propose to use this report more than 6 months after its date of issue.

The report does not include the evaluation or assessment of potential geotechnical engineering constraints of the site.

## 4. Interpretation of factual data

Environmental site assessments identify actual conditions only at those points where samples are taken and on the date collected. Data derived from indirect field measurements, and sometimes other reports on the site, are interpreted by geologists, engineers or scientists to provide an opinion about overall site conditions, their likely impact with respect to the report purpose and recommended actions.

Variations in soil and groundwater conditions may occur between test or sample locations and actual conditions may differ from those inferred to exist. No environmental assessment program, no matter how comprehensive, can reveal all subsurface details and anomalies. Similarly, no professional, no matter how well qualified, can reveal what is hidden by earth, rock or changed through time.

The actual interface between different materials may be far more gradual or abrupt than assumed based on the facts obtained. Nothing can be done to change the actual site conditions which exist, but steps can be taken to reduce the impact of unexpected conditions.

For this reason, parties involved with land acquisition, management and/or redevelopment should retain the services of a suitably qualified and experienced environmental consultant through the development and



use of the site to identify variances, conduct additional tests if required, and recommend solutions to unexpected conditions or other unrecognised features encountered on site. Coffey would be pleased to assist with any investigation or advice in such circumstances.

**5. Recommendations in this report**

This report assumes, in accordance with industry practice, that the site conditions recognised through discrete sampling are representative of actual conditions throughout the investigation area. Recommendations are based on the resulting interpretation.

Should further data be obtained that differs from the data on which the report recommendations are based (such as through excavation or other additional assessment), then the recommendations would need to be reviewed and may need to be revised.

**6. Report for benefit of client**

Unless otherwise agreed between us, the report has been prepared for your benefit and no other party. Other parties should not rely upon the report or the accuracy or completeness of any recommendation and should make their own enquiries and obtain independent advice in relation to such matters. Coffey assumes no responsibility and will not be liable to any other person or organisation for, or in relation to, any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report.

To avoid misuse of the information presented in your report, we recommend that Coffey be consulted before the report is provided to another party who may not be familiar with the background and the purpose of the report. In particular, an environmental disclosure report for a property vendor may not be suitable for satisfying the needs of that property's purchaser. This report should not be applied for any purpose other than that stated in the report.

**7. Interpretation by other professionals**

**8. Data should not be separated from the report**

**9. Responsibility**



## Appendix A - Figures

Exhibit



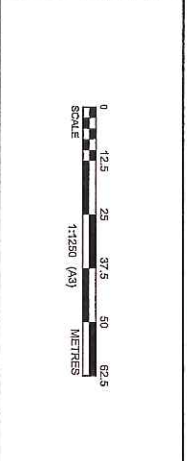


no.	description	drawn	approved	date
A	ORIGINAL ISSUE	JO	CP	07/04/16

**LEGEND**

- GROUNDWATER MONITORING WELL LOCATIONS
- PREVIOUS TEST PIT LOCATIONS (COFFEY APRIL 2009)
- CURRENT TEST PIT LOCATIONS
- WATER PIPE
- SITE BOUNDARY

AERIAL IMAGE SOURCE: GOOGLE EARTH PRO, CAPTURE DATE UNKNOWN



drawn	approved	date	scale
JO	CP	07/04/16	AS SHOWN
original size			

A TERRA TECH COMPANY

client	project	title	figure no.	rev.
FORMER LONGFORD SAWMILL CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN	PATON STREET, LONGFORD, TASMANIA	SITE LAYOUT PLAN	FIGURE 2	A



**DRAFT**

**Appendix B - Soil Tracking Form**



Exhibited

# Potentially Contaminated Soil – Tracking Form

Date Identified	Soil Origin	Stockpile ID (Ex Situ) or Soil Location (In Situ)	Soil description (e.g. Fill, natural, presence of debris, odours, staining)	Samples collected (Y/N) Date	Laboratory analyses (Y/N) Date Outcome	Was the soil moved? List new location.	Final destination (Landfill name, other site name or on-site location)	Notes	Logged by



# Bushfire Hazard Management Report:

**Report for:** Structure Finance Corporation Pty. Ltd.

**Property Location:** Paton Street,  
Longford, TAS, 7301

**Prepared by:** Scott Livingston  
AK Consultants,  
40 Tamar Street,  
LAUNCESTON, TAS. 7250

**Date:** 2<sup>nd</sup> February 2016  
(Version 2)



Exhibited

**Summary**

**Client:** Structured Finance Corporation Pty Ltd.

**Property**

**identification:** Current zoning: Rural Resource  
CT 1168222/1, PID:2895178

**Proposal:** Subdivision of one title into 23 Lots, in 3 stages.

**Assessment comments:** A field inspection of the site was conducted to determine the Bushfire Attack Level and Risk.

**Conclusion:** The only threat from bushfire is grassland vegetation to the west on Rural Resource zoned land. Lots along the western side of the subdivision are bushfire prone, but are assessed as BAL Low, with no setbacks required. The area will be serviced by reticulated water supply. All access to Lots 9-13, 16, 19, 20 must be constructed to Class 4C standards.

**Assessment  
by:**



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Scott Livingston,  
Master Environmental Management,  
Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act 1979:  
Accreditation # BFP-105

