



Central Highlands Council

AGENDA – ORDINARY MEETING – 18th SEPTEMBER 2012

Agenda of an Ordinary Meeting of Central Highlands Council scheduled to be held at Hamilton Council Chambers, on Tuesday 18th September 2012, commencing at 9.00am and be closed to the public until 10.00am.

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

Geoff Cockerill
Acting General Manager

1.0 OPENING

2.0 PRESENT

3.0 APOLOGIES

4.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005, the Mayor requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) in any item of the Agenda.

5.0 COMMITTEE

Regulation 15 of the Local Government (Meeting Procedures) regulations 2005 provides that Council may consider certain sensitive matters in Closed Agenda which relate to:

- Personnel matters, including complaints against an employee of the Council;
- Industrial matters relating to a person;
- Contracts for the supply and purchase of goods and services;
- The security of property of the Council
- Proposals for the Council to acquire land or an interest in the land or for the disposal of land;
- Information provided to the Council on the condition it is kept confidential;
- Trade secrets of private bodies;
- Matters relating to actual or possible litigations taken by or involving the Council or an employee of the Council;
- Applications by Councillors for leave of absence;
- The personal affairs of any person.

The decision to move in Closed Council requires an absolute majority of Council.



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9.0 COMMUNITY & ECONOMIC DEVELOPMENT REPORT

Moved C/r

Seconded C/r

THAT the **Community & Economic Development Report** be received and noted.

Carried

9.1 HIGHLANDS TASMANIA

Recommendation

Moved C/r

Seconded C/r

THAT the Tourism Action Committee be renamed Highlands Tasmania with its membership being expanded to incorporate a representative from each of Rivers Run, Mount Field Tourism Group and the Trout Guides and Lodges Tasmania.

Carried

10.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

In accordance with Regulation 25(1) of the Local Government (Meeting Procedures) Regulations 2005, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

Moved C/r

Seconded C/r

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

Carried

10.1 DA 2012/10: JMG ENGINEERS & PLANNERS : 475 ROCKMOUNT ROAD, ELLENDALE : SUBDIVISION OF ONE LOT & BALANCE & 13 VISITOR ACCOMMODATION UNITS IN THE RURAL ZONE & RIVERSIDE, LAKESIDE & WETLANDS AREA & REQUIRING VARIATION TO SETBACK STANDARD

Recommendation

Moved C/r

Seconded C/r

That Central Highlands Council (Planning Authority) in accordance with the provisions of the *Central Highlands Planning Scheme 1998* and Section 57 of the *Land Use Planning & Approvals Act 1993*, APPROVE the application for a Subdivision of One lot and balance & 12 Visitor Accommodation Units in Rural Zone at RA475 Rockmount Road, Ellendale Certificate of Title Volume 139332 Folio 1, subject to the following conditions:

General

1. The development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. An amended site plan showing the exact Unit Type to be constructed on each site and



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the final location of the building, access and bushfire management zones must be submitted to the satisfaction of Council prior to any works commencing or strata division of the land. All buildings must be located within the specified envelopes on the approved plan and must be no greater than 5 metres height above natural ground level.

3. The amended site plan must provide a setback of 100 metres to the northern boundary for all buildings.
4. The manager's dwelling is not approved under this permit. A separate planning application must be made for that development prior to strata division of the land.
5. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
6. Electrical reticulation and telecommunication reticulation must be installed in accordance with the requirements of Aurora Energy Pty. Ltd., Telstra and the gas authority.

Subdivision

7. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
8. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.
9. The final plan of survey must be noted that Council cannot or will not provide a means of drainage, water or sewer services to all lots shown on the plan of survey.

Final Plan

10. A fee of \$220.00, or as otherwise adopted by Council resolution from time to time, must be paid to Council prior to the sealing of each stage of the final plan of survey.
11. A final plan of survey and two (2) copies must be provided together with the schedule of easements as necessary.
12. All conditions of this permit must be satisfied before the Council seals the final plan. It is the subdivider's responsibility to arrange any required inspections and to advise Council in writing that the conditions of the permit have been satisfied. The final plan of survey will not be dealt with until this advice has been provided.



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Aboriginal Heritage

13. An Aboriginal Cultural Heritage Assessment prepared by a suitably qualified archaeological expert in accordance with the document *Aboriginal Heritage Guidelines and Standards for Consulting Archaeologists* must be submitted to Council prior to any works being undertaken on the site. Any recommendations of the report must be fully implemented to the satisfaction of the Council's General Manager.
14. In the event that any suspected item of archaeological significance is inadvertently encountered during works associated with development of the site, then the activity creating the disturbance should cease immediately, and the *Aboriginal Relics Act 1975* will apply for reporting and management.

Amenity

15. All external metal building surfaces (including wind turbine generators and associated infrastructure) must be clad in non-reflective pre-coated metal sheeting or painted in a matt finish to the satisfaction of the Council's General Manager.
16. Before any work commences a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by the Council's General Manager. The schedule must provide for finished colours that blend in with the natural rural landscape to minimise visual intrusion, such as natural browns or greens. The schedule shall form part of this permit when approved.

Environment

17. The final location of the building, access and bushfire protection areas for Site 5 must be determined to minimise clearance of *Eucalyptus tenuiramis* forest and woodland vegetation community. Evidence from a suitably qualified person to this effect must be provided to Council with the site final plan and prior to any works commencing.
18. The final locations of the building, access and bushfire protection areas for Sites 5, 6 and 13 must be sited at least 50 metres from any Tasmanian Devil (*Sarcophilus harrisii*) dens. No vegetation may be cleared from within this buffer area. Evidence from a suitably qualified person to demonstrate this has been achieved must be provided to Council with the site final plan and prior to any works commencing.
19. Construction work at Sites 5, 6 and 13 must not occur during the Tasmanian Devil (*Sarcophilus harrisii*) breeding season of July to December, inclusive.
20. A preclearance survey for *Pseudemoia pagenstercheri* (tussock skink) and evidence of *Haliaeetus leucogaster* (White-bellied Sea Eagle) and their nests must be undertaken by a suitably qualified professional prior to any construction work commencing. If the species is identified advice should be sought from the Policy and Conservation Branch of DPIWWE before works proceed.

Part 5 Agreement

21. An agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*



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must be entered into prior to any works commencing.

This agreement shall provide for the following:

- a. The visitor accommodation units are located within an established rural area and maybe subject to noise, odour, chemical and dust emissions associated with surrounding agricultural activities. Owners or visitors do not have a right to complain about reasonable agricultural activities.
 - b. The twelve (12) Visitor Accommodation units are approved for short stay visitor accommodation only and are not to be used for permanent residential accommodation or long-term rental accommodation.
 - c. The Visitor Accommodation units must not be occupied by any owner or other occupant for a continuous period greater than three (3) months.
 - d. Council will not be responsible for the construction or upgrading of any internal road or access to the approved lots. Any current or future owners of the approved lots will be responsible for any construction or upgrades necessary to provide an appropriate level of service and safety to suit any future development and in accordance with an approved engineering design.
 - e. The development of the approved Visitor Accommodation Units is to be carried out and maintained in accordance with the recommendations of Guidelines for development in bushfire prone areas of Tasmania, Tasmanian Fire Service, Hobart, 2005 and constructed in accordance with Level 1 of Standards Australia (1999): AS3959: Construction of Buildings in Bushfire Prone Areas Standards Australia, Sydney.
 - f. No caravans or other temporary accommodation are permitted on the site for a period greater than twenty one (days) unless otherwise approved by Council.
22. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the applicant on a blank instrument form to the satisfaction of Council and registered with the Recorder of Titles. All Costs associated with the preparation and registration of the Part 5 Agreement must be met by the applicant.

Bushfire Management

23. Before the use commences the land and dwelling must be developed and completed in accordance with the approved Bushfire Hazard Management Plan and must continue to be maintained to the satisfaction of the Council's General Manager.
24. The Visitor Accommodation must be designed and constructed in accordance with the recommendations of the approved fire hazard management plan and the provisions for Level 1/2 risk of Standards Australia (2001): *Australian Standard AS 3959-1999, Construction of Buildings in Bushfire Prone Areas*, (incorporating Amdt. 1 & 2), SAI Global Ltd., Sydney.

Signage

25. No signs are to be erected on the property without Council approval unless exempt under the Scheme.

Covenants



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

Wastewater

27. All wastewater disposal shall be in accordance with the Geotechnical report approved with this permit (*Geo-Environmental Solutions: Geo-Environmental Assessment, 475 Rockmount Road, Ellendale September 2011*) and a Special Plumbing Permit to the satisfaction of Council's Senior Environmental Health Officer. Aerated Wastewater Treatment Systems (AWTS) would be the preferred option.

Services

28. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Protection of water quality

29. Before any work commences a Soil and Water Management Plan (SWMP) prepared by a consultant approved by Council's Municipal Engineer recommending measures to control stormwater runoff from the land so that runoff does not cause erosion and sedimentation or discolouration of any surface water outside the boundaries of the land during the construction phase must be submitted to and approved by the Council's General Manager (refer to advice below). The SWMP shall form part of this permit when approved.

Weed Management

30. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a Weed Management Plan detailing measures to be adopted to limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's General Manager and of the Regional Weed Management Officer, Department of Primary Industries, Parks, Water and Environment.

Roadwork's

31. The developer is to upgrade the User Road to an unsealed rural road standard in accordance with the standards shown on standard drawings SD-1008 Rural Roads – Typical Cross Section prepared by the IPWE Aust. (Tasmania Division) (attached) and to the requirements of Council's General Manager.
32. All private access roads must be constructed or upgraded to comply with relevant



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municipal standard drawings, the recommendations of Bushfire Planning Group (2005): *Guidelines for development in bushfire prone areas of Tasmania, Tasmania Fire Service, Hobart* and to the satisfaction of Council's General Manager. Shared access must include a:

- All weather construction;
 - minimum trafficable width of 6.00 metres (Including consolidated, formed, surfaced and drained shoulders), or minimum 4.0 metres trafficable width with 2.0 metre wide by 20 metre long passing bays every 90 metres along the access otherwise;
 - stormwater drainage as required.
33. The developer must pay the cost of any alterations, damages and/or reinstatement to Council's road assets, Council infrastructure, existing services or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Engineering drawings

34. Engineering design drawings for any works relating to Council Infrastructure are to be submitted for approval by Council's General Manager. Engineering Drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by the General Manager.
35. Approved Engineering Plans will remain valid for a period of 2 years from the original date of approval.

Construction amenity

36. Any works relating to the development must be carried out between the following hours:
- | | |
|---------------------------|-------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 9.00am to 6.00pm |
| Sundays & Public Holidays | 10.00am to 6.00pm |

The applicant shall also be advised that:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Environmental Protection and Biodiversity Protection Act 1999* (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industries, Parks, Water and the Environment or the Commonwealth Minister for a permit.
- C. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*.



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- D. The primary function of Lake Meadowbank is for hydro generation. The lake operates in a range of 6.08 metres, therefore, for continuity of supply, any pumps or pipes installed should be designed to operate over this full range. Note that separate approval will be required from Hydro Tasmania for any pumps or pipes across or on its land.
- E. Lake Meadowbank is a multiple use lake and there is a need to respect the rights and obligations of others. This permit does not extend to approval for structures such as boat ramps, pipes and pumps on the adjoining Hydro Tasmania land. Approval for these are subject to separate approval by either Hydro Tasmania, Council or both and requires authorisation of Hydro Tasmania and needs to meet the requirements of Hydro Tasmania as well as the Central Highlands Planning Scheme and any other permitting requirements.
- F. The SWMP shall be prepared in accordance with HMCA (1999): Guidelines for Soil and Water Management, HMCA, Hobart, the *State Policy for Water Quality Management 1997* and the requirements of the Council's General Manager and show the following –
- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;
 - Timing of the site rehabilitation or landscape program;
 - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
 - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
 - Temporary erosion and sedimentation controls to be used on the site; and
 - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.
- G. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

Carried



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10.2 DA 2012/21:
BP & BP TRIFFETT P/L :
RA 4079 LYELL
HIGHWAY, GRETNA
(MARKED TREE ROAD –
CT 150406/1)
: EXTRACTIVE
INDUSTRY (GRAVEL
QUARRY) IN THE RURAL
ZONE

Recommendation

Moved **Clr**

Seconded **Clr**

That Central Highlands Council (Planning Authority) in accordance with the provisions of the *Central Highlands Planning Scheme 1998* and Section 57 of the *Land Use Planning & Approvals Act 1993*, approve the application for an *Extractive Industry (Gravel Quarry) in the Rural Zone* at 4079 Lyell Highway, Gretna (Marked Tree Road), Certificate of Title 150406 Folio 1, subject to the following conditions:

General

1. The development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. No buildings or structures are approved as part of this application.
3. The quarry activity must occur in accordance with all environmental guidelines contained in the '*Quarry Code of Practice 1999*' prepared by the Department of Primary Industries, Water and the Environment.

Scope of permit

4. The quarrying activity must not exceed an annual extraction volume of FIVE THOUSAND (5000) cubic metres of gravel.

Signage

5. No signage is approved as part of this application. A separate application for approval will be required for any signage regime to be undertaken on the site unless exempt under the Scheme.

Hours of Operation

6. The approved hours of operation for the approved use are as follows:

- | | |
|--|--|
| • <i>Monday to Saturday</i> | <i>7:00 a.m. to 6:00 p.m.</i> |
| • <i>Sunday and State-wide public holidays</i> | <i>No quarrying activities may take place.</i> |

Amenity

7. The premises and grounds are to be kept free from filth, dust, ashes, refuse waste and other offensive matter and such materials are not permitted to accumulate on the premises in a manner which in the opinion of an authorised from Council is likely to create a health risk or is unsightly.

Landscaping



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8. A Landscape Plan for the northern, eastern and southern perimeters of the quarry must be prepared and submitted to Council's General Manager for approval. The Landscape Plan must indicate the areas to be landscaped, the form of landscaping proposed, plant species to be used, an estimate of the cost of the works and a timeframe in which the works will be completed. The Landscape Plan must incorporate trees, shrubs, screens, bunds, gabion walls or other means approved by Council's Environmental Health Officer in order to provide adequate screening of the processing activity from neighbouring properties and the local road network. All plantings must bear a suitable relationship to the existing flora and fauna on the Site and must not incorporate species:

- (a) *listed as noxious weeds within Tasmania;*
- (b) *displaying invasive characteristics; or*

The Landscape Plan will form part of the permit when approved and it is a condition of this permit that:

- (a) *the landscaping plan be implemented; and*
- (b) *the landscaping required by the landscaping plan be maintained, to the satisfaction of Council's Environmental Health Officer.*

Rehabilitation

9. Rehabilitation of any areas associated with the gravel quarry must commence within 3 months of ceasing operation.
10. All areas impacted by the mining operation, including accesses tracks no longer in use and storage areas, are to be revegetated using local provenance native vegetation.

Noise

11. Noise emissions from the activity when measured at any human dwelling in other ownership and expressed as the adjusted time average 'A' weighted sound pressure level must not exceed 45dB(A) between the hours of 7:00am and 6:00pm.

Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the emissions from the activity are audible and exceeds the background noise levels by at least 5Db(A). Noise level measurements must be taken in the presence of ambient noise normally existent in the area. The time interval over which the noise levels are averaged must be between 10 and 20 minutes.

Measured noise levels are to be justified for tonality and impulsiveness in accordance with the current Australian Standard AS 1055 and the Tasmanian 'Noise Measurements Procedure Manual'. (Amended 25/5/10)

Environmental Management Plan



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12. The activity is approved subject to the preparation and lodgment of a full Environmental Management Plan completed by a suitably qualified Environmental Consultant and to be assessed and approved by Council's General Manager. The assessment is to address current and future environmental impacts, including but not limited to noise and dust emissions produced by the approved use, and recommendations of how these impacts are to be managed. The recommendations made by this report will form part of this permit.
13. The use and development must not commence until the Environmental Management Plan referred to in condition 12 has been submitted to and approved by Council's Environmental Health Officer.

Parking and Access

14. The internal driveway abutting the sealed access is to be constructed drained and paved as directed by the General Manager.
15. The vehicle access from the carriageway of the road onto the subject site must be located and constructed in accordance with the construction and sight distance standards shown on standard drawings SD 1009 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) (attached) or otherwise as required of Standards Australia (2002): Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney and to the satisfaction of Council's General Manager.

Protection of water quality

16. During the construction and re-vegetation stages of the development, the Developer shall institute such measures as may be required by Council's General Manager to effectively control erosion and the carriage of soil by storm water.
17. The developer shall provide diversion drains as and if required at each site for the diversion of run-off around the quarrying operation as directed by the General Manager.
18. If, on the advice of Mineral Resources Tasmania, sediment control devices are required at any of the sites, the developer shall construct settling ponds through which run-off is to be directed before being discharged from the site, all to the satisfaction of the General Manager. The settling ponds are to be suitably sized to ensure maximum removal of sediment and are to be maintained in working condition by the operator until the site has been permanently closed and rehabilitated to the satisfaction of Mineral Resources Tasmania.

The applicant shall also be advised that:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. Please be advised that Marked Tree Road is a school bus route and care should be taken between 8-9 am and 3-4pm on school days.



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- C. The SWMP shall be prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, the *State Policy for Water Quality Management 1997* and the requirements of the Council's General Manager and show the following -
- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;
 - Timing of the site rehabilitation or landscape program;
 - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
 - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
 - Temporary erosion and sedimentation controls to be used on the site; and
 - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.
- D. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

Carried

10.3 DA 2012/31:
FULTON HOGAN
CONSTRUCTION PTY
LTD: P222B EAST OF
ARTHURS LAKE,
ARTHURS LAKE (CT
241819/1): EXTRACTIVE
INDUSTRY (LEVEL 1
DOLERITE STONE
QUARRY TO SUPPLY
MIDLANDS WATER
SCHEME PROJECT) IN
THE RURAL ZONE

Recommendation

Moved **Clr**

Seconded **Clr**

That Central Highlands Council (Planning Authority) in accordance with the provisions of the *Central Highlands Planning Scheme 1998* and Section 57 of the *Land Use Planning & Approvals Act 1993*, approve the application for an *Extractive Industry (Level 1 Dolerite Quarry) in the Rural Zone* at P222B Paradise Plains, Arthurs Lake, Certificate of Title 241819 Folio 1, subject to the following conditions:

General

1. The development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.



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2. No buildings or structures are approved as part of this application.
3. The quarry activity must occur in accordance with all environmental guidelines contained in the 'Quarry Code of Practice 1999' prepared by the Department of Primary Industries, Water and the Environment.

Scope of permit

4. The quarrying activity must not exceed an annual extraction volume of FIVE THOUSAND (5000) cubic metres of stone.
5. The crushing, grinding or milling of rock must not exceed an annual production volume of ONE THOUSAND (1000) cubic metres of material.

Signage

6. No signage is approved as part of this application. A separate application for approval will be required for any signage regime to be undertaken on the site unless exempt under the Scheme.

Hours of Operation

7. The approved hours of operation for the approved use are as follows:

- *Monday to Saturday* 7:00 a.m. to 7:00 p.m.
- *Sunday and State-wide public holidays* No quarrying activities may take place.

Amenity

8. The premises and grounds are to be kept free from filth, dust, ashes, refuse waste and other offensive matter and such materials are not permitted to accumulate on the premises in a manner which in the opinion of an authorised from Council is likely to create a health risk or is unsightly.

Rehabilitation

9. Rehabilitation of any areas associated with the gravel quarry must commence within 3 months of ceasing operation.
10. All areas impacted by the mining operation, including accesses tracks no longer in use and storage areas, are to be revegetated using local provenance native vegetation.

Noise

11. Noise emissions from the activity when measured at any human dwelling in other ownership and expressed as the adjusted time average 'A' weighted sound pressure level must not exceed 45dB(A) between the hours of 8:00am and 5:00pm.

Where the combined level of noise from the activity and the normal ambient noise



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exceeds the noise levels stated above, this condition will not be considered to be breached unless the emissions from the activity are audible and exceeds the background noise levels by at least 5Db(A). Noise level measurements must be taken in the presence of ambient noise normally existent in the area. The time interval over which the noise levels are averaged must be between 10 and 20 minutes.

Measured noise levels are to be justified for tonality and impulsiveness in accordance with the current Australian Standard AS 1055 and the Tasmanian 'Noise Measurements Procedure Manual'. (Amended 25/5/10)

Parking and Access

12. Direct access to public road for vehicles transporting material produced by the quarry is not permitted by this permit. Further approval from Council will be required for access to a public road if it is needed in the future.

Protection of water quality

13. During the construction and re-vegetation stages of the development, the Developer shall institute such measures as may be required by Council's General Manager to effectively control erosion and the carriage of soil by storm water.
14. The developer shall provide diversion drains as and if required at each site for the diversion of run-off around the quarrying operation as directed by the General Manager.
15. If, on the advice of Mineral Resources Tasmania, sediment control devices are required at any of the sites, the developer shall construct settling ponds through which run-off is to be directed before being discharged from the site, all to the satisfaction of the General Manager. The settling ponds are to be suitably sized to ensure maximum removal of sediment and are to be maintained in working condition by the operator until the site has been permanently closed and rehabilitated to the satisfaction of Mineral Resources Tasmania.

The applicant shall also be advised that:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The SWMP shall be prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, the *State Policy for Water Quality Management 1997* and the requirements of the Council's General Manager and show the following -
 - Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;



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- Timing of the site rehabilitation or landscape program;
- Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
- Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
- Temporary erosion and sedimentation controls to be used on the site; and
- Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.

- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

Carried

10.4 DA 2012/36: DALY INTERNATIONAL: 6820 LYELL HIGHWAY, OUSE: UTILITY (MAJOR) - TELECOMMUNICATIONS (FIXED WIRELESS NBN) FACILITY IN THE RURAL ZONE

Recommendation

Moved **Clr**

Seconded **Clr**

That Central Highlands Council (Planning Authority) in accordance with the provisions of the *Central Highlands Planning Scheme 1998* and Section 57 of the *Land Use Planning & Approvals Act 1993*, APPROVE the application for a Utility (Major) – Telecommunications (Fixed Wireless NBN Facility) in the Rural Zone at RA 6820 Lyell Highway, Ouse; Certificate of Title Volume 156042 Folio 1, subject to the following conditions:

General

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

Amenity

2. All metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's General Manager

Access

3. The vehicle access from the carriageway of the road onto the subject land must be located and constructed using a sealed/gravel pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1012 and SD 1009 prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's General Manager.



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Protection of Water Quality

4. Prior to any other works approved by this permit commencing, install temporary run-off, erosion and sediment controls (refer to advice below) and maintain them at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development to the satisfaction of Council's Municipal Engineer. In particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system.
5. Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Services

6. The approved structure(s) must be sited clear of any easement and located at least 1.00 metre measured horizontally from any Council service mains.

Construction Amenity

7. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager:
 - Monday to Friday 7:00 a.m. to 6:00 p.m.
 - Saturday 8:00 a.m. to 6:00 p.m.
 - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
8. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
9. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following:
 - Minimise site disturbance and vegetation removal;



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- Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
 - Rehabilitation of all disturbed areas as soon as possible.
- C. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

Carried

10.5 NAMING OF ROAD : Recommendation BRONTE LAGOON

Moved **Clr**

Seconded **Clr**

THAT Council write to the Nomenclature Board seeking their approval to name the unnamed road at Bradys Lake contained in CT 127907/101 as follows:

First Preference – Woodward's Bay Road

Second Preference – Red Rock Road

Carried



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10.6 KENNEL LICENCE APPLICATION : 34 HIGH STREET, BOTHWELL

Council has received an application for a Kennel Licence for a property at 39 High Street, Bothwell. The application was advertised by the owner on 24 June 2012 with the 14 days for objections expiring on 8 July 2012.

One objection was received to the application during the statutory time frame under the Dog Control Act 2000 with the following issues raised:

- We believe the number of dogs the applicant seeks to accommodate on the property is far in excess of the reasonable capacity of the property. Although situated in a semi-rural area, the property is the size of a small suburban block and is only large enough to reasonably accommodate a small number of dogs, a number of which already reside at the premises.
- There is a history of ongoing conflict and Council intervention in the management of the large number of dogs which already reside at the property. These matters already cause considerable disturbance and distress to neighbours, and this could only be predicted to worsen if the application is successful.
- Neighbours, including ourselves, are regularly awakened by nuisance barking by the existing dogs, in the early hours of the morning. At times this barking persists during the day. This has a negative impact on our quality of life and that of other nearby residents.
- The smell generated by dog faeces and left over bones and meat scraps is quite unbearable on a hot day.

Under the Dog Control Act 2000 it states:

54 Refusing Application-

- (1) A general manager may refuse to grant an application for a licence if of the opinion that-
 - (a) The premises to which the licence relates are unfit for the purpose for which they are to be used; or
 - (b) It is in the public interest that the licence not be issued.
- (2) A general manager is to refuse to grant an application for a licence if not satisfied that the requirements of section 55(1) are likely to be met.

55 Granting application

- (1) A general manager may grant an application for a licence if satisfied that –
 - (a) Adequate provisions for the health, welfare and adequate control of all dogs on the premises are provided or are likely to be provided; and
 - (b) Nuisance to any other persons is unlikely to occur; and
 - (c) Requirements under laws relating to public health and environmental protection are likely to be satisfied.

58 Cancellation of Licence

- (1) A general manager may cancel a licence if satisfied that –
 - (a) the provisions of this Act or any other relevant Act are not being complied with; or
 - (b) any condition of the licence is not being complied with; or



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(c) *the situation or condition of the premises is creating a nuisance; or*

(d) *it is in the public interest that the licence be cancelled.*

Council's Animal Control Officer has conducted a property inspection at 34 High Street, Bothwell in relation to the kennel application and has advised that the kennels and fenced compound meet all the requirements set out in Council's Dog Management Plan as follows:

- 1) The kennels are located at least 9 metres from any neighbouring dwelling;
- 2) The kennels are at least 2 metres from the boundary of the premises;
- 3) The kennels are fully fenced and covered;
- 4) The kennel area has a concrete base to provide for effective cleaning and disinfecting; and
- 5) The kennels are raised off the concrete to provide adequate ventilation and for cleaning purposes.

The objectors concerns have been noted and, as with every kennel licence granted, will be monitored to ensure that the licence issued and the Dog Control Act 2000 are being complied with and any issued addressed accordingly.

Recommendation

Moved **Clr**

Seconded **Clr**

THAT the Kennel Licence for 34 High Street, Bothwell be granted with the following conditions:

1. No additional dogs over the age of six (6) months are to be kept on the above property.
2. Central Highlands Council is to be notified of any change in the breed or number of dogs.
3. Any change in the breed or number of dogs may require application for a new licence.
4. Adequate provisions for the health, welfare and adequate control of dogs.
5. Compliance with the provisions of the Dog Control Act 2000 or any other relevant Act, including but not limited to the Animal Welfare Act 1993.
6. The situation and condition of the premises is not to create a nuisance at any time.
7. A sanitary method of disposal of excreta and waste shall be provided.
8. The kennel or yard shall be constructed in such a way as to provide effective methods of cleaning and disinfecting;

Carried



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11.0 WORKS & SERVICES

Moved **Clr**

Seconded **Clr**

THAT the **Works & Services Report** be received.

Carried

11.1 DISCUSSION

11.2 STABILISATION TENDERS ELLENDALE & HOLLOW TREE ROADS

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council accept the tender from Andrew Walter Construction for the Hollow Tree Rd and Ellendale Rd stabilisation.

Carried

11.3 ARTHURS LAKE ROAD MOVEMENTS

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council still proceed with the Capital works program for Arthurs Lake Rd to commence in late January / early February on the above traffic movements from Fulton Hogan

Council to advise Fulton Hogan that any damage caused by their movements to be at their cost.

Carried

11.4 COUNCIL SURPLUS EQUIPMENT

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council dispose of the surplus equipment by tender.

Carried



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11.5 RECEIVAL OF STATUS REPORT

Moved **Clr**

Seconded **Clr**

THAT the **Status Report** be received.

Carried

11.5.1 STATUS REPORT DISCUSSIONS

12.0 MAYORAL COMMITMENTS

21 st Aug 2012	Council Meeting – Bothwell
27 th Aug 2012	His Excellency Maris Sangiampongsa Ambassador of Thailand
28 th Aug 2012	Planning Workshop Bothwell Water & Sewerage Briefing
30 th Aug 2012	Irrigation meeting
3 rd Sept 2012	Meeting with Tasmanian Senators re: funding for federal election
7 th Sept 2012	Building Appeals Board Hearings
9 th Sept 2012	Opening of Ouse Bowls Club
10 th Sept 2012	Audit Committee Meeting for Mayors at Clarence
11 th Sept 2012	Planning Committee Meeting Audit Committee Meeting Australasian Golf Museum Meeting at Kempton
12 th Sept 2012	Rural Primary Health Service Finding
14 th Sept 2012	Building Appeals Board Hearings
15 th Sept 2012	Battle of Briton – Memorial Service, St. David’s Cathedral Battle of Briton Dinner
17 th Sept 2012	Central Highlands Consultative Health Meeting

12.1 COUNCILLORS COMMITMENTS

Clr A J Downie

28 th Aug 2012	Planning Workshop
11 th Aug 2012	Planning Committee

Clr G L Herbert

21 st Aug 2012	Council Meeting - Bothwell
11 th Sept 2012	Planning Committee Meeting - Bothwell



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Clr I V McMichael

20 th Aug 2012	CHHSCC Workshop Ouse
21 st Aug 2012	Council Meeting - Bothwell
11 th Sept 2012	Council Planning - Bothwell Council Audit Committee – Bothwell

Clr L M Triffitt

20 th Aug 2012	CHHSCC Workshop Ouse
21 st Aug 2012	Council Meeting - Bothwell
22 nd Aug 2012	Onsite Platypus Walk - Acting General Manager in attendance

13.0 NOTIFICATION OF COUNCIL WORKSHOPS

13.1 FUTURE WORKSHOPS

14.0 MAYORAL ANNOUNCEMENTS

15.0 MINUTES

15.1 RECEIVAL MINUTES ORDINARY MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 21st August 2012** be **received**.

Carried

15.2 CONFIRMATION OF MINUTES ORDINARY MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 21st August 2012** be **confirmed**.

Carried



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15.3 RECEIVAL MINUTES PLANNING COMMITTEE MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the **Planning Committee Meeting** of **Council** held on **Tuesday 11th September 2012** be received.

Carried

16.0 BUSINESS ARISING

17.0 ADMINISTRATION

17.1 REVOCATION OF MOTION – MULCHER (PAGES 1-2)

Acting General Manager has prepared a report on this recommendation and is included as an attachment.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT

1. The report by the Acting General Manager be received and noted.
2. Item 6.6 of Motion 12.6.2 be revoked and the actions of the Acting General Manager in purchasing the SEM 36 Mulcher at a price of \$26,000.00 plus GST be ratified.

Carried

17.2 CARAVAN BY-LAW (PAGES 3-14)

Acting General Manager has prepared a report on this recommendation and is included as an attachment.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT;

3. The report by the Acting General Manager be received and noted.
4. Council resolve its intention, in accordance with Section 156 of the Local Government Act 1993, to make a by-law for the regulation of caravans within the Municipal area.

Carried

This Motion requires an absolute majority



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17.3 STATE EMERGENCY SERVICE – PARTNERSHIP AGREEMENT (PAGES 15-24)

Council signed a three year partnership agreement with SES in 2004 and as such is overdue for review.

A modernised and revised MOU has been developed for consideration by Council and is attached.

The purpose of the MOU is to define the responsibilities of both the SES and Council in relation to the provision and maintenance of the volunteer SES unit within the Central Highlands municipal area.

Discussion has been undertaken with SES and some minor modifications negotiated.

Recommendation:

Moved **Clr**

Seconded **Clr**

1. **THAT** Council approve the draft Memorandum of Understanding with the State Emergency Service.
2. **THAT** the General Manager be authorised to sign the Memorandum of Understanding.

Carried

17.4 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS 2012

This conference is being held in Hobart on the 14th to 16th November 2012 at Wrest Point.

Mayor Flint has requested approval to attend day 1 of the Congress.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council approve the attendance of Mayor Flint at Day 1 of the National Local Roads and Transport Congress.

Carried

17.5 REMISSION OF RATES AND CHARGES

A report will be submitted to the meeting containing recommendations of proposed remissions



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18.0 SUPPLEMENTARY AGENDA ITEMS

Moved **Clr**

Seconded **Clr**

THAT Council consider the matters on the Supplementary Agenda.

Carried

19.0 COMMITTEE REPORTS

20.0 CLOSURE
