

Central Highlands Council

Agenda – ORDINARY MEETING – 21st February 2017

Agenda of an Ordinary Meeting of Central Highlands Council scheduled to be held at Bothwell Council Chambers, on Tuesday 21st February 2017, commencing at 9am.

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.

Lyn Eyles
General Manager

1.0 OPENING

2.0 PRESENT

3.0 APOLOGIES

4.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, 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 CLOSED SESSION OF THE MEETING

Moved:

Seconded:

THAT pursuant to Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public.

Items for Closed Session:

- Confirmation of Confidential Minutes of Council's Ordinary Meeting held on 17 January 2017 Regulation 15 (2) (g)
 - Confidential Information Regulation 15 (2) (g)
 - Personnel Matter Regulation 15 (2) (a)
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5.1 MOTION OUT OF CLOSED MEETING

Moved:

Seconded:

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

OPEN MEETING TO PUBLIC

Meeting opens to the public at 10.00am

6.0 RESIGNATION OF DEPUTY MAYOR

Section 44(4) of the Local Government Act 1993 provides that if the office of Deputy Mayor becomes vacant for any reason, the councillors are to elect one of their number to the office of Deputy Mayor in the prescribed manner for the balance of the term.

Council at its January meeting determined that this election will take place at this Council meeting.

The Local Government Regulations (Division 1) provides the process to be followed for the election of the Deputy Mayor by Councillors. The General Manager has issued to all councillors a notice of election for the office of Deputy Mayor and a nomination form for that election. Nominations closed with the General Manager at 4 pm on Thursday, 9 February 2017.

Two nominations were received:

- Clr Lana Benson
- Acting Deputy Mayor Clr Erika McRae

Ballot papers will be issued to Councillors and the election conducted.

7.0 IN ATTENDANCE

10.15 am	Mrs Tracey Turale
10.30 am	Mr Malcolm Cross- Fly Fishing World Championships 2019
11.00 am	Mr Damien Jacobs- CEO Corumbene
11.30 am	Clive Attwater- Tasmanian Electric Highway Program
2.00 pm	Mr Terry Hoskinson- Bothwell Football Club

7.1 PUBLIC QUESTION TIME

8.0 MAYORAL COMMITMENTS

12 th January	Meeting with Attorney General
16 th January	Great Lake Community Meeting
17 th January	Ordinary Council Meeting - Hamilton
18 th January	Tasmanian Trail at Victoria Valley
23 rd January	Meeting onsite at Bronte with Minister Hidding
	Meeting Minister Hidding Hamilton re bus service
26 th January	Australia Day Awards
1 st February	Meeting with Solicitors
	Meeting with Clr Poore
	ABC Interview
2 nd February	Power Trail Opening
	Meeting with Bothwell Football Club President
6 th February	Mayors Round Table Meeting Hobart
	STCA Meeting Hobart
7 th February	Inland Fisheries Meeting
	Huon Regional Health Meeting
	Central Highlands and Southern Midlands Meeting
8 th February	Mrs Flint OAM Funeral
9 th February	Department of Education Meeting
11 th February	CWA Show Opening

8.1 COUNCILLORS COMMITMENTS

Acting Deputy Mayor E McRae

17 th January	Ordinary Council Meeting- Hamilton
25 th January	Meeting with Mayor Triffitt - Bothwell
26 th January	Australia Day Awards - Hamilton
28 th January	Opening of Ratho Golf Course - Bothwell
1 st February	Meeting with Solicitors - Bothwell
2 nd February	Power Trail Opening - Bothwell
7 th February	Huon Regional Care and Health Services Meeting - Bothwell
	Rural and Remote Communities Health and Wellbeing Concept Project
Discussion - Kempton	
8 th February	Former Mayor Flint's Funeral
9 th February	Meeting with the Department of Education- Bothwell

Clr R L Cassidy

17 th January	Ordinary Council Meeting- Hamilton
2 nd February	Hydro Heritage Trail/Highlands Power Trail Opening
8 th February	Former Mayor Flint's Funeral
14 th February	Audit Panel Committee

Clr L Benson

24 th January	Grant Writing with General Manager - Hamilton
26 th January	Australia Day Event – Hamilton
30 th January	Grant Writing with General Manager – Hamilton
2 nd February	Waddamana Power Trail Event - Waddamana
7 th February	Stakeholder Health Meeting - Bothwell
9 th February	Integrity Commission – Ethical Conversations Workshop - Hobart
10 th February	Edmund Rice Foundation Meeting – Sorell Council

8.2 GENERAL MANAGER'S COMMITMENTS

17 th January	Ordinary Council Meeting - Hamilton
23 rd January	Meeting onsite Bronte with Minister Hidding
	Meeting Minister Hidding Hamilton re bus service
2 nd February	Opening Highland Power Trail
	Meeting Terry Hoskinson re clubrooms
6 th February	STCA Meeting
7 th February	Health stakeholder meeting organised by HRC
	Meeting Southern Midlands – re gap in Health & Well Being services
14 th February	Audit Panel Meeting – Hamilton
15 th February	Seminar Disclosure Related party Transactions

9.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD

NIL

9.1 FUTURE WORKSHOPS

14th March 2017 Bothwell 12.30 – Grants, bus service

10.0 MAYORAL ANNOUNCEMENTS

11.0 MINUTES

11.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING

Moved:

Seconded:

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 17th January 2017 be received

11.2 CONFIRMATION OF MINUTES ORDINARY MEETING

Moved:

Seconded:

THAT the Minutes of the Ordinary Meeting of Council held on Tuesday 17th January 2017 be confirmed

11.3 RECEIVAL DRAFT MINUTES PLANNING COMMITTEE MEETING

Moved:

Seconded:

THAT the Minutes of the Planning Committee Meeting held on Tuesday 14th February 2017 be received

11.4 RECEIVAL DRAFT MINUTES AUDIT PANEL COMMITTEE MEETING

Moved:

Seconded:

THAT the Minutes of the Audit Panel Committee Meeting held on Tuesday 14th February 2017 be received

12.0 BUSINESS ARISING

13.0 NRM REPORT

Moved:

Seconded:

THAT the NRM Report be received



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PO Box 22, Hamilton TAS 7140
Office phone: 6286 3211

www.derwentcatchment.org
ABN: 53230571121

NRM Report for Central Highlands Council 12th January – 16th February 2017

General Business:

At our General Meeting and end of year wrap up last December a motion was passed to change the name of our group. The main reason is we get confused with government organisations such as NRM South and we are seeking to establish a clear community identity and focus. The name that has been voted for is **The Derwent Catchment Project** – which will be accompanied with a by line of *"Increasing Productivity, Restoring Landscapes"*. We are developing a new logo which will symbolise our broad land management role and will serve as context for the name. The change will be undertaken as soon as possible, there is a bit of paperwork and administration to do before this can occur.

Central Highlands Weed Management Program

We have been working to lobby State Growth for more investment into their weed control program. We have also been in conversation with them about the future possibility of employing the Glamorgan-Spring Bay model of weed management in the Central Highlands which would mean State Growth pay for a works role/s on Council to undertake weed control on State Growth roads in the municipality.

Dee Lagoon

Forestry Tasmania have undertaken primary control at one site using a mulcher, they will follow up with foliar spray in Spring. Eve has comprehensively mapped the site and has been working with both Hydro and TasNetworks to deliver a weed control request which will hopefully secure more investment into Dee Lagoon.

Pootina

Our teams have been working hard and have tackled all the ragwort on Hydro land and have started on Parks & Wildlife land. They are expected to be finished after this weekend.

Adopt a Shore

Two working bees have been run (one at Cramps Bay and one at Todds Corner) with a small number of enthusiastic attendees. The events have been very productive and have identified committed, enthusiastic locals who are keen to assist the program.

Dairy Cares

James Downie will undertake fencing and off stream watering points at Clarendon as part of this program. Work has also been undertaken with Compass-Agribusiness at Berkeley Farm to increase the area in which effluent is spread across pasture.

Pasture Hub

Eve has met with Ionata who are working to develop the website that will host the pasture information. They are hoping to build the site within 8 weeks. This will mean that the website will be live around April and then data can be added in real time as the project progresses.

Nursery

Work has been conducted in the nursery to create a hardening off area to support the larger pots we have grown. More irrigation has been installed and we hope to expand this area soon. Elisha Harrison, our volunteer, recently partnered with Men Shed to pot up 180 backwoods into 5 inch pots. This will mean we have several mature plants to use for revegetation on the Platypus Walk.



Community Grants Fund – Rejuvenating Hamilton’s Platypus Walk

Eve is still pursuing a Workskills team that we hope to arrange for a 6-month project to support work at Platypus Walk.

Flood site visits and grant development

Josie has been busy visiting all landholders affected by the floods from Ashton to Ouse and is pulling together an expression of interest to be submitted to NRM North who are handling the devolvement of Commonwealth and State flood monies. The focus of the grant will be on willow removal and revegetation with native species to increase the resilience of the riverbank to flood event in the future and to improve water quality in the Ouse over time. Central Highlands Council are a partner on this project.

NRM South Naturally Inspired Grant Round 10

Several landholders across the catchment have been supported with advice/site visits/grant writing assistance for this round. Those from the Central Highlands include: Davies & Hoskins – willow removal, Allwright – forage shrub trial, McShane – Planned grazing trial, Ellis – revegetation.

Camera traps

Six camera traps have been placed around Bloomfield as part of this project. Other properties will be targeted soon. We have also been working on a cat monitoring project with an honors student from UTAS to build an understanding of cat numbers in the highlands. The data will show the population difference between native vegetation and areas of agricultural production. Rabbits will be also used as indicator for cat populations. This is relevant for the risks relating to Toxoplasmosis.

Yours Sincerely,

Josie Kelman, Facilitator, Derwent Catchment NRM Committee 0427 044 700

Eve Lazarus, Projects Officer, Derwent Catchment NRM Committee 0429 170 048

14.0 FINANCE REPORT

Moved:

Seconded:

THAT the Finance Report be received

14.1 RECOMMENDATIONS FROM THE AUDIT PANEL:

The Audit Panel has reviewed the following documents and recommended that Council adopt these:

- Long Term Financial Plan and Strategy
- Asset Management Plan – Roads and Bridges
- Asset Management Plan – Buildings

Recommendation:

THAT Council adopt the following as recommended by the Audit Panel:

- Long Term Financial Plan and Strategy
- Asset Management Plan – Roads and Bridges
- Asset Management Plan – Buildings

The Audit Panel recommended that the Risk Register be forwarded to all Councillors for them to become familiar with its contents.

Recommendation:

THAT all Councillors receive a copy of the Risk Register

14.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

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

Moved Cllr

Seconded Cllr

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

14.1 DEVELOPMENT APPLICATION DA2016/46 - VEHICLE FUEL SALES AT 1-3 DALRYMPLE STREET, BOTHWELL

Report by

Jacqui Tyson (Contract Planner)

Applicant

Emma Riley & Associates

Owner

R J Le Souef

Proposal

The proposal is for a self-service fuel station at 1-3 Dalrymple Street, Bothwell, operating 24 hours, 7 days a week.

The proposed fuel station is located towards the western end of the property fronting Patrick Street (Lake Secondary Road). The development includes fuel storage and dispensing equipment, driveway access, site works and landscaping.

The proposed fuel storage tank is an above ground unit that is a rectangular shape, 6.1m long, 2.44m wide and 2.9m high. The unit includes high flow dispensing pumps, a filling system and overfill alarm. No underground fuel tanks are proposed.

Under the proposal, part of the site would be filled around 1m to the same level as the road. The fill batters would be grassed and landscaped with small trees along the northern side. The fuel storage tank would be located on a concrete pad with filling positions on both sides. The concrete area would be bunded and drained to a separator system before discharging to the Taswater sewer system under a trade waste agreement. Other stormwater will be directed to a dish drain beneath the filled area.

The property has frontage to both Dalrymple Street and Patrick Street (Lake Secondary Road). Access to the fuel station is to be from Lake Secondary Road via two access points, providing a drive through service. Lake Secondary Road is a State road. Under the proposal the access driveways would be sealed with asphalt to the property boundary and then constructed from compacted coarse gravel inside the property (other than the concrete pad area).

The fuel station will provide diesel only, intending to mainly cater to heavy and light trucks, transport vehicles, farm vehicles and earthmoving equipment. There is expected to be one delivery of fuel to the site per week by a heavy rigid or semi-trailer vehicle.

The proposal includes an illuminated fuel price sign that is 4m high with a double sided face area that is 1m x 2m in size.

Application

The application includes the following reports and supporting documents:

- Planning report and additional information (Emma Riley & Associates)
- Site plans (TN Woolford & Associates)
- Traffic Impact Statement (Milan Prodanovic)
- Noise Impact Assessment (NVC)

The application has been referred to the following people/bodies for consideration:

- Taswater
 - Approval has been provided with conditions to be attached to the planning permit (if granted).
- Department of State Growth
 - Advised they have no objection in principle to the development application. Approval will be required from DSG before any access works are carried out.
- Engineer (Leigh Wighton)
 - The proposal has been assessed and conditions recommended, including a requirement to seal the entire vehicular access area and to provide further details of stormwater disposal and treatment.
- Works Manager (Jason Branch)

- Identified concerns about the durability of the internal gravel driveway and advised that asphalt or concrete would be more appropriate.

Background

The eastern portion of 1-3 Dalrymple Street is already developed with the Swanston Rural store, which is accessed from Dalrymple Street. Cyclone wire fencing separates the Swanston Rural site from the proposed development.

Swanston Rural was approved as “*Commercial purposes and developed by a change of use to a bulk store including new shed and signage*” by Council in 2012 (DA2011/50). The application was subject to an appeal that was settled by consent agreement. The approved permit required landscaping of the boundaries of that development, which has never been successfully established.

Subject site and Locality

The subject site is located towards the western edge of Bothwell, on the northern side Patrick Street (Lake Secondary Road) and the western side of Dalrymple Street. The land consists of one title described in CT243744/1 and has a total area of 8083m².



Fig 1. Aerial image of the land, location of subject land identified by the green star (Source: Google Satellite via theLIST).

The site is zoned Village under the Central Highlands Interim Planning Scheme and is within the Bothwell Heritage Precinct, as indicated in Figure 2.



Fig 2. Location of subject land identified by green star, indicating the Village zone (orange) and the Bothwell Heritage Precinct area (pink hatched) (Source: theLIST).

Use/Development Status

The proposal belongs in the *Vehicle fuel sales and service* use class as defined under the Planning Scheme. The proposed use and associated development has a discretionary status in the Village zone and must be considered at the discretion of the Council.

As a discretionary development, the application was advertised in accordance with Section 57 of the Act and Council has the discretion to grant a permit or refuse to grant a permit.

Assessment – Central Highlands Interim Planning Scheme 2015

Exemptions and Special Provisions

None applicable to this application.

Local Area Objectives and Desired Future Character Statements

The following provisions are relevant to the consideration of use and development standards below:

Local Area Objectives	Implementation Strategy
Bothwell, Hamilton and Ouse	
Retain and develop the commercial and community functions that service the local community. Residential infill is encouraged however limitations to services and infrastructure will determine the appropriate degree of intensification.	Allow for appropriate use classes and implement use and development standards suitable to the area.
Desired Future Character Statements	Implementation Strategy
Bothwell, Hamilton and Ouse	
<p>(a) To provide for use and development where the visual values of the historic streetscape and heritage values of buildings are protected.</p> <p>(b) To provide for economic opportunity through mixed uses, particularly the re-use of the heritage buildings.</p> <p>(c) Residential development is to be largely infill to ensure there is minimal impact on surrounding rural uses and to facilitate the efficient use of infrastructure.</p> <p>(d) Ensure commercial, retail and community developments and uses are located within the town centres.</p>	Use and development standards.

Use standards

The proposal must satisfy the requirements of the following relevant use standards of the Village Zone:

Non-Residential Use		
To ensure that non- residential use does not unreasonably impact residential amenity .		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Hours of operation must be within:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</p>	<p>P1</p> <p>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p><i>The proposed operating hours do not comply with the Acceptable Solution.</i></p> <p><i>In response to the concerns of representors and Council officers the applicant has agreed to a</i></p>

<p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 9.00 am to 5.00 pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>		<p><i>reduction of operating hours to 6am – 10pm, 7 days.</i></p> <p><i>It is considered that this change will have a considerable reduction in the level of impact on the residential amenity of neighbouring properties and a condition to this effect is included.</i></p> <p><i>The proposal can comply with the Performance Criteria.</i></p>
<p>A2</p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAMax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental</p>	<p>P2</p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>	<p><i>A noise impact assessment has been provided with the application.</i></p> <p><i>The assessment found that the predicted noise levels comply with the Acceptable Solution A2 during day time hours (8am to 6pm).</i></p> <p><i>During the night, the noise levels would exceed the level identified in the Acceptable Solution for the two closest dwellings. However the report identifies that existing traffic movements on Patrick Street (Lake Secondary Road) also exceed the standard.</i></p> <p><i>The noise level of a refuelling movement would be similar to that of a passing truck, although it would of course last longer, estimated to be 15 minutes per vehicle.</i></p>

<p>Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>		<p><i>The application predicts that 15-20 vehicles will use the site per day, with the majority of these occurring between 7am and 6pm weekdays and very few vehicles using the site at night (average of 1 per night). If the operating hours are reduced to 6am – 10pm as recommended it is concluded that the noise impacts will not be at a level that would constitute environmental harm.</i></p> <p><i>Therefore the proposal complies with the Performance Criteria.</i></p>
<p>A3</p> <p>External lighting must comply with all of the following:</p> <p>(a) be turned off between 9:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>P3</p> <p>External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>	<p><i>Conditions are recommended to ensure that external lighting is designed and baffled to avoid impacting neighbouring properties and the illuminated sign is only lit during operating hours.</i></p> <p><i>The proposal complies with the Performance Criteria.</i></p>
<p>A4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 40 vehicle movements per day and be within the hours of:</p>	<p>P4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p>	<p><i>'Commercial vehicle movements' typically applies to delivery and maintenance vehicles required for background operations, rather than vehicles using the service provided at a site.</i></p>

<p>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 9.00 am to 5.00 pm on Sundays and Public Holidays.</p>	<p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>	<p><i>In this case the fuel station will require 1 delivery of fuel per week, which complies with A4.</i></p> <p><i>The fuel station is expected to generate around 40 vehicle movements per day from customers– which is also within the numbers indicated in A4 although the operating hours exceed those in A4.</i></p> <p><i>The proposal complies with the Acceptable Solution.</i></p>
<p>A5</p> <p>The gross floor area of a non-residential use must be no more than:</p> <p>200 m².</p>	<p>P6</p> <p>The size and location of a non-residential use must satisfy all of the following:</p> <p>(a) does not dominate residential areas of the</p>	<p><i>The total area of the filling station including the concrete slab is 72m².</i></p> <p><i>The proposal complies with the Acceptable Solution.</i></p>

	settlement; (b) be consistent with surrounding use and development; (c) be consistent with any Local Area Objectives or Desired Future Character Statements.	
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Development standards

The proposal must satisfy the requirements of the following relevant use standards of the Village Zone:

Building Height		
To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on amenity of adjoining land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Building height must be no more than: 8.5 m.	P1 Building height must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between	<i>The fuel station unit will be 2.59m high.</i> <i>The building complies with the Acceptable Solution.</i>

	<p>9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(iii) visual impact when viewed from adjoining lots, due to bulk and height;</p> <p>(c) not unreasonably overshadow adjacent public space;</p> <p>(d) allow for a transition in height between adjoining buildings, where appropriate;</p> <p>(e) be no more than 9.5 m.</p>	
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Setback

To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of adjoining land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building setback from frontage must be parallel to the frontage and must be:</p> <p>no less than 4.5 m</p>	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</p>	<p><i>The fuel station unit will setback 11.3m from the road frontage.</i></p> <p><i>The building complies with the Acceptable Solution.</i></p>

	(c) enhance the characteristics of the site, adjoining lots and the streetscape,	
<p>A2</p> <p>Building setback from side and rear boundaries must be no less than:</p> <p>(a) 2 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from side and rear boundaries must satisfy all of the following:</p> <p>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <p>(i) overlooking and loss of privacy;</p> <p>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing;</p> <p>taking into account aspect and slope.</p>	<p><i>The fuel station unit will setback a minimum of 70m from side boundaries and over 30m from the rear boundary.</i></p> <p><i>The building complies with the Acceptable Solution.</i></p>

Design		
To ensure that building design for non-residential uses contributes positively to the streetscape, the amenity and safety of the public and adjoining land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building design for non-residential use must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;</p> <p>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat</p>	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</p> <p>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</p> <p>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</p> <p>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</p>	<p><i>The proposed fuel station does not include any doors or windows due to the nature of the building and is not designed for pedestrian access.</i></p> <p><i>Plant and equipment that form part of the fuel unit will be visible and therefore the proposal does not meet A1 (d). However, the side of the building facing the street will largely be a blank wall, 6.1m wide by 2.9m high. The building is utilitarian in nature however the landscaping will soften the overall appearance of the site.</i></p> <p><i>The proposal complies with the Performance Criteria.</i></p>

<p>pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</p> <p>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</p> <p>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(h) be consistent with any Desired Future Character Statements provided for the area.</p>	
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Landscaping

To ensure that a safe and attractive landscaping treatment enhances the appearance of sites for non-residential use.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Landscaping is not required along the frontage in this zone.</p>	<p>P1</p> <p>Landscaping must be provided for sites for non-residential use to satisfy all of the following:</p>	<p><i>The proposal complies with the Acceptable Solution.</i></p>

	<p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area.</p>	
<p>A2</p> <p>Along a boundary with a lot used for residential use landscaping must be provided for a depth no less than:</p> <p>2 m.</p>	<p>P2</p> <p>Along a boundary with a lot used for residential use landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of the adjoining land, having regard to the characteristics of the site and the characteristics of the adjoining land.</p>	<p><i>The proposal includes some landscaping. A condition is recommended to require the landscaping to be increased to a depth of 2m to comply with the requirements of A2.</i></p>

Outdoor Storage Areas

To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Outdoor storage areas for non-residential uses must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p>P1</p> <p>Outdoor storage areas for non-residential uses must satisfy all of the following:</p> <p>(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality;</p> <p>(b) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p><i>The proposal does not require outdoor storage area and therefore the proposal complies with the Acceptable Solution.</i></p>

Codes

E1 Bushfire Code:

This Code applies because the *Vehicle fuel sales and service* use class is identified as a Hazardous Use in the definitions of the Code. A condition is included in the recommendation requiring a Bushfire Hazard Assessment and Management Plan to be completed for the site prior to the development being commenced.

E4 Road and Railway Assets Code and E6 Parking and Access Code

Access and Parking must be in accordance with Codes E4 and E5 of the Scheme.

A Traffic Impact Statement (TIS) was submitted with the application which addressed traffic volumes, sight distances and geometric design. The TIS concluded that “the proposed development can be supported on traffic grounds as it will not give rise to any adverse traffic impacts.”

Advice has been sought from Councils’ contract Engineering Officer and Works Manager in relation to the access and parking requirements. To achieve compliance with the requirements of the Scheme a condition is recommended requiring that the entire vehicular access areas should be surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material should be asphalt, concrete and drained to the stormwater system.

The application was also referred to the Department of State Growth as Lake Secondary Road is a State road. State Growth has advised that they have no objection to the proposed development.

E7 Stormwater Management Code

The applicant proposes that stormwater from the development will discharge to the existing roadside drain.

The refuelling area is an uncovered concrete hardstand. The applicant proposes that a proprietary first flush treatment system be installed to collect stormwater runoff from the refuelling area and direct contaminated runoff to sewer under a Trade Waste agreement and the remainder to the roadside table drain on Lake Secondary Road.

No treatment appears to be proposed for runoff of the remainder of the driveway areas.

It will be recommended that the entire driveway area be sealed resulting in a total impervious area greater than 600 sq. m. As such the developer must implement Water Sensitive Urban Design principles to meet the acceptable solution within the stormwater code of the planning scheme. A condition to this effect is recommended.

E13 Historic Heritage Code

The site is located within the Bothwell Heritage Precinct. Development in the Precinct must satisfy the following design criteria from Table E13.2:

- (a) Respect the townscape qualities of the settlement through appropriate building form, design and finishes which are consistent with the historical heritage values of the town setting;
- (b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;
- (c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;
- (d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;
- (e) New buildings must not visually dominate neighbouring historic buildings; and
- (f) Where feasible, additions and new buildings must be confined to the rear of existing buildings.

The proposal must satisfy the requirements of the following relevant standards of the Code:

Building and Works other than Demolition		
To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No Acceptable Solution	P1 Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.	<p><i>The proposed development is sited at the western edge of the township, in a mixed use area. There is an existing modern commercial development on the same site and the Council depot adjoins the site to the north.</i></p> <p><i>It is also noted that Desired Future Character Statement (d) requires commercial and retail developments to be located within the town and this proposal is consistent with that intention.</i></p> <p><i>The nearest historic houses/buildings are located on the opposite side of the road and views of these will not be obstructed. The fuel station is reasonably separated from other historic properties in the township.</i></p>
A2 No Acceptable Solution	P2 Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a	<p><i>While the design of the development is not in keeping with the surrounding heritage values, the fuel station building is relatively small and</i></p>

	heritage place of an architectural style different from that characterising the precinct.	<i>low. The site will also be landscaped to soften the overall appearance.</i>
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Representations

The proposal was advertised for the statutory 14 days period with four (4) representations having been received.

The issues that have been raised in the representations and comments are presented in the table below.

Issue	OFFICER COMMENT
Concerned that infilling the site will redirect stormwater during flood events and make flooding worse for surrounding properties.	<i>The proposal has been assessed by Council's contract Engineering Officer and conditions applied in relation to stormwater.</i>
If flood waters rise above the infill area the spillage of diesel would end up in the Clyde River and impact the environment.	<i>The proposal has been assessed by Council's contract Engineering Officer and conditions applied in relation to stormwater.</i>
24 hour operation will have an unreasonable impact on nearby residents with noise, air quality/fuel emissions and lights.	<i>In response to the concerns of representors and Council officers the applicant has agreed to a reduction of operating hours to 6am – 10pm, 7 days.</i>
The fuel tank is unsightly and not sympathetic to the character of the town.	<i>See comments in relation to E13 Historic Heritage Code above.</i>
The existing development on the same site including recently added silos is unsightly. This development was meant to be landscaped to provide screening from Patrick Street – this has not been carried out.	<i>The status of the previous application/development on the site is not directly applicable to the assessment of this application.</i>
There are heritage buildings of significance in the area that add to the character of the village which is being lost due to these unsightly commercial developments.	<i>See comments in relation to E13 Historic Heritage Code above.</i>
Bothwell already has two petrol stations and the addition of a third could impact employment and incomes. Is there a need for another one?	<i>Commercial competition is not a matter raised by the planning scheme.</i>
Have concerns with the ongoing and uncompleted development of this property. I have previously raised concerns that DA2011/50 has not been finished in accordance with Councils requirements and permit conditions.	<i>The status of the previous application/development on the site is not directly applicable to the assessment of this application.</i> <i>Council may decide to take enforcement action to address this situation separate to the assessment of this current application.</i>

	<i>It is noted that Council have the power to enforce permit conditions, including fines and may cancel a permit if the proposed business operates in a way that is materially different from what is described in this application.</i>
Property investment and rental demand for surrounding properties will be devalued by this development.	<i>Property values are not a matter raised by the planning scheme.</i>
Completion – the history of this developer is that the fuel station will function uncompleted.	<i>Conditions are recommended to avoid this situation occurring.</i> <i>See comment above regarding enforcement of existing permit.</i>
Can Council require rehabilitation of the site if the development fails or is not completed.	<i>A condition of this nature is included in the recommendation.</i>
This commercial development is not appropriate in the historic heritage area.	<i>See comments in relation to E13 Historic Heritage Code above.</i>
Patrick Street has an Avenue of trees that have a visual impact on the western approach to the town centre and this will be diminished by this development.	<i>See comments in relation to E13 Historic Heritage Code above.</i>
Patrick Street has a valuable vista starting at Dalrymple Street of Mt Adelaide and paddocks near the Clyde that will be compromised.	<i>See comments in relation to E13 Historic Heritage Code above.</i>
The previous development on the site has a condition for landscaping that has never been taken seriously or supervised, indicating the same might happen here.	<i>Conditions are recommended to avoid this situation occurring.</i> <i>See comment above regarding enforcement of existing permit.</i>
This is a heritage area of significance not a light industrial area.	<i>The site is zoned Village, which allows for a range of uses within the town.</i> <i>See comments in relation to E13 Historic Heritage Code above.</i>
The application doesn't meet the use standards of the planning schemes and is under Discretionary consideration by Council.	<i>The application has been assessed and found to comply with the applicable standards, however approval or refusal is at the discretion of Council.</i>

Conclusion

The proposal is for a self-service fuel station at 1-3 Dalrymple Street, Bothwell.

There are some concerns relating to the impact of the proposal on the amenity of residential properties in the vicinity and in regard to details of the access and stormwater treatment design.

Conditions have been recommended below to address these concerns, including a reduction of the operating hours and a requirement to seal the entire vehicle access area.

Overall, the proposal has been assessed against the applicable standards of the Village zone and those relevant codes of the *Central Highlands interim Planning Scheme 2015* as outlined in the body of this report.

Recommendation

Moved:

Seconded:

The proposal is assessed to substantially comply with the requirements of the Central Highlands Interim Planning Scheme 2015 and so in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*. The planning authority is recommended to approve the application for Vehicle Fuel Sales at 1-3 Dalrymple Street, Bothwell subject to the following recommended conditions.

Recommended 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, except where a condition of this permit requires otherwise.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.
3. All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted in colours that sympathetic to the character the surrounding area and to the satisfaction of the Council's General Manager.

Hours of operation

4. The approved use must only operate between the following hours unless otherwise approved by the Council's General Manager: 6:00 a.m. to 10:00 p.m, 7 days.

Bushfire

5. Before any work commences submit a bushfire hazard assessment and management plan prepared by an accredited person to demonstrate compliance with the requirements of E1.5.2 of the Bushfire Prone Areas Code. The bushfire hazard management plan shall form part of the permit when approved. The requirements of the bushfire hazard management plan are to be implemented prior to the first use of the site and it is the responsibility of the owners to maintain compliance with the provisions of the Bushfire Hazard Management Plan into the future.

Lighting

6. All external lighting including security lights must be positioned and baffled to ensure that direct light is contained on the property.
7. The sign must only be illuminated during the operating hours.

Landscaping

8. Before any work commences a detailed landscape plan prepared by suitable person must be submitted to and approved by Council's Town Planner. The landscape plan must show landscaping to a depth of at least 2m around the fuel station site and indicate the form of landscaping, location and design of any fencing and plants species. The landscaping plan shall form part of the permit when approved.
9. The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's General Manager prior to the commencement of the use, unless agreed otherwise. All landscaping must continue to be maintained to the satisfaction of Council.

Parking & access

10. The vehicle access(es) to Lake Secondary Road must be located and constructed in accordance with Council's Standard Drawings prepared by the IPWE Aust. (Tasmania Division); Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney*; or as otherwise required by this permit and the Department of State Growth.
11. All work on or affecting the State Road (Lake Secondary Road), including drainage, must be carried out in accordance with a permit provided by the Transport Infrastructure Services Division of the Department of State Growth. No works on the State Road shall commence until the Minister's consent has been obtained and a permit issued in accordance with the *Roads and Jetties Act 1935*.
12. The areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney and 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, and must (unless approved otherwise by Council's General Manager) include all of the following;
 - (a) Constructed with a durable all weather pavement
 - (b) Drained to an approved stormwater system
 - (c) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be asphalt, concrete or other material approved by Council's General Manager.
 - (d) Space on site to allow that vehicles enter and leave the site in a forward direction.
13. A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's General Manager must be submitted to Council prior to or in conjunction with lodgement of Building Application. The parking plan is to include:
 - pavement details,
 - design surface levels and drainage,

- turning paths,
- dimensions

and shall form part of the permit when approved.

14. The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
15. All areas set-aside for parking and associated turning areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's General Manager.

Services

16. 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.
17. Services located under the proposed driveway(s) are to be provided with trafficable covers to the requirements of the relevant authority and Council's General Manager.

Stormwater

18. Drainage from the proposed development, including all stormwater run-off from impervious surfaces must drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016. No stormwater run-off generated by the development must be permitted to discharge onto an adjoining allotment other than to a registered drainage easement in favour of the source allotment.
19. The developer is to provide treatment to all stormwater from the site, including the reduction of gross pollutants and hydrocarbons using best practice environmental management, to the satisfaction of Council's General Manager.

Taswater

20. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, date 20/12/2016 (TWDA 2016/01216-CHC).

Protection of water quality

21. Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
22. Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Decommissioning

23. If the fuel station ceases operation and no other use is approved by Council) the site is to be decommissioned and the fuel storage unit is to be removed within twelve (12) months of last use, to the satisfaction of 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 has been granted.
- b) Separate planning approval is required for the strata division of the land.

Carried

MEMORANDUM

To: Councillors and General Manager

From: Jacqui Tyson (Contract Planner)

Subject: Development Application DA2016/46 – Vehicle Fuel Sales at 1-3 Dalrymple Street, Bothwell

Notes on matters raised at Planning Committee Meeting 14/02/2017

Performance based planning:

The *Central Highlands Planning Scheme 2015* is a performance based planning scheme. An application may demonstrate compliance with any use or development standard in two ways:

1. Compliance with the requirements of an Acceptable Solution; or if this is not met
2. Demonstration that the corresponding Performance Criteria is satisfied.

Reliance on a Performance Criteria introduces a discretion. While Performance Criteria are generally subjective by nature, they are usually clear in their intent, especially when considered along with the purpose of the clause.

If an application meets the Acceptable Solution **or** Performance Criteria it has satisfied that standard. Refusing an application because it does not meet an Acceptable Solution is not a viable option.

Zones for Vehicle Fuel Sales use:

Suggestions were made that this proposal would be better located outside Bothwell town boundary. This is impossible under the current zone restrictions as the only zones in the planning scheme that allow for this use class are: Village, Local Business and Light Industrial, of which only Village zone is present in Bothwell. A vehicle fuel sale is a prohibited use in Rural Resource and Significant Agriculture zones, specifically to encourage this use to occur within existing settlements.

It is further noted that the Village zone is intended to provide for a variety of uses within the town, to avoid ribbon and isolated developments. This corresponds with and complements the historic pattern of development in a rural service centre like Bothwell and ensures that the town is the centre of activity in the area.

Traffic/Access:

The proposal includes two new accesses to the Lake Secondary Road. This road is a State Road and managed by the Department of State Growth as the road authority. State Growth have advised that the proposal is acceptable and safe in regards to traffic flows, sight distances etc based upon their knowledge of their road and the Traffic Impact Assessment provided with the application.

Expert reports:

Reports that accompany planning applications are generally prepared by experts in their field with reference to Australian Standards and/or other relevant conventions and scientific methods. Councillors can access these documents to consider in full. Giving too much weight to anecdotal information is simply not a good method for decision making on these matters.

Grounds for Refusal

If Council determines to refuse this application the following grounds of refusal could be used.

1. **The proposal does not satisfy Performance Criteria P1 of Use Standard 16.3.1 (Non-Residential use) as the hours of operation will unreasonably impact residential amenity by way of emissions including vehicle movements, noise and light.**
2. **The design and siting of the proposed building and works will result in detriment to the historic cultural heritage significance of the Bothwell Heritage Precinct because:**
 - a. **The design of the fuel station does not respect the townscape qualities of the settlement and are not sympathetic to the streetscapes, landscapes or character of the town;**
 - b. **Views of the town when entering on Lake Secondary Road will be impacted; and**
 - c. **The visual amenity of historic buildings will be interrupted.**

If Councillors wish to use any other grounds of refusal they should refer directly to applicable standards of the Central Highlands Planning Scheme 2015 and explain briefly why the application does not meet that standard.

Appeal Information

Planning appeals are heard by the Resource Management and Planning Appeals Tribunal (RMPAT).

Process:

Appeals generally proceed through 3 stages:

1. Directions hearing - to outline the issues and identify all parties that will be involved (typically the applicant, Council and any representors who decide to be involved);
2. Mediation - to attempt to resolve the appeal by finding a mutually agreeable solution, and if this fails;
3. Full hearing – where parties present their evidence to a panel of Tribunal Members who then make a decision. More than 80% of planning appeals do not reach a full hearing as they are resolved through mediation or withdrawn.

RMPAT is a 'de novo' jurisdiction which means that applications that are subject to an appeal are considered and determined on their planning merit. RMPAT **is not** an investigating body such as Ombudsmen or the Police, they do not seek information beyond what is presented in the original application documents, the parties during the appeal and the planning scheme. Anyone who is a

party to an appeal must be prepared to present their case and provide any evidence required to do so. This usually requires legal representation and engagement of experts in whatever field(s) relevant to the appeal, eg a traffic engineer if the appeal is based on traffic concerns.

Council considerations:

If Council makes a decision contrary to the recommendation made by officers it is generally accepted that they will need to engage the services of a third party (eg a planning consultant) to assist with any resulting appeal to ensure that there is no conflict of interest.

Council would also need to engage a legal representative and other practitioners in the fields relevant to the appeal grounds to give evidence to support their case. For example an expert in noise or heritage may be required. It is possible for anyone to present a case/evidence in an appeal however if that person does not hold an appropriate qualification/expertise in the field then their evidence is unlikely to be successful against evidence given by an expert representing the other side.

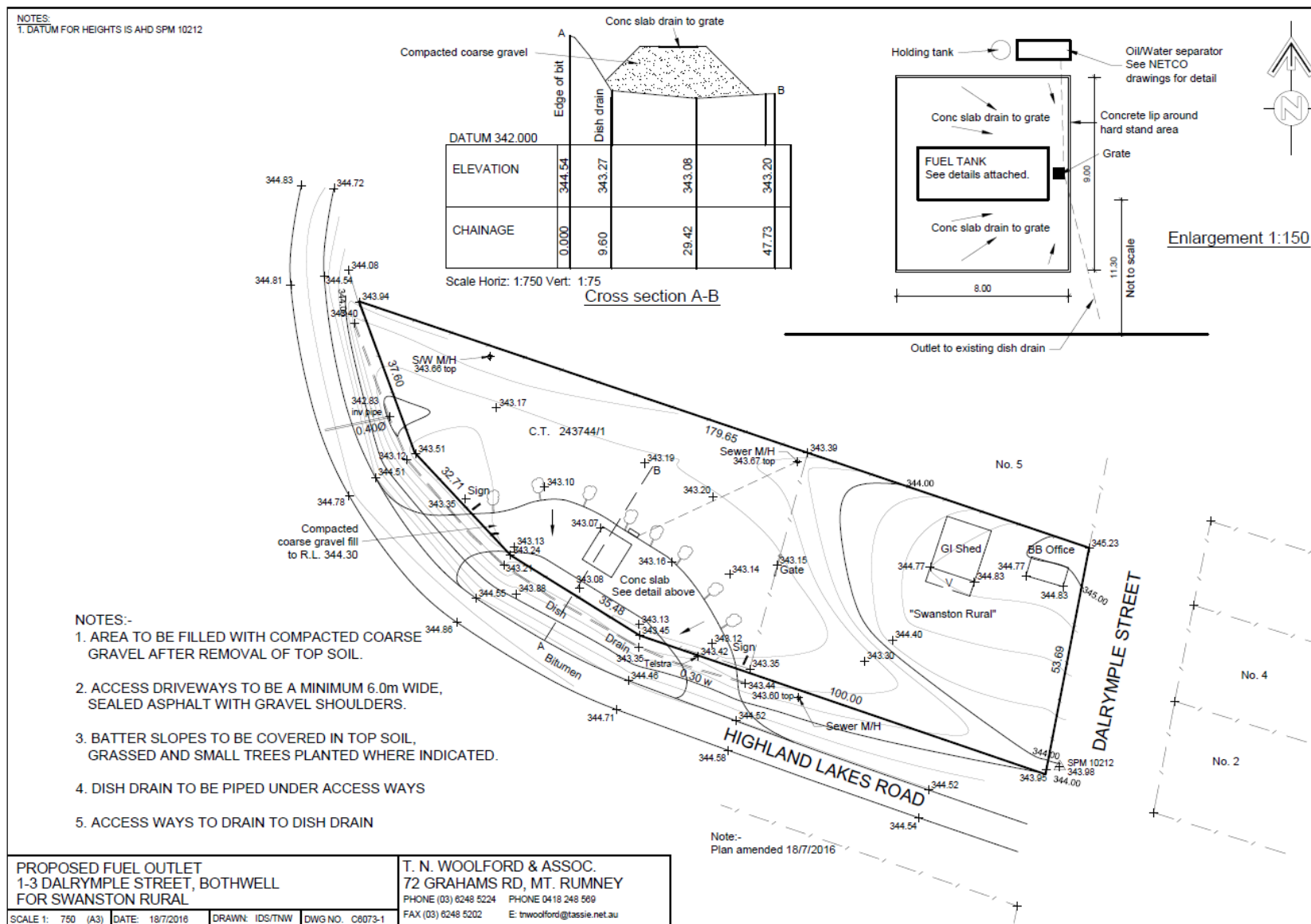
Council should be prepared to consider mediation options that may arise during the appeal - for example additional information/reports, changes to the application or conditions that could change the Council's view. It is expected that parties to an appeal make a genuine attempt to mediate and failure to effectively engage in mediation is not acceptable to RMPAT.

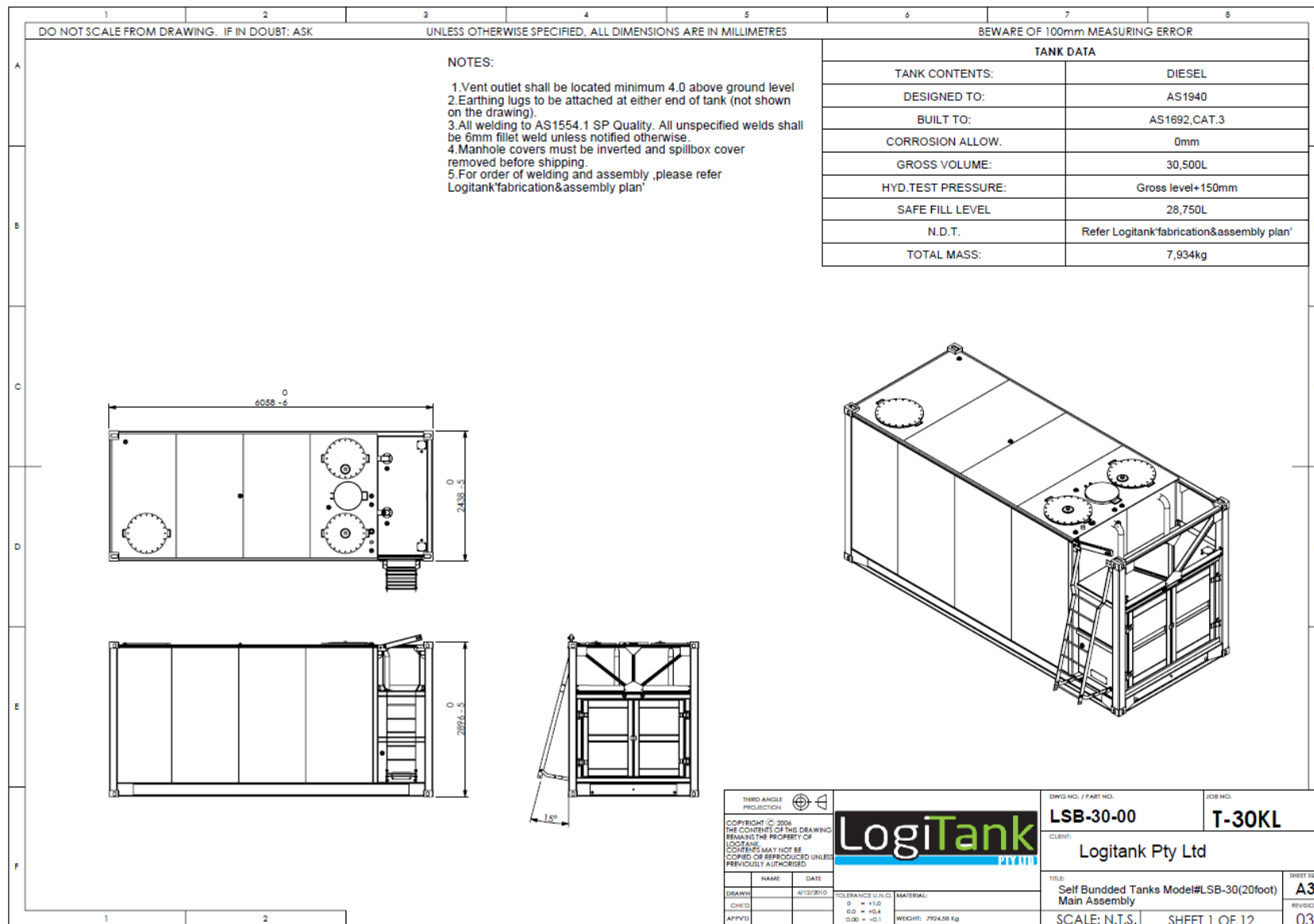
The decision made by RMPAT is final, other than appeals to the Supreme Court on matters of legal interpretation.

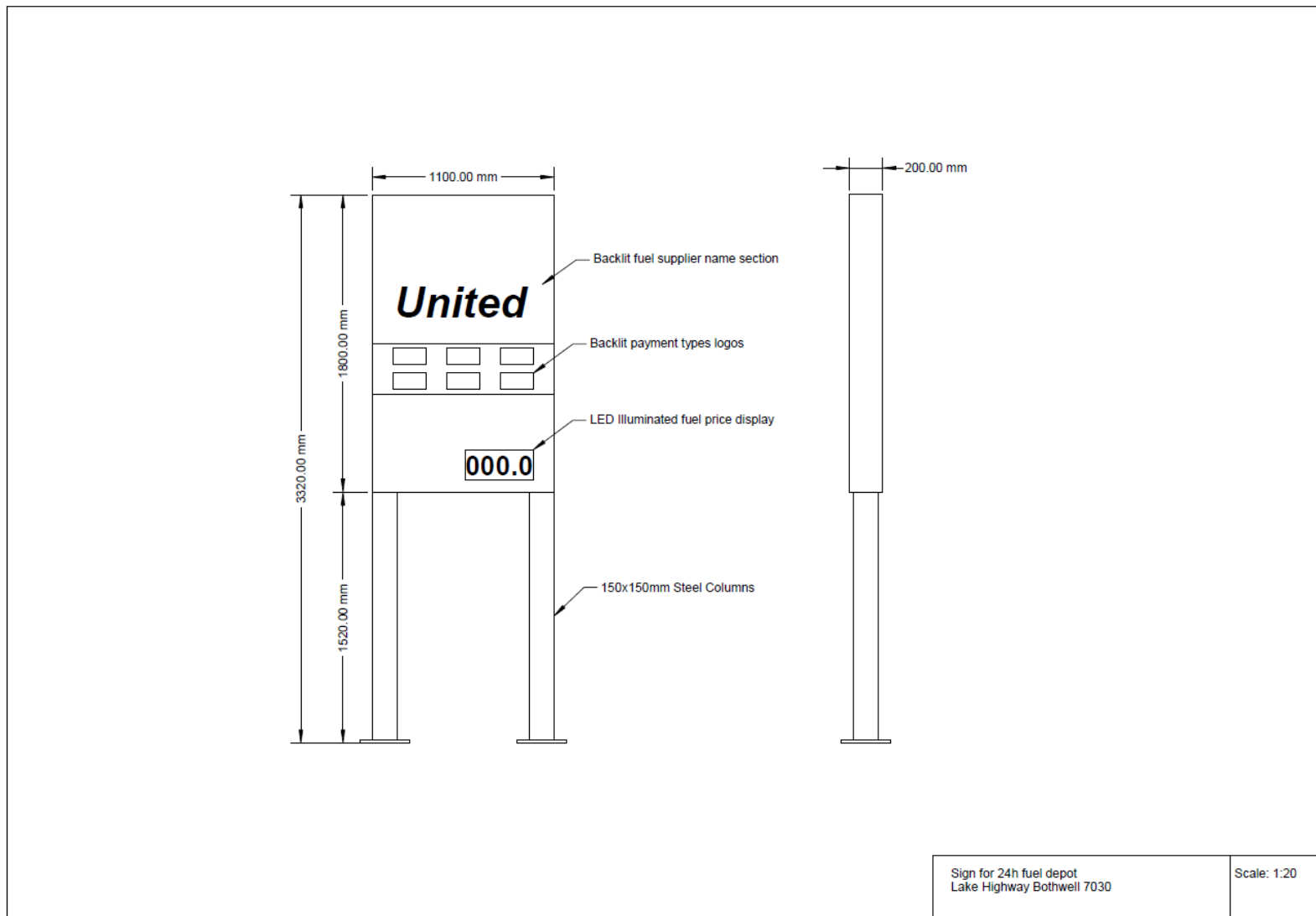
Costs:

Each party generally pays their own costs no matter the outcome of an appeal. However, RMPAT may determine that one party is to pay all or part of the costs of another party if it can be shown that the appeal was made on frivolous or vexatious grounds and/or was drawn out unnecessarily. This is not a common outcome but must be considered by anyone involved in an appeal.

More information can be found here: <http://www.rmpat.tas.gov.au/>







15.2 DRAFT TASMANIAN FLOOD STATE SPECIAL EMERGENCY MANAGEMENT PLAN FOR COMMENT

BACKGROUND

The SES has released the draft Tasmanian Flood State Special Emergency Management Plan for comment. This is the first time a state special plan has been developed for flood and the plan has significant reference to the roles and responsibility of Councils in prevention, preparedness, response and recover.

LGAT are preparing a sectorial feedback and have asked that any comments be provided to them by 22 February 2017.

A copy of the document was forwarded to Councillors on 3rd February 2017 requesting comments be provided by Friday 17th February 2017. At the time of writing this report no comments have been received.

For Noting

15.3 DES BRIEFING REPORT

PLANNING PERMITS ISSUED UNDER DELEGATION

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

DISCRETIONARY USE

DA NO.	APPLICANT	LOCATION	PROPOSAL
2016 / 00064	A R Allan	27 Wilburville Road, Wilburville	Dwelling and Two Outbuildings

IMPOUNDED DOGS

Following a request by Council to be advised of all dogs impounded at Council's Bothwell and Hamilton pounds and the outcome of the impoundment, please be advised as follows:

10/02/16 – Hound - Impounded at Hollow Tree Road - registered with Glenorchy City Council and microchipped - reclaimed by owner.

GARAGE SALE TRAIL – CAMPAIGN OUTCOMES 2016

Central Highlands Council participated in the Garage Sale Trail for the past two years. Attached is a report provided by the Garage Sale Team on the campaign outcomes for 2016.

16.0 WORKS & SERVICES

Recommendation

Moved:

Seconded:

THAT the Works & Services Report be received

WORKS & SERVICES REPORT

12th January 2016 –15th February 2017

Grading & Sheetting

Maintenance Grading

Black Snake Lane

Potholing / shouldering

Humbie Road	Green Valley Road
Wetheron Road	Todds Corner Road
Wihareja Road	Jones Road
Thiessen Crescent	Berry Drive
Robertson Road	Flemming Drive
Cider Gum Drive	

Spraying

Culverts / Drainage:

Install new culverts Tor Hill Road
 Install new culverts Hamilton Town Ship
 Install new culverts Bothwell Town Ship
 Drainage Tor Hill Road
 Drainage Shaw Street
 Drainage Hamilton Town Ship
 Drainage Interlaken Road

Occupational Health and Safety

- Monthly Toolbox Meetings
- Day to day JSA and daily pre start check lists completed
- Monthly work place inspections completed
- Playground inspections
- 0hrs Annual Leave taken
- 17hrs Sick Leave taken
- 0hrs Long Service Leave

Bridges:

Refuse / recycling sites:

Cover Hamilton Tip twice weekly

Other:

Jet patching Wilburville Road
 Jet Patching Wihareja Road
 Clean up Croakers Alley Road
 Clean up tree limbs and drains at Wayatinah
 Prepare Hamilton landfill to lay fabric
 Install concrete slabs for BBQ Queens Park
 Repair fence Hamilton Rec
 Repair water breaks Hamilton Rec
 Repair fence at Units Bothwell
 Clean roof gutters at units
 Repair door at units at Bothwell
 Rubbish from medical centre
 Maintenance at Bothwell Medical Centre
 Dig 1 x grave
 Start prep for Hamilton Show
 Wayatinah stabilization and white lines completed
 Arthurs load road construction completed
 Ouse road widening completed
 Victoria Valley Stabilization completed

Tor Hill road works started

Slashing

Municipal Town Maintenance:

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

Buildings:

Plant:

PM710 JCB Backhoe (B) serviced and new tyre
 PM731 Pig trailer (B) new jockey stand
 PM748 Hino truck (B) serviced
 PM676 Kobelco excavator fuel blockage
 PM613 Komatsu loader (H) serviced
 PM753 Compactor (H) serviced
 PM740 Hino truck (H) serviced, new brakes and new tyres
 PM769 Triton ute (H) new rear diff and serviced
 PM652 Road Broom new brooms
 PM705 Mack truck serviced and new steer tyres
 PM722 John Deer Mower (H) new clutch Drive and belts
 PM762 Toro Mower (H) new belts

Private Works:

Mathew Lillas concrete pre mix
 Inland Fisheries water delivery
 James Whittaker concrete premix
 Brett Gleeson gravel
 Justin Townsend dry hire of mower
 George Shea gravel
 Jason Branch Excavator truck and float hire
 Barry Harback excavator hire
 Dean Lade gravel

Casuals

- Toilets, rubbish and Hobart
- Bothwell general duties
- Hamilton general duties
- Mowing and brush cutting

Program for next 4 weeks

Installation of Cricket nets Bothwell Recreation grounds
 Stabilization of Tor Hill Road
 Stabilization of Hamilton town ships
 Stabilization of Shaw Street
 Quotes for new bin on dog trailer
 Irrigation system Hamilton Park

For Discussion

Trees Lochiel Drive, Miena
 Capital Works projects 2016/17
 Market Place Footpath
 Drainage Wilburville Road
 Riverside Reserve

16.1 TREES LOHIEL DRIVE, MIENA

A request from a resident of Lochiel Drive, Miena has been made to Council in regards to removing three large Eucalypt trees from the road reserve to allow access for a truck to transport a house to their property within Lochiel Drive.

On Inspection of the trees two seem to be reasonably healthy with some dead wood throughout the tree and especially at the tops. One tree has a chain around the trunk from a neighbouring property's driveway access which is slowly ring barking the tree. All trees are right on the edge of the road and could be a risk to motorist.

The resident has said that they will contribute up to \$5000 towards removal of the trees from the road reserve to allow access for transport of house into Lochiel Drive.

A quote has been received from TENS Tree Services \$5390 including GST. This includes falling the trees and then leaving all small branches and limbs on the private block to be burnt at appropriate time and for the rest of the timber to be cut into firewood and left in old quarry site in Lochiel Drive for residents.

For Discussion

16.2 CAPITAL WORKS PROJECTS 2016/17

In Councils Capital Works Program for 2016/17 under bridges, replacement is due for the spur road off The Avenue at Ellendale for an estimated cost of \$39,000 and underpinning works for the Broad River Bridge over Dawson Road at an estimated cost of \$70,000. Due to the number of Aboriginal Heritage sites recorded within or close to the proposed worksite of the Broad River, including an artefact scatter as well as natural values in the work site that come under the Threatened Species Act, a Natural Value Assessment needs to be undertaken as well as an Aboriginal Heritage Investigation which will extend well out over budget requirements.

With unexpected works that have been undertaken this year including Ouse road widening, storm water assessment and health and safety requirements the Works Manager believes it would be best to defer these capital items to 2017/18.

Recommendation:

Moved:

Seconded:

THAT the bridge capital works projects be deferred to 2017/18 capital program.

16.3 MARKET PLACE FOOTPATH

In Councils Capital Works Program for 2016/17 a concrete footpath for Market Place was passed.

I understand that with heritage townscape there is a trade-off between preserving the authenticity of the past and keeping pace with necessary change.

Current footpaths in Bothwell are gravel, 7mm blue metal and some with 7mm and emulsion (basically a light seal).

The Problem

As Works Manager I believe that current gravel footpaths within the township of Bothwell are unsightly, risky, dusty awkward for pushing prams and require maintenance with spraying for weeds up to three times a year topping up of gravel especially after heavy rain events when gravel is washed from footpath. Footpaths tend to sink and create tripping hazards with the edge of kerb and channel.

In the past 4 years I have witnessed two large sink holes in gravel footpaths in the township that could have caused serious injury to members of the public.

I believe that a capital replacement program for the footpaths would benefit the community and councils assets. I intended to commence replacement program from the centre of town Market Place (tourism hub of town) then into both sides of Patrick Street in future years.

Intended Recommended Action

1. Retrofit a 1.5 to 2.0m wide concrete footpath to match into existing kerbing.
2. Construct matching concrete property accesses.
3. A desirable finish for the footpath would be coloured concrete or a stencilled flagstone finish.
4. Given the significant heritage implications of the work a heritage specialist advice given for selection of footpath treatment.

A draft report from Greg Jackman is attached heritage specialist with no recommendations as he has not had a site visit.

For Discussion**16.4 WILBURVILLE ROAD - DRAINAGE**

At the Council meeting in June 2016 a report was submitted with the Works and Services Report in regards to a drainage issue at Wilburville. The report stated many recommendations and costings in regards to fixing the problem.

The Works Manager believes that he was to repair the issue in this year works program. The minutes from the meeting state that Council consider option D from the engineers report in the 2017/18 budget deliberation.

For Discussion**16.5 RIVERSIDE RESERVE**

For Discussion on maintenance

17.0 ADMINISTRATION**17.1 GO HIGHLANDS VEHICLE**

The following request has been received Lois Van Eimeren, Community Services Manager, Uniting care Tasmania

"Thank you for listening to me this morning regarding the Go Highland vehicle. Currently the vehicle is located at Ash Cottage Ouse. The vehicle is a community vehicle and is used to transport people to Hobart for medical appointments, social outings including taking someone to visit a friend or relative, school groups, Intrepid Explorers trips. There is a fee structure and this is currently managed by Tracey Turalle. Currently the vehicle is not being utilised and Tracey feels it would be better utilised at Bothwell where there are sporting groups, community groups and also the drivers for the Intrepid Explorers live. The Intrepid Explorers is a once a month bus excursion for elderly clients of the Central Highlands. The Go Highlands Tarago is used for clients not able to get on the coach due to mobility issues.

We originally took over the vehicle due to an increase in compliance and policies surrounding the running of the vehicle a few years ago. We have the register of volunteer drivers who needed to sign off on policies and procedures required to drive the vehicle. These policies include Pre-departure inspections, Fault reporting, Emergency management, Reportable incident management and Passenger behaviour management.

This enquiry is to see if the council would be able to collect monies and manage the bookings for the vehicle. We are also looking at garaging the vehicle at council premises if at all possible.

We would appreciate your consideration in housing the vehicle."

For Discussion

Lyn Eyles

From: Lois Van Eimeren <Lois.VanE@tas.unitingcare.org.au>
Sent: Wednesday, 8 February 2017 9:54 AM
To: Lyn Eyles
Cc: Donna Lashmar; Jeremy Pettet
Subject: Go Highland vehicle

Hi Lyn

Thank you for listening to me this morning regarding the Go Highland vehicle. Currently the vehicle is located at Ash Cottage Ouse. The vehicle is a community vehicle and is used to transport people to Hobart for medical appointments, social outings including taking someone to visit a friend or relative, school groups, Intrepid Explorers trips. There is a fee structure and this is currently managed by Tracey Turalle. Currently the vehicle is not being utilised and Tracey feels it would be better utilised at Bothwell where there are sporting groups, community groups and also the drivers for the Intrepid Explorers live. The Intrepid Explorers is a once a month bus excursion for elderly clients of the Central Highlands. The Go Highlands Tarago is used for clients not able to get on the coach due to mobility issues.

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This enquiry is to see if the council would be able to collect monies and manage the bookings for the vehicle. We are also looking at garaging the vehicle at council premises if at all possible.

We would appreciate your consideration in housing the vehicle.

Kind regards
 Lois

Lois Van Eimeren

Community Services Manager
 UnitingCare Tasmania
 p: 03 6244 1144 | f: 03 62341954 |
 21 St Johns Ave
 St Johns Park
 New Town Tas 7008
 ABN 87 786 344 279



An Agency of UnitingCare Victoria and Tasmania
Committed to Community

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17.2 REPLACEMENT OF TREES - HAMILTON

Mayor Triffitt has requested that this item be listed on the agenda. The Mayor advises that it is her understanding from a community member that the trees were supposed to be replaced some time ago, but this has been overlooked.

A quote from Greenhill Nursery has been obtained:

10 x Malus ioensis plena 45L Std @ \$165.00 = \$1,650.00
 (Clear stem to 1.5m from ground good for site distance issues)
 30 x 2.1mx45x45mm pointed hardwood stakes @ \$8.80 = \$264.00
 1 x Hessian trees tie roll @ \$16.95 = \$16.95

Total Job \$1,930.95 inc gst

If paid within 14 days please pay \$1,641.30 inc gst

Delivery price not included in Quote but please allow the following.

1 x Delivery to Hamilton @ \$245.00 = \$245.00

For Discussion

17.3 AGREEMENT – ANIMAL MANAGEMENT OFFICER

A Common Service Agreement for the delivery of animal management services to Central Highlands Council from Southern Midlands Council has been prepared. The initial agreement is for a three month period for one day per fortnight or otherwise as agreed

Recommendation:

THAT the General Manager sign the Common Service Agreement for the provision of Animal Management Services.

17.4 PROVISION OF PRINTING PAPER FOR HIGHLAND DIGEST

The Centralinc Committee currently produces the monthly Highland Digest, which is run off by Council staff.

The Committee advises that expenses for the production of the Highland Digest exceed revenue by \$6,000 per annum. This shortfall is covered from Centralinc's own funds.

Expenses include contractual arrangements, auditing, insurance and postage with income being \$10,800 from Council, subscriptions and advertising.

For 2015/16 the cost of printing paper for the Digest was \$1,542.83 which has increased slightly because of the recent change to A3 paper.

The Committee requests that Council considers donating the paper used for the printing of the Highland Digest.

For Discussion

Centralinc

Central Highlands Community Development Inc.

31 Curly's Lane

Ellendale 7140

Tasmania

January 10th 2017

Ms. Lyn Eyles

General Manager

Central Highlands Council

Tarlton St

Hamilton 7140

Dear Ms. Eyles,

Received	13/1/2017
Mail	<input checked="" type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> DES <input type="checkbox"/>
Forwarded to	
GM	<input checked="" type="checkbox"/> FM <input type="checkbox"/> WM <input type="checkbox"/> DES <input type="checkbox"/>
Other	Scanned
Entered By:	
Ref:	

Re Provision of Printing Paper for Highland Digest

I write on behalf of the Centralinc Committee.

The annual cost of production of the Highland Digest exceeds by \$6000 the revenue generated.

Expenses include contractual arrangements , auditing, insurance and postage.

Income includes \$10,800 from Council, subscriptions and advertising.

Centralinc covers the shortfall from its own funds.

For the financial year 2015/2016 the cost of printing paper for the Digest was \$1542.83- this has increased slightly because of the recent change to A3 paper.

The committee requests that Council considers donating the paper used for the printing of the Highland Digest.

Yours sincerely

Phyl Smithurst

Hon. Secretary

17.5 BOTHWELL FOOTBALL CLUBROOMS

The Mayor has requested that this matter be listed on the agenda.

At the November 2016 council meeting it was resolved:

THAT Councils DES Manager Graham Rogers obtain quotes for the completion of the Club Rooms, for consideration by Council at a future Council Meeting.

The Community Infrastructure Fund Major Grants (for grant amounts exceeding \$50,000) is open and closes on 31 March 2017. Grant amounts greater than \$50,000 require a minimum \$1 cash contribution from the applicant for each \$1 provided.

Terry Hoskinson, President of the Bothwell Football Club, will be in attendance to discuss with Council options for applying for a grant.

For Discussion

17.6 COUNSELLING SERVICES FOR CHC EMPLOYEES AND COUNCILLORS

Acting Deputy Mayor Cllr Erika McRae has requested that this item be listed on the agenda.

Cllr McRae has provided the following comments:

“Most government and private businesses have a counselling service made available to their employees and in some cases their immediate families.

It is good governance to provide such a service and often issues that aren't dealt with adequately in the work place, due to several reasons, can be rectified via this means, before it becomes a problem. If it is an ongoing issue then the counselling service can refer that person on.

This would mean sourcing an appropriate service, which there are a few of. This would also mean a cost would be borne by council, but in the long run money well spent looking after employees. There would be, say, 2-3 sessions that council would pay for, any ongoing then the responsibility of the employee/ councillor.

CHC could well prevent a situation that could escalate by offering this. CHC will also be seen as proactively assisting in the Well Being of employees and councillors.”

Proposals have been sought and are attached for Council's consideration.

Council will need to determine how many sessions can be accessed at Council's cost.

Recommendation:

THAT

- (a) Council engage Newport Wildman to provide Employee Assistance Program Services to Council employees and their immediate family and Councillors; and
- (b) Council cover the cost ofsessions per annum for each employee, each family member and each councillor.

17.7 DISABILITY ACCESS AND INCLUSION POLICY

Council's Development and Environmental Services Department has prepared a Disability Access and Inclusion Policy for adoption by Council.

Recommendation:

That Council adopt policy No 2017-45 Disability Access and Inclusion Policy

17.8 PROPOSED CENTRAL HIGHLANDS PHARMACY

Draft plans for the conversion of the carport at the Bothwell Medical Centre to a pharmacy have been received.

Council agreed in principal to convert the carport to a pharmacy. The following resolution was passed at Councils closed November 2017 meeting:

THAT Council are prepared to consider a contribution towards the conversion of the carport at the Bothwell Medical Centre to a pharmacy.

At the December 2017 closed meeting the following resolution was passed:

THAT:

- (1) Council will contribute up to \$1,000 to meet the cost of the design of the pharmacy; and
- (2) When the cost of the build is known, Council will consider its contribution.

The operator of the proposed pharmacy is asking if Council will meet the full cost of the construction of the building extension as this building will belong to Council and be Council's asset.

For Decision

17.9 PROPOSED AMENDMENT TO THE LOCAL GOVERNMENT ACT

The Tasmanian Government is preparing an amendment to the Local Government Act 1993 with regard to rating. The Draft Local Government Amendment (Rates) Bill 2017 is attached together with a summary of the proposed amendments.

LGAT is coordinating a local government sector response on this, and requires any input by 27 February 2017.

For Discussion/Noting

17.10 LGAT ANNUAL GENERAL MEETING AND GENERAL MEETING 26 JULY 2017

In accordance with the Rules of the Association LGAT has given formal notice of the General meeting and the Annual General Meeting of the Association to be held at Wrest Point Casino, Hobart commencing at 11.00am on Wednesday 26 July, 2017.

Councils are invited to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion in the agenda of the General Meeting.

The Agenda will be distributed on Wednesday 28 June 2017 and motions will need to be received at the Association's office by no later than close of business on Tuesday 9 May, 2017. This lead time will ensure relevant matters can be forwarded to the State Government for comment in accordance with the Communication and Consultation Protocol Agreement. The responses from the State Government will then be included with the agenda.

For Noting

17.11 BOTHWELL ROUBAIX RACE – SUNDAY 9TH APRIL 2017

The Hobart Wheelers/Dirt Devils Inc. is seeking Council permission to hold the cycling event “The Bothwell Roubaix” in Bothwell on Sunday 9 April, 2017. The event was held in 2014, 2015, and 2016.

The Club has submitted a request to Tasmania Police for a permit to hold the event and have been asked by Tasmania Police to contact Council to ensure that it is supportive of the event proceeding.

Details of the event and route are attached.

Recommendation:

THAT Council advise the Hobart Wheelers/Dirt Devils Inc. that it has no objections to the Bothwell Roubaix being held in Bothwell on Sunday 9 April, 2017.

17.12 MARTIN CASH INTERPRETATION SIGN – GREтна

The Mayor has requested that consideration be given to the erection of a “Martin Cash” interpretative sign – 1,000 x 700mm at Gretna.

A quote for the design, research, graphics, Photoshop work and preparation of the sign together with erection of \$1,417.00 has been received.

There are funds available under community and economy development support.

Recommendation:

THAT Council proceed with the Martin Cash Interpretation Sign at Gretna at the quoted price of \$1,417.00.

18.0 SUPPLEMENTARY AGENDA ITEMS

Moved:

Seconded:

THAT Council consider the matters on the Supplementary Agenda

19.0 CLOSURE