



# Central Highlands Council

## AGENDA – ORDINARY MEETING – 19<sup>TH</sup> JULY 2016

Agenda of an Ordinary Meeting of Central Highlands Council scheduled to be held at Hamilton Council Chambers, on Tuesday 19<sup>th</sup> July 2016, 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

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### 2.0 PRESENT

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### 3.0 APOLOGIES

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### 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.

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### 5.0 MOTION INTO CLOSED MEETING

Moved **Cllr**

Seconded **Cllr**

**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:

- 1 Confirmation of Confidential Minutes of Council's Ordinary Meeting held on 21<sup>st</sup> June 2016 Regulation 15 (2) (g)
  - 2 Personnel Matters Regulation 15 (2) (g)
  - 3 Confidential Information 15 (2) (b)
  - 4 Leave of Absence 15 (2) (i)
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## 5.1 MOTION OUT OF CLOSED MEETING

Moved **Clr**

Seconded **Clr**

**THAT** Council move out of Committee and resume the Ordinary Meeting.

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## OPEN MEETING TO PUBLIC

The Meeting will be opened to the public at 10.00am

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## 6.0 IN ATTENDANCE

10.30 a.m. Hamilton Show Committee  
11.00 a.m. State Growth – (Pedestrian Bridge at Ouse)

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## 6.1 PUBLIC QUESTION TIME

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## 7.0 MAYORAL COMMITMENTS

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## 7.1 COUNCILLORS COMMITMENTS

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## 7.2 GENERAL MANAGER COMMITMENTS

21 June 2016	Council Meeting
22 June 2016	Meeting Blaze Aid
27 June 2016	STCA Meeting
29 June 2016	Common Services Joint venture meeting
6 July 2016	Interviews Backhoe Operator
12 July 2016	Planning Committee meeting

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## 8.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD

Nil

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## 8.1 FUTURE WORKSHOPS

Nil

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## 9.0 MAYORAL ANNOUNCEMENTS

Nil

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## 10.0 MINUTES

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#### **10.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING**

Moved **Clr**

Seconded **Clr**

**THAT** the Draft Minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 21<sup>st</sup> June 2016** be **received**.

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#### **10.2 CONFIRMATION OF DRAFT MINUTES ORDINARY MEETING**

Moved **Clr**

Seconded **Clr**

**THAT** the Draft Minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 21<sup>st</sup> June 2016** be **confirmed**.

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#### **10.1 RECEIVAL DRAFT MINUTES PLANNING COMMITTEE**

Moved **Clr**

Seconded **Clr**

**THAT** the Draft Minutes of the **Planning Committee Meeting** held on **Tuesday 12<sup>th</sup> July 2016** be **received**.

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#### **11.0 BUSINESS ARISING**

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## 12.0 NRM REPORT

Moved Cllr

Seconded Cllr

**THAT** the **NRM Report** be received.

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### **NRM Report for Central Highlands Council 15<sup>th</sup> June – 14<sup>th</sup> July 2016**

#### **General Business:**

It has been a quite month for us with both Eve and I taking some leave. We have also been finishing up reporting for NRM South on the last financial year's program of works.

#### **Floods**

Eve has been following up with some affected landholders and Josie has been working with NRM South to ensure that we are part of any State Government process which will support landholders affected by the floods. At this point the focus of the grants is to clean up woody debris. I have also recommended that river bank stabilization be given some support. The grant process is in its earliest phases but please direct any landholder you know who would like support.

#### **Soil and Nutrient workshop**

The workshop was held on the 22<sup>nd</sup> June and we had a strong turnout, with 27 participants. The workshop covered soils of the local area with a transect of soil cores taken by Luke Taylor and Eve from Hamilton to Ellendale showing the diversity of soil in the region. Nutrient budgeting and management in relation to local soils was the focus of the workshop.

#### **Nursery**

Eve has been working in the Nursery with volunteer Elisha Harrison who is taking on a major role in getting the nursery up and running. A full day of propagation has seen the establishment of a range of species.

#### **Miena cider gum seed collecting**

Eve collected Miena Cider Gum seeds at Skittle Ball Hill (Randal Trethewie) with Magali Wright from NRM South and Andry Sculthorpe from the Tasmanian Aboriginal Centre. The general health of the population is declining however there were some successful recruitment. Browsing by animals appears to be the main limiting factor for the population.

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### Grant applications

Tasmanian Community Grants Fund – Rejuvenating Hamilton’s Platypus Walk – a revegetation and river restoration project - \$32,000 – pending

SUEZ Community Grants Fund – Agri-best practice program delivering workshops and events over 12 months - \$15,000 – unsuccessful

Yours Sincerely,

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

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

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## 13.0 FINANCE REPORT

Moved **Clr**

Seconded **Clr**

**THAT the Finance Report be received.**

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## 14.0 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 **Clr**

Seconded **Clr**

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

### 14.1 DA 2016/13-DISC : ADDITION TO SHOP IN HERITAGE PRECINCT : 16 PATRICK STREET, BOTHWELL

#### Report By

Contract Planner: Peter Coney.

#### Applicant

Maraway Tasmania

#### Owner

G L & J E Herbert, P Hogan

#### Discretions

**16.4.2 (A1)** Building setback from frontage.

**16.4.2 (A2)** Building setback from side and rear boundaries.

**16.4.3 (A1)** Building design for non-residential use

**E13.8** Buildings and works in a heritage precinct.

#### Interpretation

**Access:** means land over which a vehicle enters or leaves a road from land adjoining a road.

**Building height:** means the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aërials, antennae, solar panels, chimneys and vents.

**Frontage:** means a boundary of a lot which abuts a road.

**Gross floor area:** means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

#### Background

A permit was issued for the premises in 2011 DA2011/24, which as conditions of the granting of the permit required (APPENDIX B),

#### *Parking and Access*

6. An amended parking plan showing at least eight (8) parking spaces to be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney must be submitted to the satisfaction of Council's General Manager. The parking plan shall remove the two proposed spaces closest to the Patrick Street frontage and provide perpendicular parking on the William Street frontage.

7. Car parking spaces, other than those designed and marked out for use by the disabled, must be a minimum of 2.60 metres wide and 5.50 metres long, unless otherwise approved by the Council's General Manager.

8. All parking and associated turning, loading and unloading areas and access must be constructed in accordance with the approved Parking Plan prepared by Howarth Fisher and Associates, Project No. 11J200, Drawing No. P2 and Traffic Report- Bothwell Garage, dated October 2011 and prepared by Howarth Fisher and Associates.

9. The completed parking and associated turning, loading and unloading areas and access must be to the satisfaction of Council's General Manager and constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.

10. All areas set-aside for parking and associated turning, loading and unloading 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.

On the 14<sup>th</sup> of May a letter (Appendix A) was sent to Mr Geoff Herbert outlining the concern that the use of the Bothwell garage was not in accordance with the planning permit conditions relating to the provision of car parking.

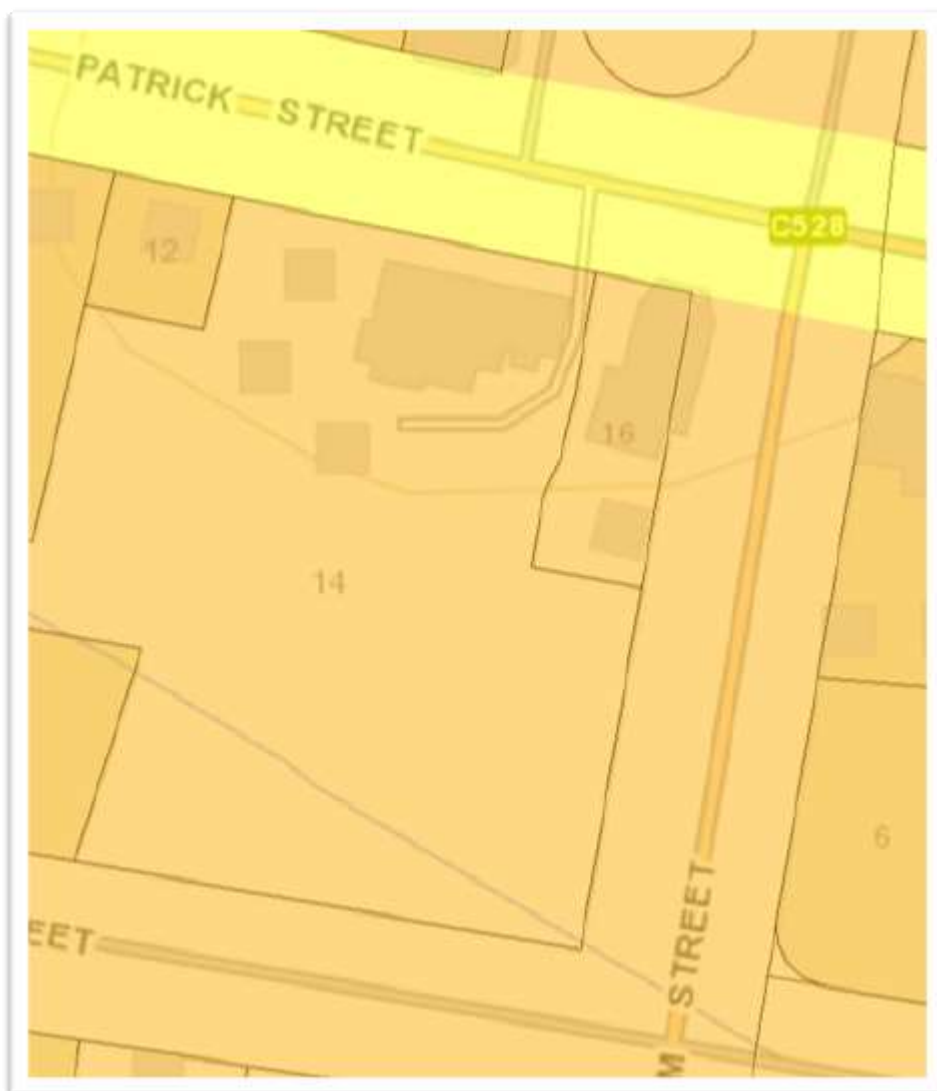
In a letter dated August 15<sup>th</sup> 2014 Council advised the applicant Mr Geoff Herbert that

*Council considered the matter in detail at its June Council meeting and resolved that compliance with the car parking conditions was no longer necessary. Council also resolved that it would allocate money in a future budget to seal gravel sections of William Street near your premise in order to improve on street car parking.*

*Accordingly, there is no longer any requirement for you to comply with conditions 6,7,8,9 and 10 of your planning permit DA 2011/24.*

### **Proposal**

An application has been made for additions to an existing shop at 16 Patrick St Bothwell. The site is located in the Village zone and is subject to the applicable standards of the heritage precinct.



**Fig 1.** Site area indicating the village zone (orange)

### **Exemptions**

Pursuant to E17.4.3, Changes to the graphics of a legally existing sign, including text, graphic design and colour is exempt from requiring a permit under this planning scheme.

### **Special Provisions**

#### **9.1 Changes to an Existing Non-conforming Use**

9.1.1 Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

(b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or

(c) for a minor development to a non-conforming use,

The proposal is considered to meet the special provisions 9.1.1 (b) and (c). The use does not conform with the current planning scheme, including but not limited to a shortfall in the provision of parking, however is compliant with an existing permit and therefore is not required to have the use reassessed.

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## 9.2 Development for Existing Discretionary Uses

9.2.1 Notwithstanding clause 8.8.1, proposals for development (excluding subdivision), associated with a use class specified in an applicable Use Table, as a discretionary use, must be considered as if that use class had permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the use.

The proposal is for development associated with the existing use on site of General Retail and Hire by developing provision for existing shops. The creation of new entrances will effectively create two distinct shops of the same use class which presently encompass the site, as well as the fuel sales shop to the front of the property. This is of a number consistent with the existing three shops on site, where there is at present a Workshop (General retail and Hire), General store & Service Station (Vehicle fuel sales and service) with ancillary food business and Firearm shop (General retail and hire). Any new use of a use class other than General Retail and Hire for the rearward shops within the replacement building, or Vehicle Fuel Sales and Service in the forward shop, will be required to have a development application to issue a permit for change of use. The changing of the arrangement of the shops within the replacement building is not considered to constitute an intensification of an existing use. The existing floor space used for retail is approximately 125m<sup>2</sup> and the proposal is for approximately 161m<sup>2</sup> including a bathroom. This is a minor increase.

### Use Standards

The use standards are not applicable standards as no new use is proposed.

### Development Standards for Buildings and Works.

The proposal is assessed to comply with the development standards of the Village zone except for 16.4.2 A1, where the proposed extension reduces the existing setback from the secondary frontage abutting Williams St 16.4.2 A2 where the proposed new building height would otherwise require a greater setback from the side boundary and 16.4.3 A1 building design for non residential uses (c).

#### **16.4.2 (A1): Building setback from frontage must be parallel to the frontage and must be: no less than 4.5 m.**

The proposal has an additional portion of the building which is outside of the footprint of the existing shed and is within 4.5m of the boundary abutting Williams St. The proposal is therefore reliant on the performance criteria to meet the objective; the performance criteria require that,

*Building setback from frontage must satisfy all of the following:*

- (a) *be consistent with any Desired Future Character Statements provided for the area;*
- (b) *be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;*  
*and*
- (c) *enhance the characteristics of the site, adjoining lots and the streetscape,*

In regard to (a), the desired future character statements of significance to the proposal are that, development is to achieve the following.

- (a) *To provide for use and development where the visual values of the historic streetscape and heritage values of buildings are protected.*

*And*

- (c) *Ensure commercial, retail and community developments and uses are located within the town centres.*

The proposal is considered to be consistent with the desired future character statements as the proposed replacement building is largely within the footprint of an existing building of no heritage significance, and it is not considered to detract from the heritage values of the shopfront abutting Patrick Street. Furthermore and in regard to (c), the proposal presents a continuation (albeit in a new building) of existing commercial premises in the town centre which should be supported.

In regard to (b), the proposal is consistent with the setback of existing buildings on site as well as on adjoining properties, from the secondary frontage abutting Williams St. The proposal is considered to maintain a continuous building line.

In regard to (c), the extension is considered to enhance the streetscape of William St in that the provision of glazed doors will break up what is presently an unbroken wall of colorbond sheeting. The proposal does not detract from the heritage values of the shop front abutting Patrick Street owing to its scale and the already disjointed improvements made along the eastern wall

#### **16.4.3 (A2) Building setback from side and rear boundaries.**

*Building setback from side and rear boundaries must be no less than:*

- (a) 2 m;
  - (b) half the height of the wall,
- whichever is the greater.*

The proposed replacement building is at its highest point 6.875m this is higher than the existing shed and so, in order to meet the acceptable solutions, would be required to be setback half the height of the proposed new wall.

As the proposal is using the existing setback approved for the original building height, the proposal is reliant on the performance criteria which requires that

*Building setback from side and rear boundaries must satisfy all of the following:*

- (a) *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 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;*
    - (iii) *visual impact, when viewed from adjoining lots, through building bulk and massing;*
- taking into account aspect and slope.*

The proposed replacement building is assessed to meet the performance criteria considering that there is no overlooking or loss of privacy owing to there being no windows proposed on the Western Side. There is a negligible increase to the overshadowing of the open space of the adjoining lot 14 Patrick St Bothwell

Visual impact when viewed from 14 Patrick St Bothwell is considered minimal and insofar as the proposed extension is recommended to be conditioned to be painted in colours sympathetic to the existing shop abutting Patrick street, the proposal is assessed as consistent with the building it is replacing.

#### **16.4.3 (A1): Building design for non-residential use**

Building design for non residential use must comply with all of the following:

- (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;*
- (b) *for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front facade no less than 40% of the surface area of the ground floor level facade ;*
- (c) *for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front facade and facades facing other public spaces is not greater than 30% of the length of the facade;*
- (d) *screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;*

- (e) *incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;*
- (f) *provide awnings over the public footpath if existing on the site or on adjoining lots;*
- (g) *not include security shutters over windows or doors with a frontage to a street or public place.*

The proposal is considered to meet (a) (b) (c) and (d), and (e) and (f) are not applicable. Where the proposal does not meet (g), it is considered that the proposal meets the performance criteria which requires that, a building only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible. It is considered that the nature of products for sale in the gun shop requires extensive security, as can be provided for by security shutters.

The proposal is assessed to meet the acceptable solutions of all other applicable standards for the zone.

### **Heritage**

The proposed site is subject to the provisions of the heritage code, as the site is within a heritage precinct. There are no acceptable solutions for the development standards for buildings and works and so the proposal is reliant on the performance criteria to meet the objective.

Pursuant to E13.8.2, the performance criteria require that,

P1 Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct,

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 heritage place of an architectural style different from that characterising the precinct.

P3 Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

The proposal is considered to meet the performance criteria in that there is no detriment to the historic cultural heritage significance of the precinct, owing to the proposal being for the replacement of an existing extension, which does not exacerbate a loss of heritage values. Furthermore and in regard to P2, the architectural style of the replacement building is in keeping with that of which it is to replace and P3, the extension is of a similar scale to that which it replaces and so does not detract from the heritage value of the shop front or precinct. It is determined that there is minimal perception of heritage value when viewing the site from William St at present, and the replacement of the building in no way contributes to any greater loss of heritage value. The sites contribution to the heritage values of the precinct is owing to the shop frontage and the proposal does not seek to change it. It is however considered that when viewing the site from 14 Patrick St the bulk of the extension is more apparent, and so it is a condition of the granting of this permit that exterior building surfaces be painted to be sympathetic to the heritage character of the precinct, achievable by painting the additions the same colour as the shop which abuts Patrick St.

### **Stormwater**

All development is subject to the Stormwater management code which requires all impervious surfaces are drained to public stormwater infrastructure. It is a recommended condition of the granting of this permit that drainage from the proposed development must be retained on site or 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.

### **Parking and Access**

All use and development is subject to the Parking and Access code. As there is no proposed change to the use on site, the use standards which relate to the number of vehicle parking spaces are not applicable standards. Furthermore, as there is no proposed car parking, and there is no requirement to provide car parking, the development standards are not applicable.

### **Representations**

The application was advertised for the statutory 14 day period and three representations were received in this period. The issues raised were as follows.

#### **Representor 1;**

*“The majority of the actual development does not appear to be for 16 Patrick St but (an as yet unspecified address on William Street.”*

The proposal is for the property 16 Patrick St. Though the development is occurring to the rear, as the property is on a corner, there are two frontages. The proposal is assessed against the development standards as they relate to a (secondary) frontage abutting William St. The proposal is for development to an entire site known as 16 Patrick St which is encompassed by one title. It is not within the scope of this assessment to assume any future application for new addresses, sub division or strata titling of the lot.

*“The elevation (height of the peak of the tin shed must not be higher than the original Bothwell Garage, (16 Patrick Street) and should not be seen from Queens Park or other locations along Patrick or Queen Streets or Market Place, otherwise it will not be in keeping with the heritage values of central Bothwell’s (Historic Heritage Area). Specifically, page 7 of 9, the roof peak height of the original garage n, 16 Patrick St, is 6760 and the new development’s roof peak will be 6875, 200mm higher, and visible above the original heritage listed garage roof.”*

Though the proposed garage height is above the original garage height, amended drawings show that the roof line will, when viewed from the North, appear lower than the roof line of the garage owing to a drop in the height of the land of approximately 265mm. This will then assist in preserving the value of the shop front as it contributes to the precincts heritage value. It is a condition of the granting of this permit that the roof line of the proposed building be no greater than 6.875m and that works be undertaken to ensure that ground level of the area where the replacement building is to be constructed is at least 265mm lower than the southernmost side of the original building at 16 Patrick St, as measured on the amended plans. It is understood that by the fall of the land and associated works, the roof line will not appear higher.

*“Considering all the modifications in the Development Application of the existing car port and to the rear of 16 Patrick St, plus its concomitant infrastructure and structural upgrades, upgrades to the Carport/Tin Shed should be, in fact, considered a New and Separate Development located on William Street, in fact, and not merely a replacement to the fire damage or deliberate misnomer “additional area”.*

The proposal has been advertised and assessed as additions to the property at 16 Patrick St. Though the proposal indicates on a site plan “proposed extension”, the application has not been assessed as an isolated extension but as a replacement building. This difference has no bearing on the applications’ meeting of the acceptable solutions as outlined in the body of this report. Furthermore, the property address does not form part of the assessment and the entire lot is known as 16 Patrick St.

*Page 2 of 9 – “plus additional area” on William Street, should in fact be submitted as a NEW and SEPARATE Development Application, as stated in the aforementioned, it is not on in fact being done on Patrick street and it is a completely new structure, with two new entrances well removed from the Patrick Street address. Strata Title, can have future adverse implications such as the owner being able to build additional buildings and sell them as separate addresses or titles.*

The proposal is not for a Strata Title or multiple dwellings but as replacement building to the rear of the existing building on site. The entire lot is known as 16 Patrick St a (secondary) frontage abutting William St is corollary to a corner lot. There is no restriction or requirement for access to a building to be exclusively from the primary frontage in the village zone.

*Will the owners of this property of 16 Patrick Street and William Street be providing Off-Street Parking as has been required in other developments e.g. Elders, Swanston Rural, the proposed pharmacy, etc. the question in the Council’s mind, that must be entertained, at this point, will any customers to the proposed “tackle, Hunting & Outdoor Shop” enter “exclusively” through 16 Patrick St, under this Planning/Development application, or will they enter and exit from William Street? If they will be entering or*

*exiting through William Street, at all then this current Planning/Development Application is absolutely misleading, a misnomer and a deceptive scheme to take advantage of loopholes in the planning scheme.*

The replacement building is to facilitate existing uses on site, which are for three shops. Workshop, General Store & Service centre, and Firearm Shop. In the event of an application for a change of use for any one of the new 'shops', any permit issued will require the provision of car parking on site as set out in the planning scheme. In regard to access from William Street, there is no requirement that a shop's entrance be exclusively through the entrance at the primary frontage. This application is for a replacement building for existing uses.

*Also to be considered, when the Fuel tanker makes its petrol delivery, it must park along the axis William Street, partially encroaching on the easterly traffic lane, forcing motorists to drive over the white line, risking collision for vehicles making a left turn from Patrick street onto William street. That truck, tinkering highly volatile and combustable fuel will be in very close proximity to the new gun shop. During the fire, at 16 Patrick St, discharging and exploding ammunition, prevented emergency services from accessing the scene,. It could very easily happen again and cause the Fuel Tanker to explode, with catastrophic consequences for neighbouring properties.*

The potential for fire is not assessable under the planning scheme, nor is the application relevant to commercial vehicle movements, as the application is for a replacement building for the existing uses on site.

*Is there any handicapped access or handicapped parking provisions in the Development Application, as wheelchair occupants cannot gain access via 16 Patrick St, as it is, thus, the proposed entry on William St must be used.*

There is no requirement for the provision of accessible parking as no new parking is proposed. There is no requirement in the Village zone that a building has only one entrance. Entrance design is subject to the building code and must be constructed for safe access in accordance with the Australian Standard. This aspect of design is not assessable under the planning scheme.

*Have the owners yet completed their traffic impact assessment, for the take away and future usage of the "tackle, hunting and outdoor shop", especially considering Off Street Parking anf the fuel tankers awkward, (if not unsafe) parking along William Street.*

A traffic impact assessment is not required as the proposal is for a building and not for a use. Any subsequent applications for a change of use of any of the shops will be assessed against the relevant use standards if such a time arises.

*Is there a Sprinkler System or fire suppression requirement for the new ackle, Hunting and Outdoor Shop".*

There is no requirement under the planning scheme to demonstrate fire suppression systems. These matters are to be addressed at the building permit stage on the advice of a building surveyor.

*Considering the aforementioned, the planning for the development application appears to be egregiously flawed and absolutely misleading, specifically if it is for replacement to the fire damage and "additional area", but no mention of a gun shop, except in the Building Contractors notes on the floor plan Drawing, page 5 of 9.*

The proposal is for a replacement building which is assessed under the development standards. Pursuant to the special provisions 9.2, developments for existing discretionary use, the existing use on site does not form a part of the assessment of this application in that the provision of shops (though moving) are relying on the existing use class of General Retail and Hire, under which a Gun Shop would fall. Should a change of use for the shops be applied for, the matters addressed in this representation regarding provision of parking, traffic impacts etc, will all form part of the assessment of a new use.

**Representor 2**

*The planning Permit for 16 Patrick St Bothwell should have been outlined more clearly. The two new entries are on William St, when the main point of entry to this commercial business is 16 Patrick St. It is misleading.*

The proposal is for a replacement building with two new accesses on the (secondary) frontage abutting William st. There is no requirement in the development standards for the Village zone that a building have its entrance exclusively through the main frontage.

*As a resident and business owner here in Central Highlands, I am concerned for the community especially within one kilometre of this business – hot take away, firearms, ammunition, fuel, gas, and oil if there to be another fire at this premises “would the community be safe”.*

As the proposal is not for a use, the types of existing business on site are not being assessed. Any change of use would require a permit.

*By adding another two additional businesses in William St on the same side as the fuel tanks it is just going to be ad hock. There is no designated area for parking or loading for goods and fuel. This is a bad intersection at the best of times, navigating around fuel truck that blocks the visibility of a give way” sign. The two business will no doubt create increase to traffic and unorganised scramble of cars parking anywhere. I have great fear of someone getting injured or hurt at this intersection.*

The proposal is not for any provision of car parking, nor is there currently provision for car parking. However, as the proposal is reliant on the existing use of the site, the use standards relating to parking access do not apply as no parking is being applied for. The application is for a replacement building and it is assessed under the development standards of the village zone. Commercial vehicle movements also are not being applied for but instead are relied upon as existing use rights. These cannot be conditioned to change as part of this application.

*Will there be a recommendation from council for a traffic impact assessment and parking in accordance with Australian Standards AS2890.1 2004 – Parking facilities Part 1; off street car parking; this was quoted from Central Highlands Council.*

As there is no change of use which would require a new provision of parking, nor does the proposal include parking, there is no requirement for a traffic impact assessment.

### **Representor 3**

*The application shows that there will be two new retail shops, not just replacement of existing workshop/carport.*

The number of shops proposed to be within the replacement building is consistent with the two shops which existed in the previous building. A Gun Shop and a Workshop are both General Retail and Hire and so the two shops identified in the proposed site plan are consistent as existing uses.

*There is no reference to wheelchair/disability access on the application.*

Accessibility is a requirement of the Building act and any provision for disabled access must be in accordance with the Act. There is no requirement in the zoning for the provision of disabled pedestrian access. Requirements for accessible parking spaces are dealt with under the Parking and Access code, however as parking areas are not required to be constructed pursuant to the use standards, the development standards of the parking and access code for providing disabled access are not applicable.

*I believe this application should comply with new building regulations, as the current structure is being changed from a workshop/carport to new retail shops with access being from William Street.*

Planning approval does not guarantee compliance with the Building Act. Separate building permits must be sought and are not dealt with at the planning stage.

*Insufficient parking; there is no reference to parking on the application, these two new business will create/increase more traffic hazards and parking issues. As this site its already "ad hock" with cars parked anywhere; cars of there own, skip bin, trailer, two shipping containers, water tank, their workers and shearers vehicles currently occupy this area.*

Provision of new parking is not required as there are no new uses on site. It is a recommended condition of the granting of this permit that temporary structures which relate to demolition and or construction, ie skip bins and shipping containers not be placed on public roadways or footpaths and as well, that for materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period not be within public roadways or footpaths without the written approval of the General Manager.

*This is a dangerous intersection let alone navigating around a fuel tanker and delivery trucks.*

There is no requirement under the planning scheme to address the safety of a business' pedestrian access. The requirement for accordance with the parking plan as submitted for the previously approved development application DA 2011/24 has been removed and so any further development cannot be assessed as to whether it is or is not consistent with a previously approved parking plan.

*There has been increase to traffic at this intersection due to the irrigation scheme. The owner is only supplying two off street parking spaces, which are for the existing business on Patrick Street, the other two are off boundary and right where the petrol bowsers are located.*

The conditions for accordance with the parking plan as submitted for the previously approved development application DA 2011/24 have been removed and so any further development cannot be assessed as to whether it is or is not consistent with a previously approved parking plan.

*As the application shows that the roof structure will be higher than the current structure, this also indicates that this is a new development not replacement of existing structure, and is this in keeping with Bothwell's historic heritage area policy.*

The proposal has been assessed as a replacement building and the increased height is part of this assessment. The proposal is owing to the slope of the land, considered to be sympathetic to the existing building height by appearing lower, so that when viewed from Patrick St, the proposal will not detract from the heritage values of the front of the building. The Heritage values of the existing property when viewed from William St have lessened overtime due to disjointed works to the side of the building, as well as the existing carport and garage. The provision of glazed doors to the new building is considered to present a façade which avoids large expanses of wall and as such is more attractive and meets the performance criteria of the development standards for the village zone.

*Has this structure had a full hazard inspection conducted as the age of the building may indicate the existence of hazardous materials which would be harmful to the general public?*

The existence and disposal of hazardous materials is not dealt with in the planning approvals stage. This will be a matter for any building permit issued and or building compliance.

*Will the existing concrete slab/footings adhere to current building regulations for a new structure?*

Existing slab is proposed to be retained. There are no planning considerations for the strength or compliance of footings as these are dealt with at the building permit stage.

*Has the owner completed his traffic impact assessment from last addition, as it was previously ask for?*

The letter dated 15<sup>th</sup> of August addressed to Geoff Herbert indicates that the conditions which relate to a parking plan as well as the provision of parking have been removed from the previous application DA2014/24. A traffic impact assessment is not required for the development here proposed.

*Has this site been rezoned or is it strata title?*

The site has not been rezoned. Strata title of property does not require a planning permit pursuant to section 5.8 of the Central Highlands Planning Scheme 2015 which states that the following is generally exempt.

*Division by strata titles of lawfully constructed or approved buildings for a use granted a permit under this planning scheme or previously lawfully approved.*

*Is Council aware that the existing structures are already being demolished; with no fencing or safety requirements being adhere too. This is a breach of common council laws and poses a risk to the general public.*

This report is not an endorsement of demolition works which are being undertaken at the site as the application is for the proposed new building. Demolition and site security during works is a matter for the building permit authority.

### **Conclusion**

The proposal for a replacement building at 16 Patrick St is assessed to comply with the Applicable standards of the Village zone and the standards for development within a heritage precinct. The proposal is reliant on the existing uses as they have been undertaken on the site and this is not an application for new uses, nor does the recommendation of this report approve any new use. The proposal is reliant on the provision of parking which was, as endorsed by council in a letter dated 15<sup>th</sup> August 2014, no longer required. Furthermore, the recommendation of this report is not an endorsement of the safety of the building as may be required under the building code nor does this report approve building design as it may be required to address public access. In effect, this recommendation is only made insofar as the application relates to the Planning Scheme as an instrument of the *Land Use Planning and Approvals Act 1993*.

### **Recommendation**

Moved **Clr**

Seconded **Clr**

The proposal is assessed to substantially comply with the requirements of the Central Highlands Interim Planning Scheme 2015 and so in accordance with a section 57 of the *Land Use Planning and Approvals Act 1993*, the planning authority is recommended to approve the application for additions to existing shop at 16 Patrick St Bothwell, subject to the following recommended conditions.



## Recommended Conditions

### Planning

1. That development must be carried out in accordance with the application for planning approval and the endorsed drawings 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 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.
3. That exterior building surfaces be coloured so as to be consistent with the colours of the walls and roof of the shop to the front of the property abutting Patrick St.
4. Prior to any use commencing, and on subsequent change of tenancy, the owner of the land/building must provide Council with details of each new tenant/occupant including their full business name and contact details as well as a full description of the proposed use of the land/building to determine if a permit for a change of use is required under this planning scheme.

### Building and Plumbing

5. Drainage from the proposed development must be retained on site or 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.
6. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
 

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.
7. 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.
8. 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 Manager Development Services.
9. The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

### Advice,

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- C. There are currently no standards prescribed for compliance with the Disability Discrimination Act 1992, however, Australian Standards associated with the Act, including AS 1428.1-2001 - Design for access and mobility - General requirements for access - New building work and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the Disability Discrimination Act 1992 from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

- D. The approved setback may require the building fabric to be altered to comply with the construction requirements of ABCB, Building Code of Australia, ABCB, Canberra, 2004. Advice should be sought from your building designer or building surveyor.
- E. 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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## **CENTRAL HIGHLANDS COUNCIL**

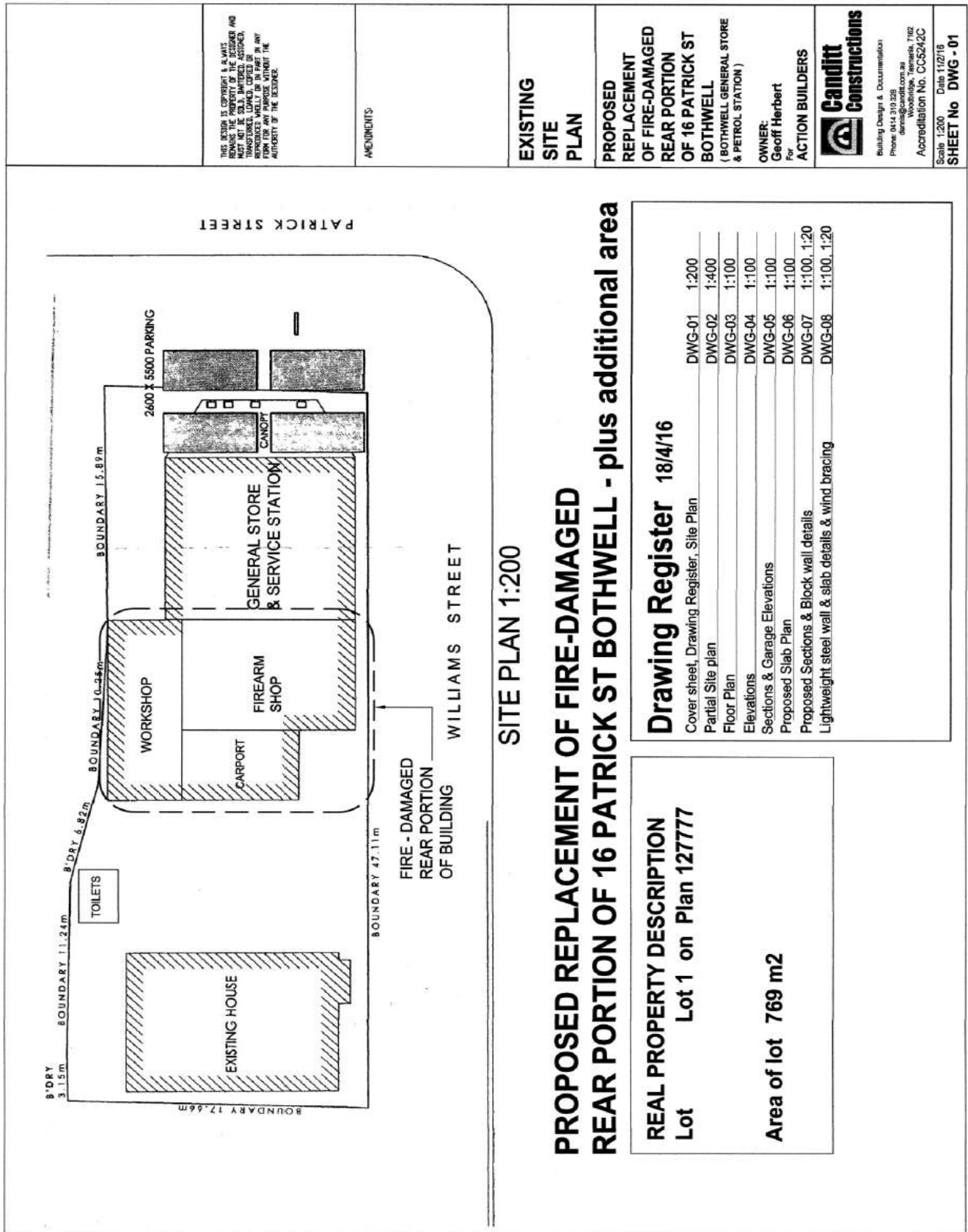
### **APPLICATION FOR PLANNING PERMIT**

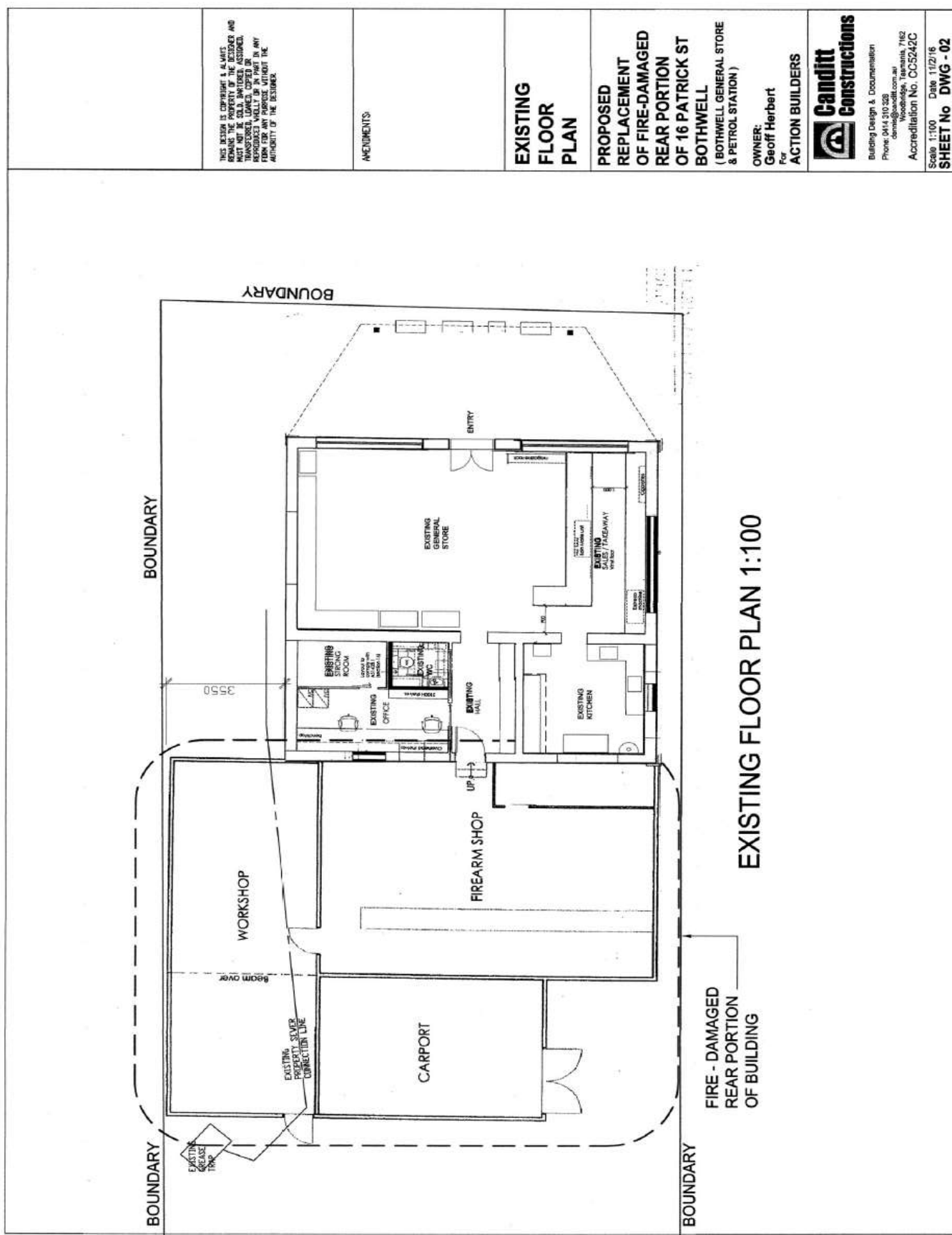
Notice is hereby given that an application has been made for planning approval for the following development:

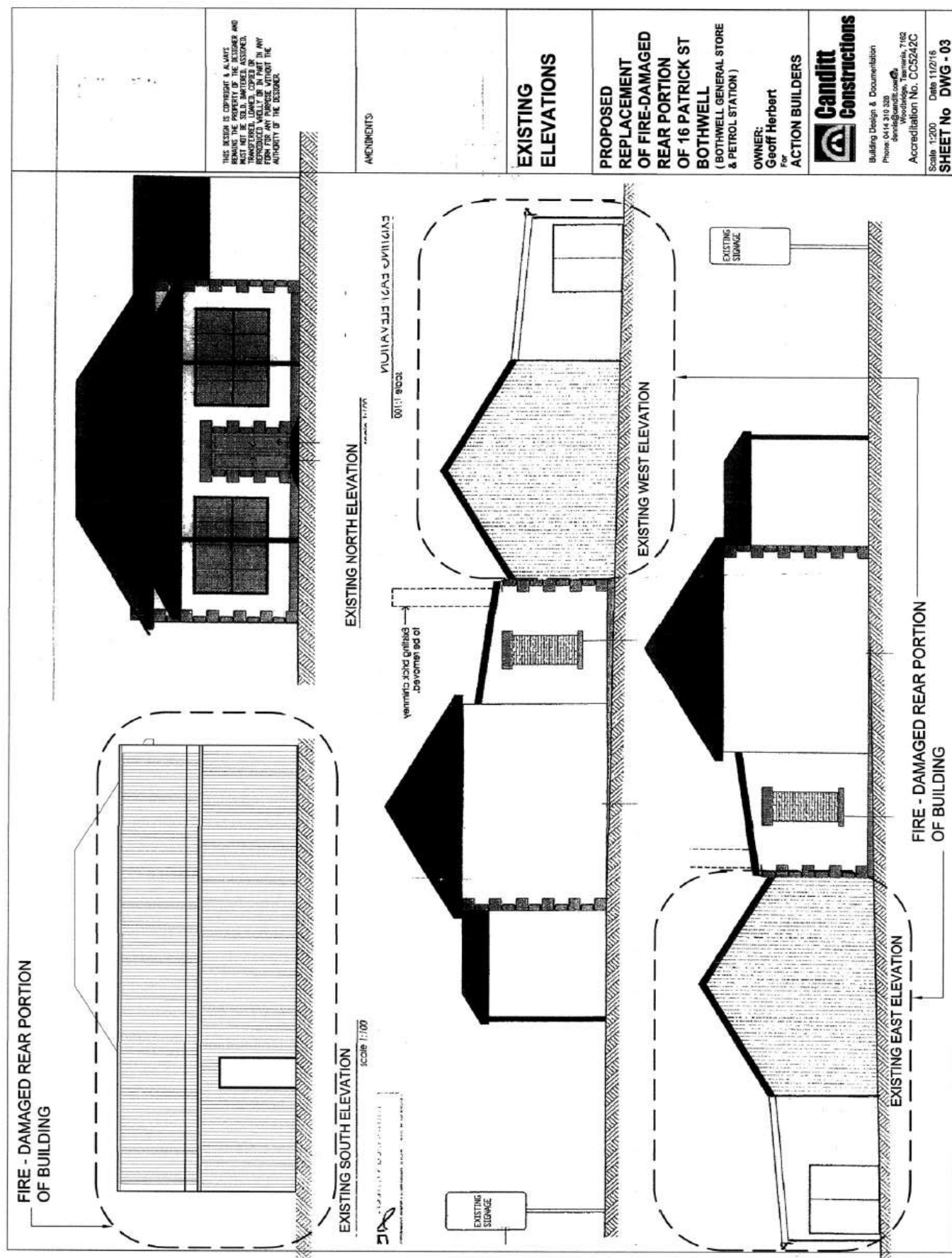
<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>
Maraway Tasmania Pty Ltd	16 Patrick Street, Bothwell	Addition to Shop in Heritage Precinct

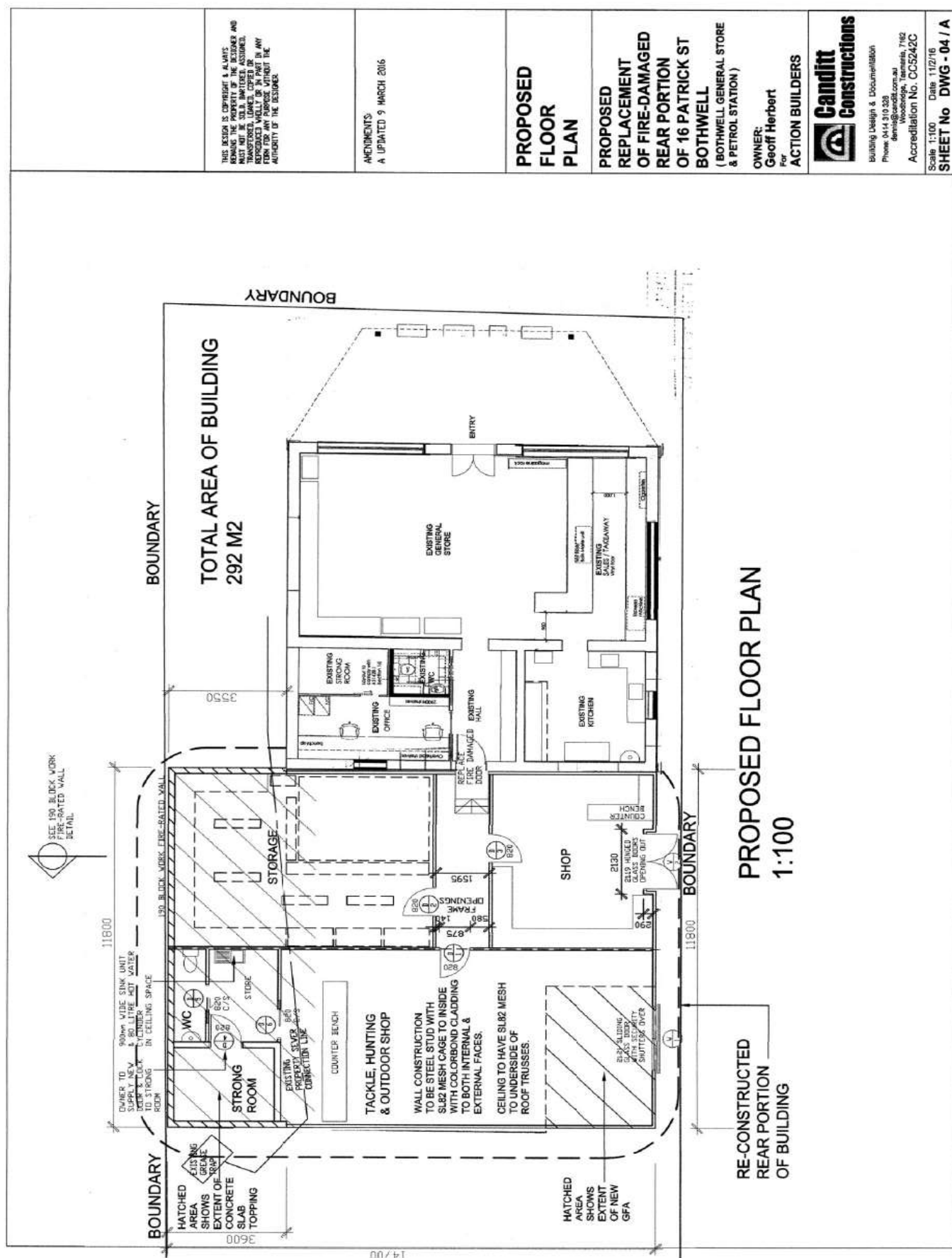
The relevant documents will be available for inspection at the Council Office at 19 Alexander Street, Bothwell and 6 Tarleton Street, Hamilton during normal office hours until **27 June 2016**. Any person may make representation in relation to the proposal in writing addressed to the General Manager, 19 Alexander Street, Bothwell 7030 or by email to [kbradburn@centralhighlands.tas.gov.au](mailto:kbradburn@centralhighlands.tas.gov.au) and will be received no later than 5.00pm on **27 June 2016**.

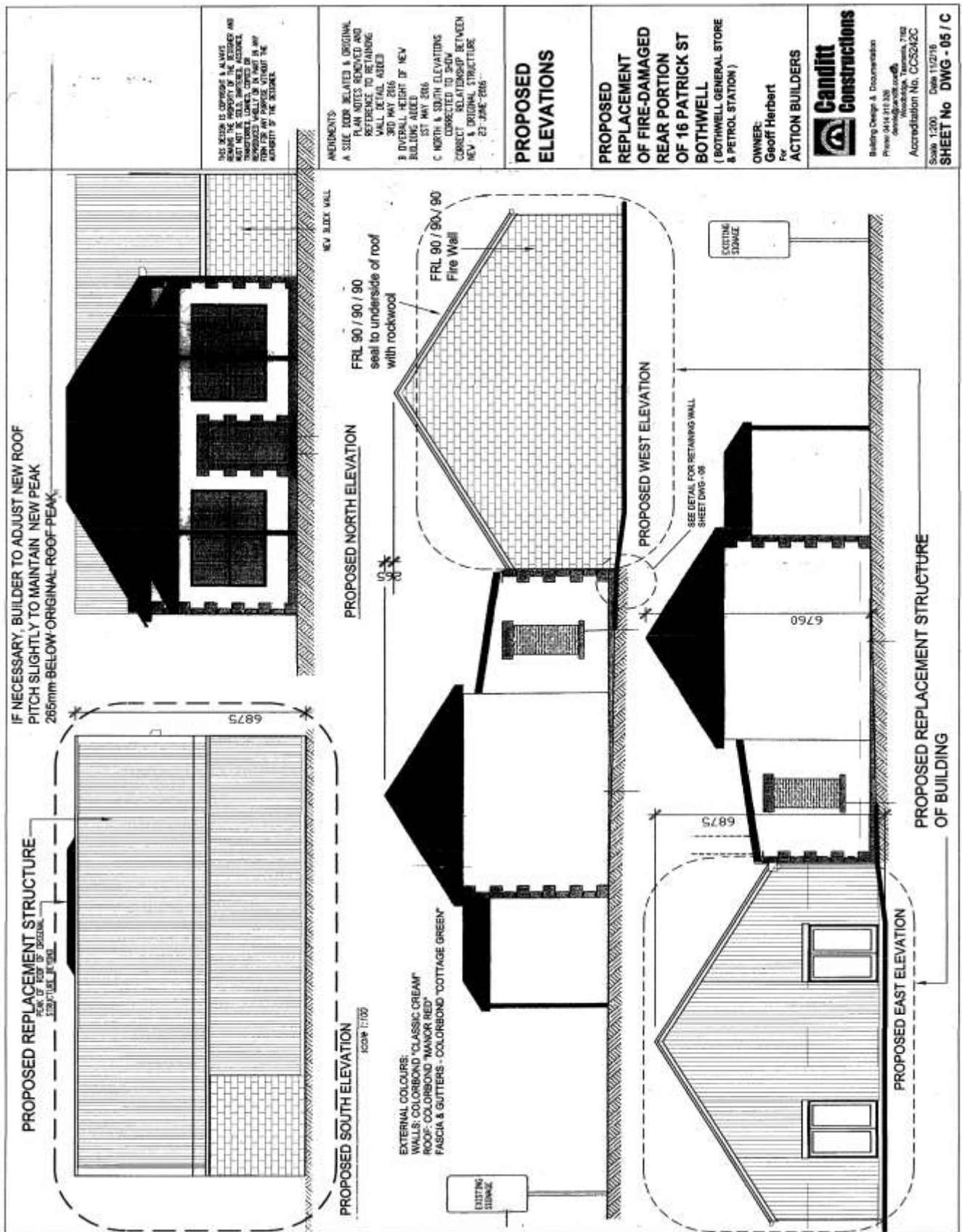
**LYN EYLES, GENERAL MANAGER**



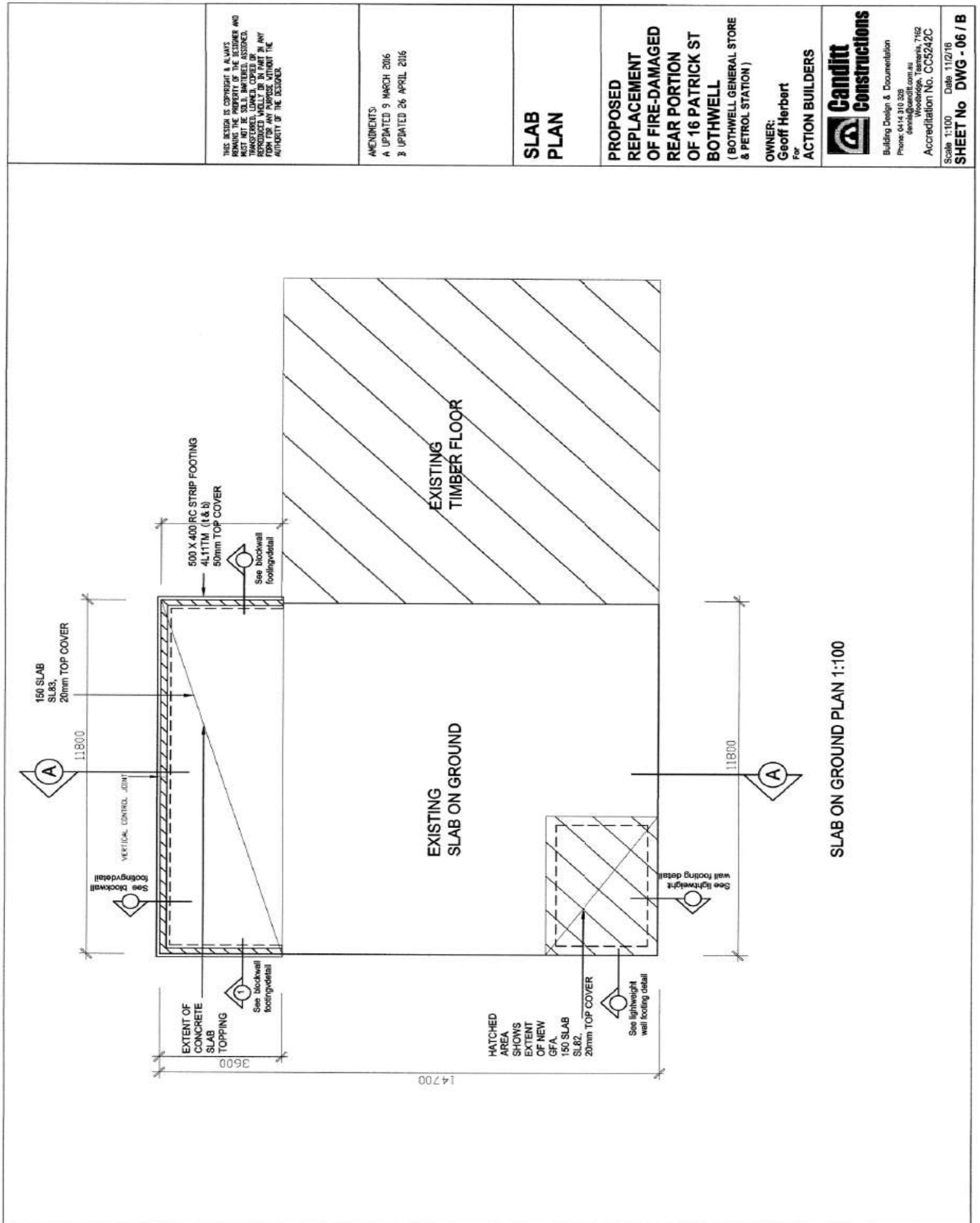


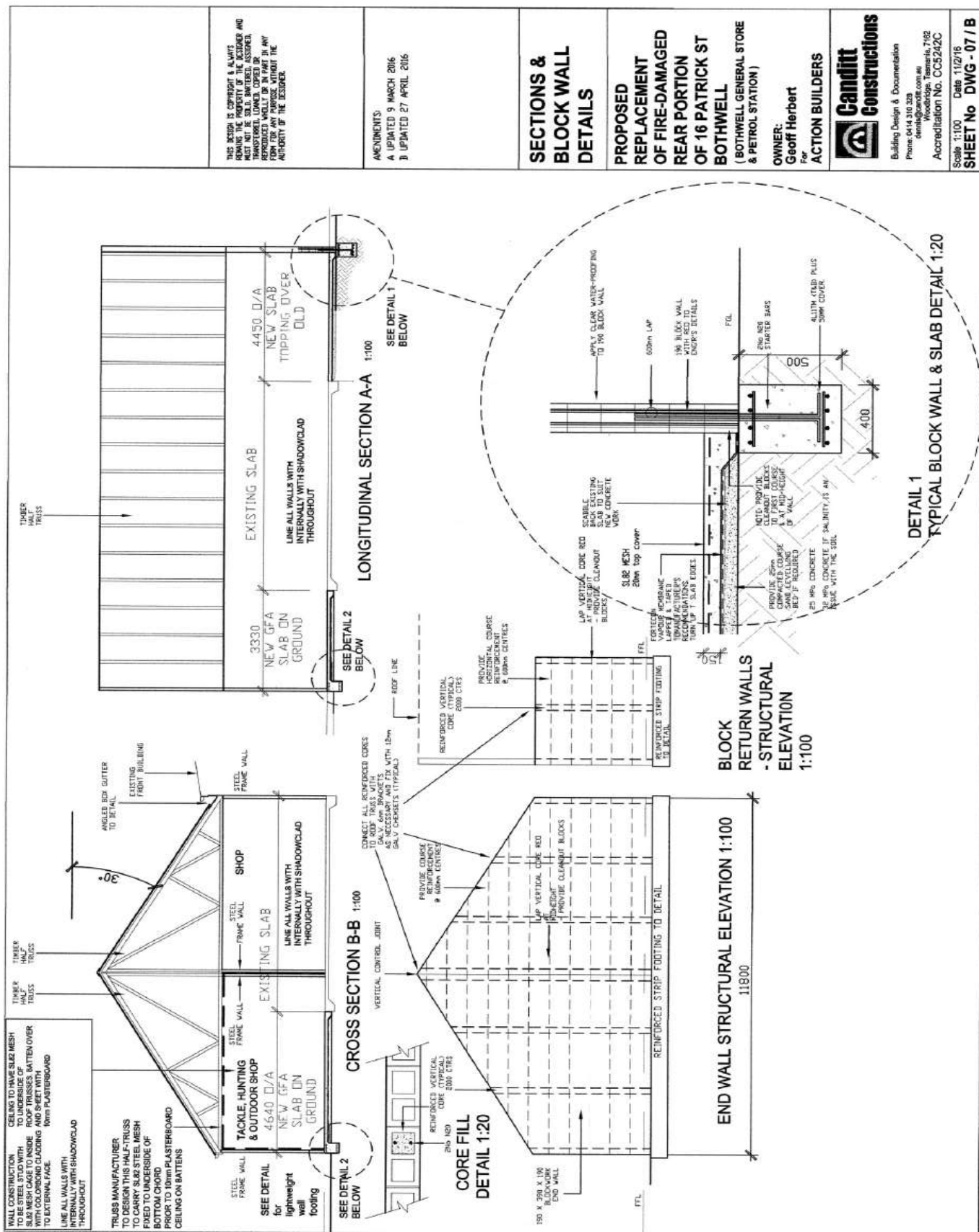


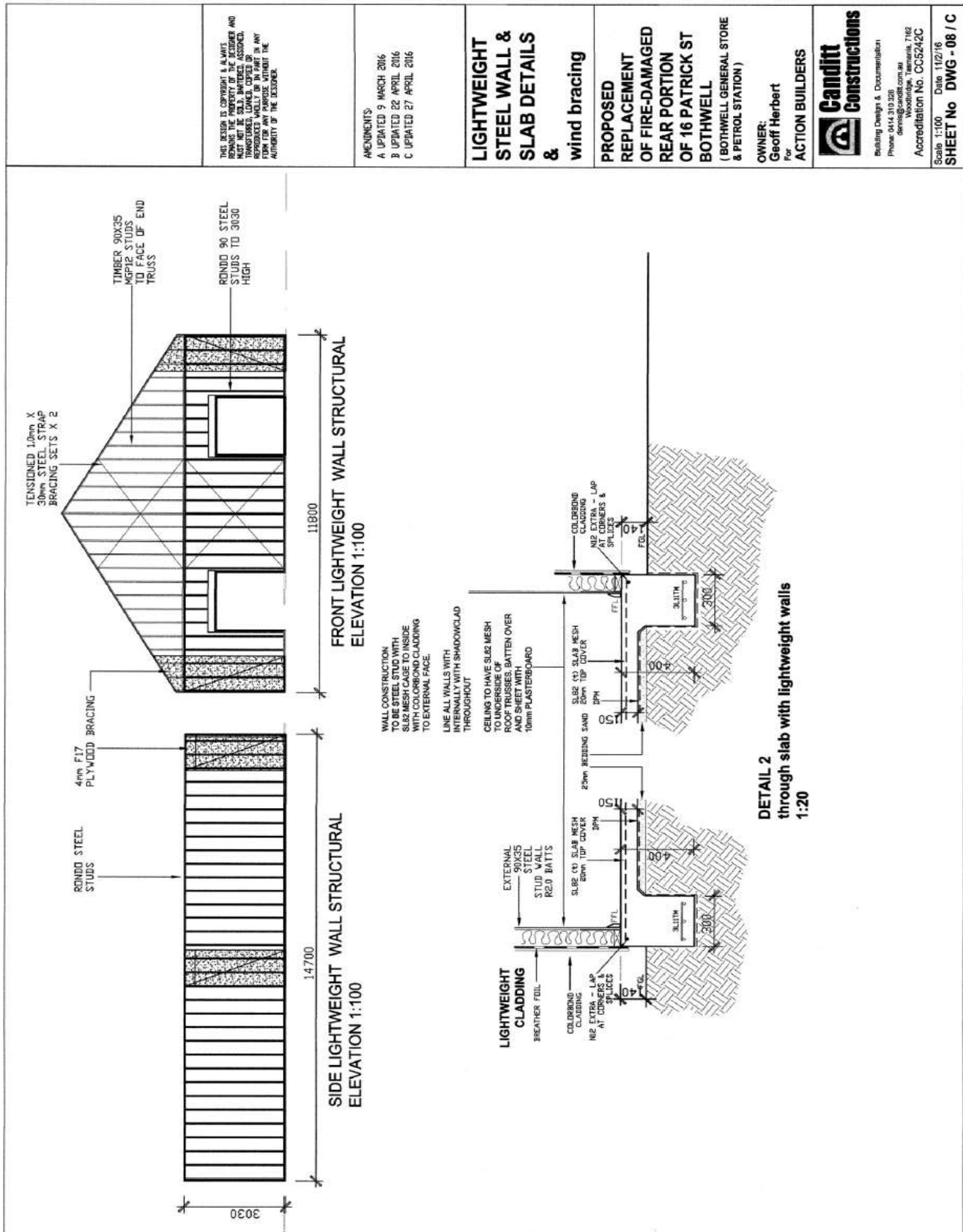












## APPENDIX A

**Our Ref:** DA 2011/24  
**Your Ref:**  
**Enquiries to:** David Allingham  
**Telephone:** (03) 6259 5503

15 August 2014

Geoff Herbert  
16 Patrick Street  
BOTHWELL TAS 7030

Dear Mr Herbert

**DEVELOPMENT PERMIT DA 2011/24 : COMPLAINT WITH  
PLANNING PERMIT CONDITIONS : 16 PATRICK STREET,  
BOTHWELL**

I refer to our letter of 14<sup>th</sup> May 2014 regarding conditions of your planning permit that had not been satisfied.

Council considered the matter in detail at its June Council meeting and resolved that compliance with the car parking conditions was no longer necessary. Council also resolved that it would allocate money in a future budget to seal gravel sections of William Street near your premise in order to improve on street car parking.

Accordingly, there is no longer any requirement for you to comply with condition 6, 7, 8, 9 and 10 of your planning permit DA 2011/24.

If you have any questions please contact me on 0400 336 796.

Yours faithfully

**Shane Wells**  
Senior Consultant Planner

cc. Michael Potter, PO Box 320, ROSNY PARK TAS 7018

## APPENDIX B

Agenda 19<sup>th</sup> July 2016

Our Ref: DA 2011 / 00024  
Your Ref:  
Enquiries to: Amanda Beyer  
Telephone: (03) 6259 5503

16 November 2011

Michael Potter Pty Ltd  
PO Box 320  
ROSNY PARK TAS 7018

Dear Mr Potter

**PLANNING PERMIT (DA 2011/24): ALTERATIONS TO SHOP AND SIGNAGE IN VILLAGE ZONE: 16 PATRICK STREET, BOTHWELL**

I am pleased to advise that Council (Planning Authority) has granted planning approval for the above use or development. A copy of the planning permit is **attached**.

Section 61 of the *Land Use Planning and Approvals Act 1993* provides that an applicant or owner may appeal to the Resource Management & Planning Appeal Tribunal (the Tribunal) within 14 days of notice of this decision being served. Appeals are required to be in writing and lodged with a fee to the Tribunal.

For further information about procedures for lodging an appeal please contact the Registrar of the Tribunal by phone on (03) 6233 6464 or by mail at GPO Box 2036, Hobart 7001.

**Note that building works may not commence until you have complied with any conditions of this permit or without all other necessary approvals, including a separate plumbing or building permit from Council.**

Enquiries concerning plumbing and building matters should be referred to Council's Development and Environmental Services Department on (03) 6259 5503.

If you need to discuss this matter further please do not hesitate to contact the Development and Environmental Services Department of the number above quoting the above reference.

Yours faithfully  
**Amanda Beyer**



## PLANNING PERMIT DA 2011/24

In accordance with Division 2 of Part 4 of the *Land Use and Planning Approvals Act 1993*, the Central Highlands Council (Planning Authority) grants a permit –

**To:** Michael Potter  
**Of:** PO Box 320  
 ROSNY PARK TAS 7018

**For land described as:**

16 Patrick Street, Bothwell, Certificate of Title 127777/1

**This Permit allows for:**

The land to be used for shop purposes and developed by alterations to a shop and signage in the Village Zone and associated site works in accordance with the information and particulars set out in the development application and endorsed drawings.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT: -**

**General**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. 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*.

**Signage**

3. The proposal sign is approved. Any additional signage on site will require a separate application submitted to Council for approval.

**Amenity**

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

**Heritage values**

5. The existing chimney located at the rear elevation of the building must be retained in its original form.

**Parking and Access**

6. An amended parking plan showing at least eight (8) parking spaces to be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney must be submitted to the satisfaction of Council's General Manager. The parking plan shall remove the two

proposed spaces closest to the Patrick Street frontage and provide perpendicular parking on the William Street frontage.

7. Car parking spaces, other than those designed and marked out for use by the disabled, must be a minimum of 2.60 metres wide and 5.50 metres long, unless otherwise approved by the Council's General Manager.
8. All parking and associated turning, loading and unloading areas and access must be constructed in accordance with the approved Parking Plan prepared by *Howarth Fisher and Associates, Project No. 11J200, Drawing No. P2* and *Traffic Report- Bothwell Garage*, dated October 2011 and prepared by Howarth Fisher and Associates.
9. The completed parking and associated turning, loading and unloading areas and access must be to the satisfaction of Council's General Manager and constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
10. All areas set-aside for parking and associated turning, loading and unloading 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.

#### **Stormwater**

11. Stormwater from the roof must not discharge directly to the road but must discharge through a storage tank overflow or to another legal point of discharge in accordance with a Plumbing Permit issued by the Permit Authority in accordance with the *Building Act 2000*.

#### **Services**

12. 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.

#### **Water Quality**

13. Temporary run-off, erosion and sediment controls must be installed and maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.

#### **Construction amenity**

14. 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 is also advised that:**

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

- 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;
- Rehabilitation of all disturbed areas as soon as possible.

**C.** The issue of this permit does not ensure compliance with the provisions of the *Commonwealth Disability Discrimination Act 1992* in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other *Disability Discrimination Act 1992* provisions relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the *Disability Discrimination Act 1992*.

There are currently no standards prescribed for compliance with the *Disability Discrimination Act 1992*, however, Australian Standards associated with the Act, including AS 1428.1-2001 - Design for access and mobility - General requirements for access - New building work and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the Disability Discrimination Act 1992 from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

**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.**

Dated: 16 November 2011

**Amanda Beyer**  
Contract Planner



## 14.2 REVIEW OF PLANNING COMMITTEE

The current Planning Committee consists of the following members:

Deputy Mayor Downie (Chairperson)  
 Councillor Allwright  
 Councillor Bailey  
 Councillor Bowden  
 Councillor Cassidy

### ***For Discussion***

## 14.3 RESTING PLACE : GRAVE TENDERING SERVICES

Council is in receipt of a letter from Resting Place who offer a state-wide grave tendering service. This means that they provide upkeep and care for graves or memorials for those people who are unable to do it themselves. They also offer their customers an ability to connect the physical monument to their online memorial through the production of a stainless steel tile that is etched with a unique code. When the coded tile is scanned using a smart device, it connects to an existing online memorial or to a memorial webpage developed by Resting Place.

Resting Place are seeking support, on behalf of their customers, for Council approval for the fixing of a 4cm x 4cm stainless steel tile to, or next to, a grave or plot in a cemetery managed by Council.

The only Cemetery in the Central Highlands Municipal area managed by Council is the Bothwell Cemetery.

### ***For Discussion***

## 14.4 DES BRIEFING REPORT

### **PLANNING PERMITS ISSUED UNDER DELEGATION**

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

#### **PERMITTED USE**

DA NO.	APPLICANT	LOCATION	PROPOSAL
2016 / 00026	K W Towns	691 Ellendale Road, Ellendale	Shed

#### **DISCRETIONARY USE**

DA NO.	APPLICANT	LOCATION	PROPOSAL
2016 / 00011 - Disc	G. & S. Ellis Holdings P/L	584 Meadow Bank Road, Meadowbank (CT 37631/1)	Extractive Industry (Quarry Level 1)

**NO PERMIT REQUIRED**

DA NO.	APPLICANT	LOCATION	PROPOSAL
2016 / 00027 - NPR	Another Perspective	29 Jones Road, Miena	Addition to Dwelling (Bathroom)

**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:

*No dogs have been impounded over the past month.*

**CENTRAL HIGHLANDS INTERIM PLANNING SCHEME & NATURAL ASSETS CODE**

The attached two letters have been received from the Minister for Planning and Local Government.

***For Information***

**Treasurer  
Minister for Planning and Local Government**

Level 9 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7670  
Email: [treasureroffice@dpac.tas.gov.au](mailto:treasureroffice@dpac.tas.gov.au)



28 JUN 2016

Councillor Deirdre Flint  
Central Highlands City Council  
PO Box 20  
HAMILTON TAS 7140

Dear Mayor

**Consideration of Applicable Matters  
Central Highlands Interim Planning Scheme 2015**

The Tasmanian Planning Commission has advised that its consideration of applicable matters in the Central Highlands Interim Planning Scheme 2015 and the representations received by Council as required under section 30K(2) of the *Land Use Planning and Approvals Act 1993* (the Act) has been completed.

I am advised that the Commission is now working with Council and representors to identify what actions may be possible to address particular issues in accordance with its powers under section 30K(4) of the Act.

I am further advised that Council has made a very positive contribution to the assessment of applicable matters and committed additional resources to particular issues.

This work will assist the transition to the single Tasmanian Planning Scheme.

I would like to thank Council for its ongoing commitment to providing the people of the Central Highlands municipality with a fair and streamlined planning system.

Yours sincerely

**Hon Peter Gutwein MP  
Minister for Planning and Local Government**

**Treasurer  
Minister for Planning and Local Government**

Level 9 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7670  
Email: [treasureroffice@dpac.tas.gov.au](mailto:treasureroffice@dpac.tas.gov.au)



28 JUN 2016

Mayor Deirdre Flint OAM  
Central Highlands Council  
Tarleton Street  
HAMILTON TAS 7140

Dear Mayor Flint

Thank you for your letter dated 13 May 2016, regarding concerns with the proposed Natural Assets Code contained within the drafts of the State Planning Provisions (SPPs).

The Natural Assets Code has been subject to considerable consultation during its preparation by the Planning Reform Taskforce and the review by Government agencies prior to my decision to include it as part of the drafts of the SPPs that should be subject to the statutory process.

The Code is designed to support the Government's obligations to protect threatened vegetation communities listed in the *Nature Conservation Act 2002* and to complement the operation of the *Threatened Species Act 1995* by reducing the likelihood of development impacts.

This is in part a reflection of the changes to the Forest Practices Regulations in 2009 which were predicated on the preference to have clearance associated with development essentially resulting from permits granted for residential development dealt with within the planning system rather than separately by the Forest Practices Authority.

The inclusion of planning controls on the management of vegetation is also supported by the Objectives of the *Land Use Planning and Approvals Act 1993* (LUPAA). However, the Government is also moving to support the Tasmanian Planning Scheme with a clearer expression of policy through the preparation of a suite of Tasmanian Planning Policies. These will be subject to statutory approval set out in forthcoming amendments to LUPAA.

With respect to the statutory mechanism for managing natural assets, although the Code would be delivered as a Local Provision, it is required by the specification within a SPP which includes the mapping that the LPS must use as the default.

On this basis I believe it is clear that the Natural Assets Code is a requirement of the SPPs and therefore the Government in the same way that planning directives currently apply.

The inclusion and scope of the Natural Assets Code in the drafts of the SPPs has been approved by the Heads of relevant State agencies through the State Policies Interdepartmental Committee, and through my approval of the drafts for exhibition and statutory assessment by the Tasmanian Planning

Ag en

M16/14977  
MIN/16/398

Commission (TPC). Pending advice from the TPC I will determine if the draft SPPs require amendment prior to finalising them.

With respect to the application and mapping associated with the draft Code as it stands, I note your support for the exclusion of areas zoned as Agricultural, but also point to the exemptions for clearance and conversion of priority vegetation on pasture or crop production land irrespective of the zoning. Clearly the impact of the Code on areas within the Central Highlands municipal area will be dictated by the application of zoning and the existing nature of the land use.

I understand that the issue of the accuracy of the Tas Veg mapping has been formally raised through representations and the Government will give that proper consideration as part of the current process. The draft SPPs do provide for local mapping to replace the default mapping specified in the SPP, but I acknowledge that to provide such mapping over a large area is problematic for a small council.

I can assure you that the Government will consider carefully all representations in relation to the Natural Assets Code including from those councils which would prefer a broader application and scope and take into account any recommendations from the TPC on this matter including the need to improve the State's mapping.

Can I take this opportunity to also advise you that the Government will be providing local councils with assistance and guidance in preparing their Local Provisions Schedules particularly addressing the specific implementation issues raised in representations to the draft SPPs.

I believe an informed and cooperative relationship between the Government and local councils is imperative to the successful implementation of the Tasmanian Planning Scheme.

Yours sincerely



Hon Peter Gutwein MP  
**Minister for Planning and Local Government**

## 15.0 WORKS & SERVICES

Moved Cllr

Seconded Cllr

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

### 15.1 WORKS AND SERVICES REPORT

## **WORKS & SERVICES REPORT**

**14th June 2016 – 14th July 2016**

### **Grading & Sheeting**

Nant Lane	Wetheron Road
Rotherwood Road	Woodsprings Road
Lower Marshes Road	Wihareja Road
Hunterson Road	Glovers Road
Weasel Plains Road	Meadow Bank Road
14 Mile Road	

### **Maintenance Grading**

### **Potholing / shouldering**

Thousand Acre Lane	Pelham Road
Bashan Road	Dennistoun Road
Victoria Valley Road	Humbie Road
Meadow Bank Road	

### **Spraying**

### **Culverts / Drainage:**

Cleaning culverts  
 Dennistoun Rd  
 Meadsfield Road  
 Strickland Rd  
 Install new culverts in Meadowbank Road and Bluff Road  
 Clean out drains from flood damage on  
 Tunbridge Tear Road  
 Old Man's Head  
 Interlaken Road  
 Waddamana 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  
 14.5hrs Annual Leave taken  
 172.5hrs Sick Leave taken  
 0 Long Service Leave

**Bridges:****Refuse / recycling sites:**

Cover Hamilton Tip twice weekly

**Other:**

Install sign at Waddamana Road after flood damage

Repair drains from flood damage on Arthurs Lake Road (rock wall drains)

Install guide posts Pelham

Cold Mix holes

Dennistoun Road

Wayatinah Road

Ellendale Road

Repair cattle ramp

Repair washouts from flood damage on Municipal Roads

Clean drains Wayatinah

**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:**

Install new hot water cylinder and plumbing Hamilton Rec

Repair lights Hamilton Rec

Install new motor in dryer at Bothwell public toilets

**Plant:**

PM710 JCB Backhoe (B) serviced new tyres fitted

PM705 Mack truck (H) serviced hydraulic tank repaired

PM748 Hino truck (B) new front tyres

PM760 Hilux (B) serviced

PM755 Triton (B) serviced new tyres

PM741 Mack (H) serviced new injector sleeves

PM717 Dog trailer welding repairs to chassis

**Private Works:**

R Bowerman concrete mix

Nant Estate truck and gravel delivery

L Jones concrete mix

Brett Gleson truck and trailers of gravel delivery

Andrew Jones gravel

Stornoway gravel

Blue Lake Lodge gravel

Jason Rogers concrete mix

L Filliponi gravel

Garrie Eyles backhoe hire

Tas Water truck and gravel delivery and Hamilton landfill fees  
Bothwell District High School concrete mix  
Jo Barr gravel delivery  
Steven Eyles truck and gravel delivery  
Nick Shadbolt Concrete mix  
Sam Branch dry hire of tractor  
Jean Crocker gravel delivery  
Gary Flanerety grading of driveway  
Robert Cordwell concrete mix

**Casuals**

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

**Program for next 4 weeks**

Grading and re-sheeting of Council roads  
Flood damage repair of roads  
Potholing of Municipal roads

**For Discussion**

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**15.2 PEDESTRIAN FOOTBRIDGE AT OUSE**

The pedestrian footbridge at Ouse that is alongside the main bridge over the Ouse River was washed away in the current floods. The footbridge is owned and maintained by the department of Stategrowth.

Martin Blake Manager of asset management from the State Roads Division at Stategrowth will discuss the renewal concept and plans for the pedestrian footbridge and if Council may consider taking over the ownership of a newly constructed footbridge.

**For Discussion**

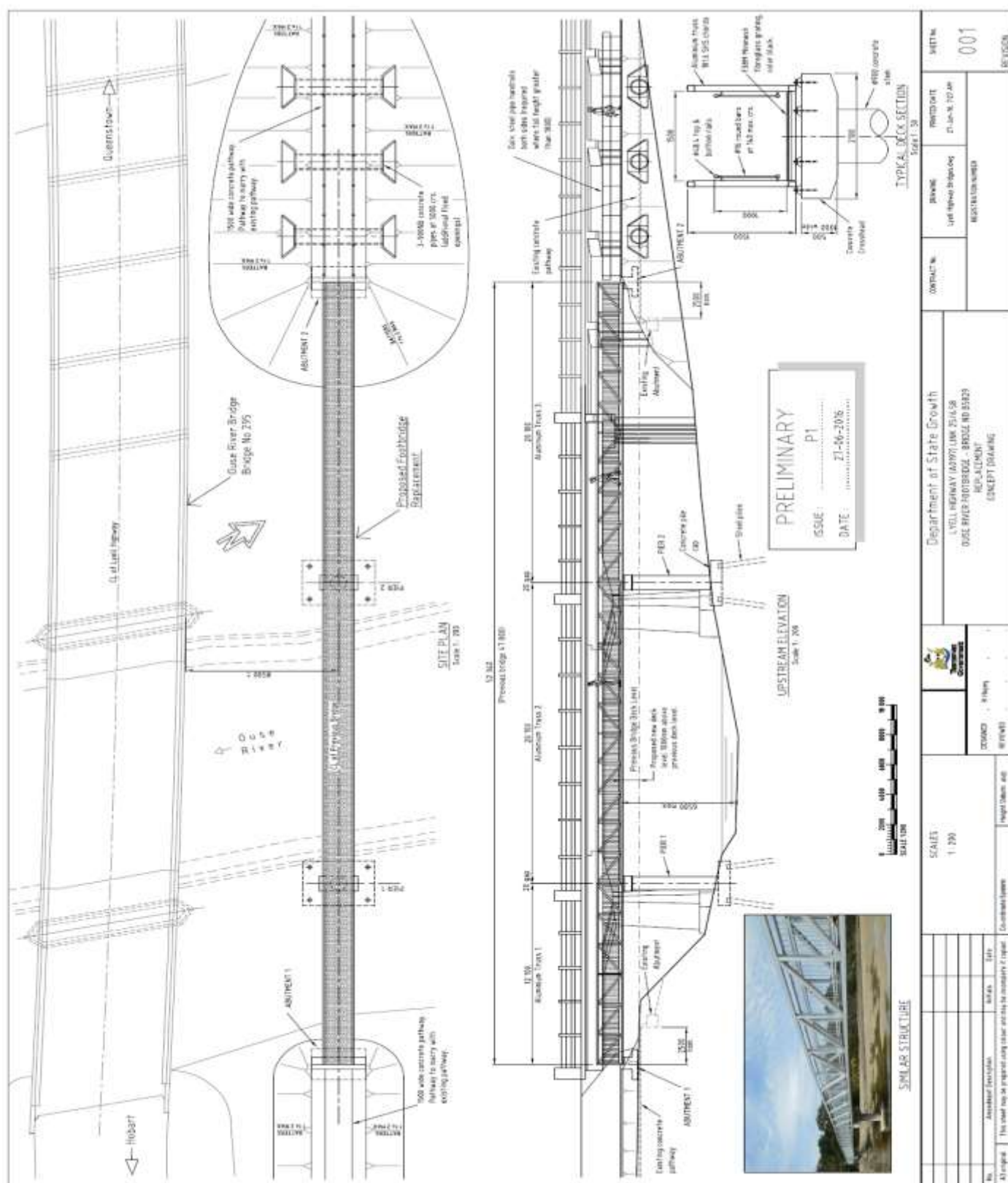
Hi Jason, apologies for delay. Here is a bit of background on both options for Council to consider.

Our default option is to replace like for like (refer to quotes from TasSpan), which is the cheaper option and we would expect to be largely funded by flood recovery assistance (50-75%). The second option is for a much more robust structure (see concept design) for which we are unlikely to get any additional funding but we could consider building if Council saw added value in terms of municipal level of service. However, because of the substantial additional construction cost (we are expecting it to be in the order of \$800 000) we would need a contribution from Council in the form of an asset transfer for this option to be realistic. If you could confirm date and time you would like me to come and meet with Council next week that would be great. It is likely one of my guys will attend also.

Thanks Jason and regards

Martin





## 15.2 DRAINAGE ARTHURS LAKE (WILBERVILLE)

See attached report

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**ROSS CUMMING ENGINEERING**

**ABN 30 619 277 446**  
**32 SUMMERHILL ROAD**  
**WEST HOBART**  
**TASMANIA 7000**  
**grc@netspace.net.au**

**PHONE: 0407 870 015**  
**(0362 345 398)**

**REF: CHC Wilburville 01.doc**

**DATE: 6 JULY 2016**

**THE GENERAL MANAGER**  
**CENTRAL HIGHLANDS COUNCIL**  
**6 TARLETON STREET**  
**HAMILTON**  
**TAS 7140**

**ATTENTION: Works Manager: Jason Branch**  
**email: jbranch@centralhighlands.tas.gov.au**

Dear Jason,

**34 ARTHURS LAKE ROAD STORMWATER DRAINAGE**  
**REPORT ON MITIGATION OPTIONS**

## **1. INTRODUCTION**

This report has been prepared at the request of the Central Highlands Council Works Manager to investigate the possibilities available to remedy a drainage conflict at #34 Arthurs Lake Road, Wilburville. The site was inspected by Jason Branch and Ross Cumming on 16 June & 5 July 2016.

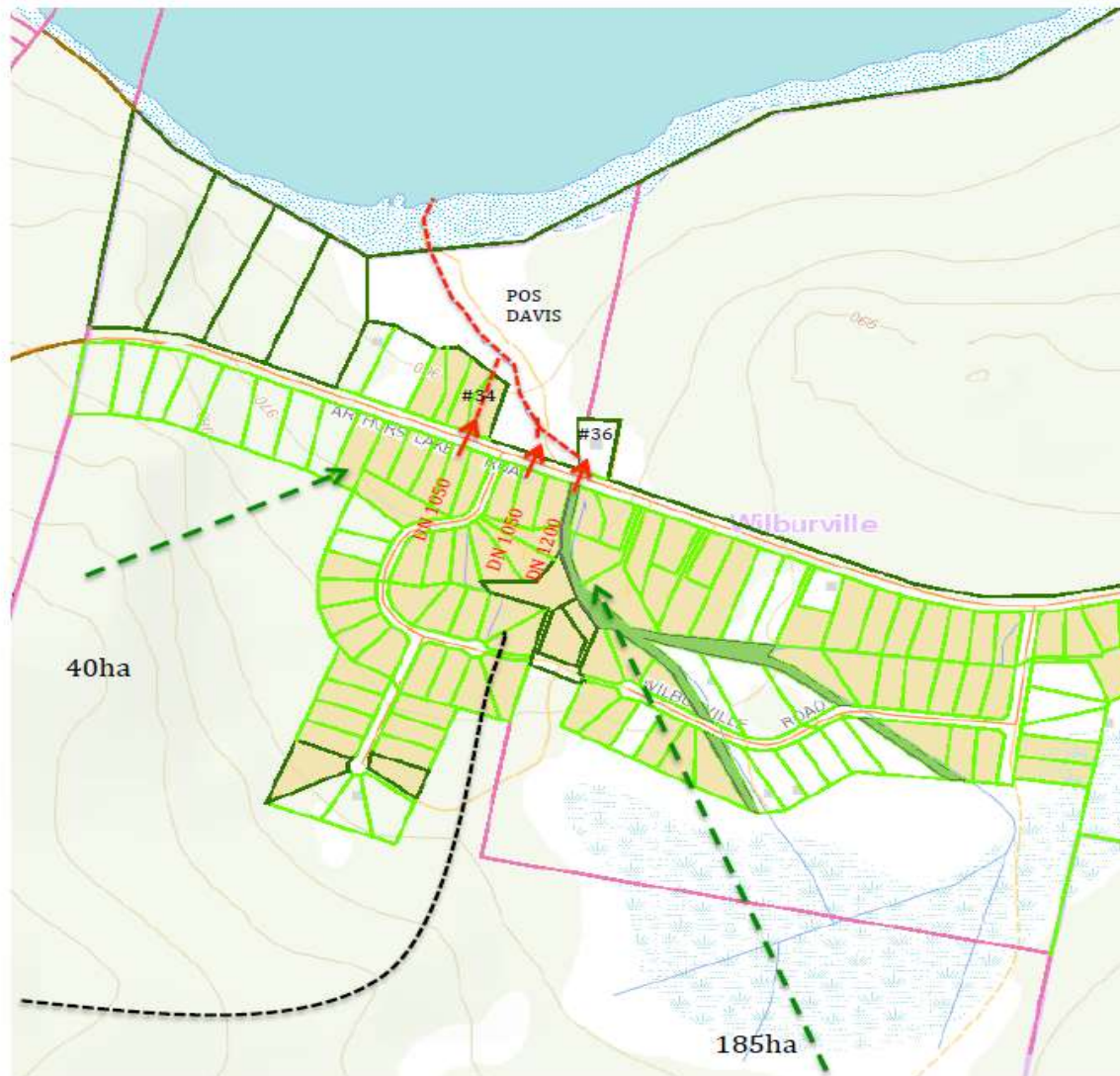
The location is indicated on the Google earth map below.



**34 ARTHURS LAKE ROAD STORMWATER DRAINAGE**  
**REPORT ON MITIGATION OPTIONS**  
**ROSS CUMMING ENGINEERING 06/07/2016**

1

The more detailed plan shown below shows the location of the drain at #34 Arthurs Lake Road and indicates the existing three (DN 1050mm + DN 1050mm + DN 1200mm) major drainage pipe culverts under Arthurs Lake Road. These culverts drain two sub-catchment areas (40ha + 185ha) totaling 225ha that extends for approximately 2.5km to the south of Arthurs Lake Road. (DN: Nominal Diameter)





## 2. BACKGROUND

The three existing culverts were installed when Arthurs Lake Road was constructed and were necessary to maintain the natural drainage of the catchments and prevent flooding of the road. The two sub-catchments combine in the general vicinity of #34 & #36 Arthurs Lake Road and in times of major flood runoff would have, in the past, resulted in multiple natural drainage channels flowing to the north of Arthurs Lake Road before combining prior to the discharge point to Arthurs Lake.

The drainage channel arising from the 40ha western sub-catchment at what is now #34 Arthurs Lake Road has been improved by straightening and probably deepening to better control the runoff flows. The culvert pipe at #34 Arthurs Lake Road is at the low point of Arthurs Lake Road.

At some time in the past, the area where the natural drainage course discharges was subdivided retrospectively into lots to create title boundaries to suit the then existing shacks and open drains. The natural drainage channel would have passed through the lot that is now #34. Google Earth street view shows in Dec 2007 the channel passing through #34 adjacent to and well clear of a building structure. At some date between Dec 2007 and now, a habitable building structure has been constructed across the channel so that at present the channel passes directly under the building. Photographs of the channel taken in Dec 2007 and on 16 June 2016 are included below.



#34 Arthurs Lake Road DEC 2007



#34 Arthurs Lake Road JUNE 2016

Prolonged heavy rainfall on 5, 6 & 7 June 2016 caused this channel to flood into the building structure at #36 Arthurs Lake Road. I understand that flood levels inside the building were minimal in depth but resulted in water on the building floor surface.

This report provides an estimate of likely storm flows at the site plus technical & construction options to reduce the likelihood of further flooding. The report does not address the legal situation pertaining to the drainage course or the unusual location of the building spanning the drain or the preponderance of structures and fences on the property.

A copy of the title plan of #34 provided by Council is attached. On this copy, the approximate location of the open channel (green line) and the internal fence (red dashed line) have been marked so as to show the existing situation. The Title Plan does not show Wilburville Road that connects to Arthurs Lake Road between #34 & #36. This has been marked with a black dashed line to indicate the approximate location.

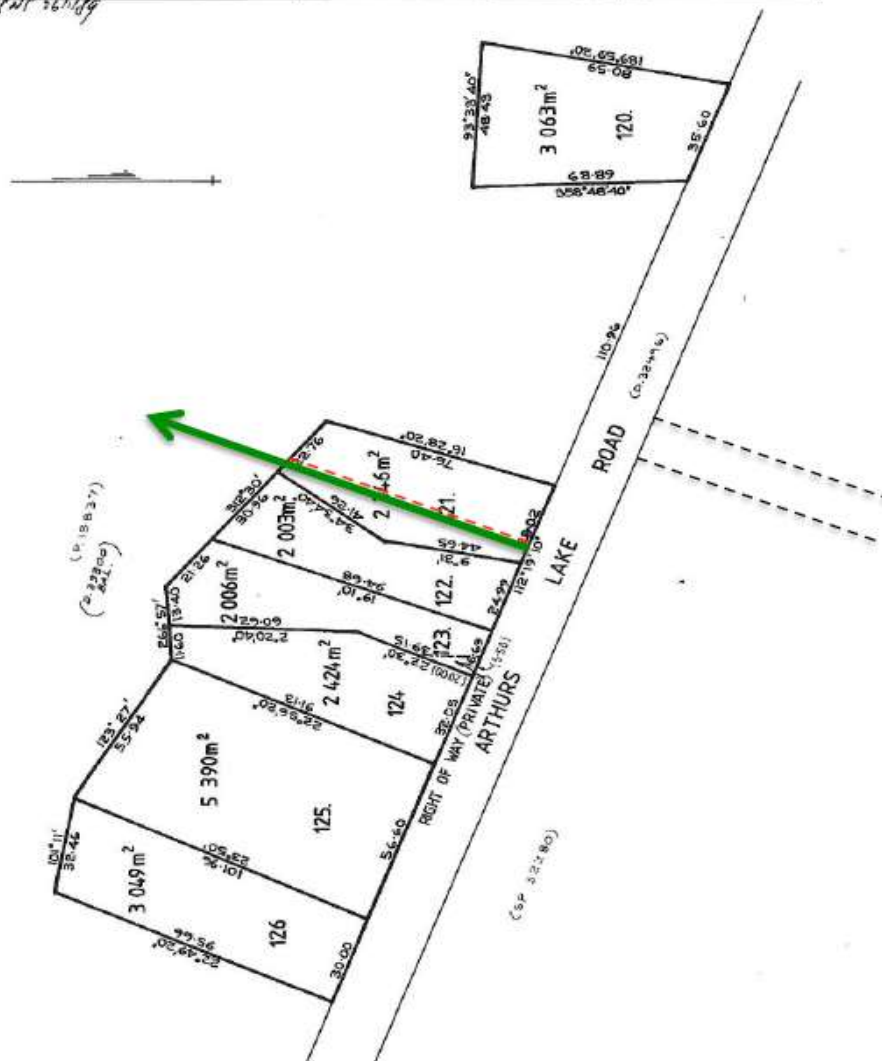


Issued Pursuant to the Land Titles Act 1980

Tasmanian  
Government

Owner: Forest Marsh Pty Ltd	PLAN OF SURVEY by Surveyor N. D. Leary of of land situated in the GR1665 LEARY & CO 295 ELIZABETH STREET HOBART	Registered Number <b>SP38815</b>
Title Reference: C.T. 4148-42 4141-15	LAND DISTRICT OF WESTMORLAND PARIS OF OOLUMPTA SCALE 1:1000 MEASUREMENTS IN METRES	Approved Effective from: 24 APR 1989
Grantee: Portion of 250 ac Gtd to Askin Morrison & 950 ac Gtd to John Jones		

*up to 1000 16/1/89*





### 3. HYDROLOGICAL ANALYSIS – FLOOD FLOWS

#### 3.1 Estimation of Flood Flows at DN 1050 Culverts near #34

An analysis of the peak catchment flow that would accumulate at the three culverts between #34 & #36 Arthurs Lake Road has been undertaken using procedures in accordance with Australian Rainfall & Runoff 1987 – A Guide to Flood Estimation (ARR). A summary of results is set out as follows:

ANNUAL EXCEEDENCE PROBABILITY (AEP)	CULVERT DN 1050 at #34	CULVERT DN 1050 between #34/#36	CULVERT DN 1200 at #36
50% (1 in 2)	1 cumec		
20% (1 in 5)	1.5 cumec		
10% (1 in 10)	2 cumec	0.7 cumec	1.1 cumec
5% (1 in 20)	2.4 cumec		
2% (1 in 50)	3 cumec		
1% (1 in 100)	3.5 cumec	1.5 cumec	2.5 cumec

(1 cumec = 1,000 litres/sec) Flows are approximate estimates.

The maximum culvert capacities for pipe inlets flooded to the point where road begins to flood are:

DN 1050      2.5 cumec This flow is approx. equivalent to the 5% AEP (1 in 20 probability) flood  
 DN 1200      3.5 cumec This flow is in excess of the 1% AEP (1 in 100 probability) flood

#### 3.2 High Rainfall Event June 2016

Precipitation records obtained from Bureau of Meteorology (BOM) records indicate that the daily precipitation at Arthurs Lake Dam recording site on June 5 was 41.8mm; on June 6 was 100.6mm & on June 7 was 26.2mm. The rainfall event recorded for June 6 is the highest ever recorded at this site.

Reference to BOM statistics indicates that this rainfall event has an estimated Annual Exceedence Probability of between 2% to 5%. That is effectively an event that should have a 1 in 20 to 1 in 50 probability of occurring in any given year.

Using ARR procedures for the catchment under investigation yields an estimated peak flow at the culvert and channel at #36 Arthurs Lake Road of 2.4 cumec for a 5% AEP (ie probability 1 in 20). At that flow the pipe culvert would be flowing at near maximum capacity and the section of the channel receiving this discharge through the southern portion of #34 would be flowing at less than maximum capacity (see below).

#### 3.3 Capacity of Existing Channel at #34 Arthurs Lake Road

The rock-lined channel at #34 between Arthurs Lake Road and the upstream edge of the building structure is 3m wide up to 1m deep with a floor width varying from 0.5 to 1m wide. The grade was measured at 4.7% and it is lined with coarse rocks. This channel has an estimated capacity at the overflow depth of 1m of 3.5 cumec. This corresponds to an AEP flood of between 5% & 1% AEP (1 in 20 to 1 in 100).

On the downstream side of the building the channel reduces in cross-section to 1m wide and 0.9m deep with a floor width of 0.6m. The grade is similar to the upstream section and it is also lined with coarse rocks. This channel has an estimated capacity at the overflow depth of 0.9m of 1.3 cumec. This corresponds to an AEP flood of 50% (1 in 2).

Inspection of the channel underneath the building structure showed there to be severe constriction to the channel cross-section by the building structure and a service pipe. The depth of the channel has been reduced to approximately 450mm maximum and the channel floor is uneven and creating turbulent flow. The capacity here would be significantly less and likely in the order of the AEP 100% (1 in 1) flood flow of less than 1 cumec.

#### 4. OPTIONS FOR REDUCING FLOODING AT #36 ARTHURS LAKE ROAD

OPTION	DESCRIPTION	FEASIBILITY & COMMENTS	COMPARATIVE BUDGET COST
4.1	Enlarge the existing channel under the building and on the downstream side of the building.	OK to the downstream side of the building but difficult under the building. Very Low feasibility.	High
4.2	Install a pipe under the building to replace the existing open channel.	Very Low feasibility.	High
4.3	Plug the DN1050 culvert under Wilburville Road to reduce the flow going from the east to the west of Wilburville Road. This still leaves a 40ha catchment to the culvert at #34.	Difficult to assess the hydraulic impact on the culvert at #34 but it would reduce flows for longer duration storms. Very little impact in flows for short duration storms from the western catchment.	Not effective
4.4	Divert the channel at the exit from the culvert at 45 deg to the NE in a new channel through the eastern portion of #34 into the POS land and extend the new channel to main stream in POS. This would totally avoid the building structure.	OK but requires a new easement in #34. New channel could be up to 10m wide as it will have to maintain a 5% fall. Needs to traverse the existing U/G Telstra cable. No new pipework required	\$10,000
4.5	Divert the channel to the east within Arthurs Lake Road reservation in a new channel totally clear of #34 and then into the POS land and extend the new channel to the main stream in POS.	Hydraulic difficulties with 90 deg bends in the flow path and deep channel on north side of Arthurs Lake Road could be difficult. Probably would intrude into #34 due to the width required to fall against the natural fall of Arthurs Lake Road. Traverses Telstra cable.	\$25,000 but very low feasibility.
4.6	Plug the culvert under Arthurs Lake Road at #34 thereby preventing flows from entering the channel in #34 and diverting to the east via the road table drain to the adjacent DN1050 culvert on the east side of Wilburville Road.	Culvert at #34 is 1.28m below the adjacent culvert therefore flows would still flood into #34. Not possible	Not possible
4.7	Plug the existing culvert under Arthurs Lake Road at #34 and install a new DN 1050 pipe culvert from the existing culvert inlet and across Arthurs Lake Road on a long skew to enter into the POS land clear of the #34 boundary. Construct a new channel into the POS and extend to existing main stream.	Culvert would be approx. 40m long and quite deep (2m+) and the channel to connect to the existing main stream would also be deep (2m+) and approx. 10m wide. Traverses Telstra Cable.	\$45,000
4.8	Plug the existing culvert under Arthurs Lake Road at #34 and install a new DN 1050 pipe culvert to the west of Wilburville Road to discharge across Arthurs Lake Road. Construct a new channel into the POS and extend to existing main stream.	The new DN1050 culvert pipe would be start 1m deeper than the exist road table drain, so drain would be deepened by up to 1m to reverse the present fall & table drain would be 2m wider to the south. Culvert pipe would extend under or over the exist Telstra cable and discharge to a new channel to connect to exist main stream to Arthurs Lake. Existing DN600 culvert to private property to be upgraded to DN1050.	\$35,000

Note: Cost estimates are preliminary comparative only & have a target accuracy of +/-30%



## 5. CONCLUSIONS

- (a) The recent 24 hour rainfall event at Wilburville on 6 June 2016 had an Annual Exceedence Probability (AEP) of between 5% & 2% (1 in 20 to 1 in 50 probability of occurring in any given year).
- (b) The physical catchment that drains stormwater runoff to the DN 1050mm diameter culvert in front of the property at #34 Arthurs Lake Road is estimated at 40ha in area and the peak runoff for an AEP of 5% (1 in 20) is estimated at 2.4 cumec.
- (c) The hydraulic capacity of the DN 1050mm diameter pipe culvert under Arthurs Lake Road in front of the property at #34 Arthurs Lake Road is approximately 2.5 cumec (2,500 Litres/sec).
- (d) The hydraulic capacity of the unobstructed open channel located on the top side of the property at #34 Arthurs Lake Road that receives the flow from the DN 1050mm culvert is approximately 3.5 cumec. However, on the lower side of the property the capacity of the open channel is estimated to be reduced to 1.3 cumec. Under the building structure the capacity is further reduced to less than 1 cumec.
- (e) It would be expected that the open channel through #34 Arthurs Lake Road would flood at the building and downstream of the building when storm flows exceed the AEP 50% (1 in 2) flood as was the case on 6 June 2016.
- (f) The open channel through #34 Arthurs Lake Road has a severe hydraulic obstruction in the form of a reduced cross-section in the section passing under the structure (due primarily to the presence of the floor of the structure and a reduced channel cross-section) and this would cause the channel to overflow at flows exceeding the AEP of 50% (1 in 2).
- (g) Flooding of properties will always be a probability for more extreme event floods and it is considered that in the event of 2% to 1% or less (1 in 50 and 1:100 or more) rainfall events that flooding of properties is inevitable irrespective of what mitigation measures are put in place. For urban residential stormwater design it is generally accepted that an AEP of 5% (1 in 20) is an appropriate design guideline.
- (h) If it were not for the two factors:
  - 1. The constriction of the channel cross-section by the floor of the building structure, &
  - 2. The narrowing of the channel downstream of the building,
 then the drainage channel would comply with the generally accepted design guidelines referred to above.

## 6. RECOMMENDATIONS

- (a) Council to assess the legal issues relating to the subdivision and the building development on the property #34 Arthurs Lake Road.
- (b) The owners of #34 be requested by Council to improve the flow carrying capability of the open channel by ensuring that there are no hydraulic obstructions to the flow in the form of bends or rock obstructions or narrowing or flattening of the channel gradient under or on the downstream side of the building.
- (c) If the recommendations of (b) above do not eliminate the flooding, then the most cost effective and practical method for reducing the potential impact of channel overflow on the property at #34 is to construct a channel diversion as set out under Section 4 Option 4.4. Budget comparative cost \$10,000. (+/- 30%)
- (d) Alternatively, at a higher cost, the flooding could be reduced by plugging the existing culvert that discharges into #34 and constructing a new pipe culvert to the west of Wilburville Road and a new channel to connect into the main stream in the Public Open Space. As set out under Section 4 Option 4.8. Budget comparative cost \$35,000. (+/- 30%)
- (e) If a detail design is required for the construction of mitigation works Option 4.4 or 4.8, a detail level survey and preparation of detailed engineering drawings will be necessary.

Yours faithfully,



Ross Cumming BEng FIEAust CPEng

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### 15.3 INTERSECTION A5 AND WILLIAM STREET

In regards to a letter received from Councillor Cassidy about a video from a dash cam from a resident of Bothwell in relation to a near miss at the intersection of the A5 (Patrick Street) and William Street because of parked cars on the verge of the A5 alongside the garage obstructing the view from traffic entering from William Street.

This matter has been raised before and traffic engineers were engaged from the department of State Growth who assessed the intersection and recommended that Giveaway be painted on the road in large letters on the approach to the intersection to the A5 on William Street and Market Place which were both done.

We believe that an issue is that people don't slow down and continue to go through the intersection at speed and not pull up on the holding line to look both left and right. The road reserve from the A5 to the garage property would belong to State growth.

#### For Discussion

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### 15.4 COUNCILS DOG TRAILER

Council currently run 4 dog trailers 2 super dogs that legally can carry a pay load of 30 tone and 2 that can carry a legal pay load of 26 tonne.

Two weeks ago when re-sheeting Councils road with one of the super dog trailers the operator noticed that after the hoist was put down that the bin was not sitting on the chassis correctly. Council took the trailer to Ben Midson welding and fabrication after further inspection it was noted that the chassis was seriously bent and would need some major works. Claims have been put to Councils insurance but as yet haven't had any feedback.

After discussions with all 4 truck operators and grader operators and seeing these super dogs undertake re-sheeting duties on Council roads the Works Manger believes there is a very high risk of a super dog trailer rolling over because of the length and the narrow roads within the Municipality and that the suspension should be spring not air bags.

These super dog trailers cost Council an extra \$6000 in registration to allow the trucks to tow them compared to the other two trucks and to carry 4 more tone. They are only able to sheet in around 50% of places compared to the other trailers due to length no good on corners only on straights.

#### Recommendation

1, THAT the current supper dog trailer that is in need of repair I believe should be shortened to the same size of Councils smaller dog trailers with spring suspension and the registration then lowered on the truck.

2, THAT the remaining super dog trailer as we are half way through our re-sheeting for this year go in the 2017/18 budget for replacement to a smaller dog trailer.

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### 15.5 COMMUNITY ROAD SAFETY GRANTS FUNDING PROGRAM 2015/2016.

The Works Manager and General Manager applied for funding under the Community Road Safety Grant Funding Program 2016/16 for a variable messaging board.

The project cost is \$21,586.05 ex GST and we have received funding of \$16,586.50.

Grant deeds will be forwarded shortly.

#### **Recommendation**

That the General Manager be authorised to sign and seal the Grant Deed for the funding of \$16,586.50 under the Community Road Safety Grants Funding Program 2015/16.

The works manager and General Manager were also successful under the Stronger Communities Funding Program for park seating at Bothwell, Westerway, Ouse and Ellendale for \$5,597.10 and with Council's contribution of also \$5,597.10 for a total cost of \$11,194.20.

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### 15.4 STATUS REPORT

- **328 - 20/4/2012**

Gorse at Christian Marsh, Responsible Officer: NRM

This item was asked to be placed on the Status Report at the March 2012 Meeting.

- **329 - 18/8/2012**

Platypus Walk, Responsible Officer: Works Manager

Regular Maintenance

- **332 - 17/9/2013**

Blackberry Removal, Responsible Officer: Works Manager / NRM

Clr Bowden requested that this item be placed on the Status Report

- **333 - 20/10/2015**

Schaw Street, Bothwell –Drainage, Responsible Officer: Works Manager

Clr L M Triffitt requested that this item be placed on the Status Report

- **334 - 20/10/2015**

Gorse at the Clyde River Bridge Interlaken, Responsible Officer: Works Manager / NRM

Clr R Bowden requested that this item be placed on the Status Report

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## 16.0 ADMINISTRATION

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### 16.1 MOTIONS LGAT MEETING

Following are the motions for the LGAT AGM and General meeting to be held from 20 July 2016 that will require Council's voting preference:

#### GENERAL MEETING

##### 1 MINUTES \*

Decision Sought

That the Minutes of the meeting held on 22 April 2016, as circulated, be confirmed.

##### 2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Decision Sought

That the agenda and order of business be confirmed.

##### 3 PRESIDENTS REPORT

Decision Sought

That Members note the report on activity since the last General Meeting.

##### 4 CEO'S REPORT

Decision Sought

That Members note the report on activity since the last General Meeting.

##### 5 BUSINESS ARISING \*

Decision Sought

That Members note the following information.

##### 6 FOLLOW UP OF MOTIONS \* Contact Officer: Dion Lester

Decision Sought

That the meeting note the report detailing progress of motions passed at previous meetings and not covered in Business Arising.

##### 7 MONTHLY REPORTS TO COUNCILS \*

Decision Sought

That Members note the reports for March, April and May 2016.

##### 8 ITEMS FOR NOTING

###### 8.1 Review of The Local Government Act \* Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

**8.2 Local Government Reform** Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

**8.3 Australian Local Government Association Activity** Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

**8.4 Policy Update**

Decision Sought

That members note the following report

**8.5 LGAT Professional Development Program** Contact Officer – Alyce Jordan

Decision Sought

That Members note the update on the Local Government Professional Development Program.

**8.6 Staffing Changes at LGAT** Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

**9 ITEMS FOR DECISION****9.1 LGAT Subscriptions** Contact Officer: Katrena Stephenson

Decision Sought

That Members agree:

1. That LGAT undertake subscription modelling for consideration by councils.
2. That the focus of the modelling is to be aligned with practice in other jurisdictions and agreed by General Managers at their September 2016 workshop.
3. That any change to the subscription formula be agreed in principle by March 2017 to align with the LGAT Budget process, with formal adoption at the 2017 AGM.

**9.2 Planning Reform** Contact Officer: Dion Lester

Decision Sought

That Members note the progress of the State Government's planning reforms.

That Members endorse the identified reform agenda priorities from a Local Government perspective, being –

- State Planning Policy development;
- A greater emphasis on Regional Planning;
- Improving the planning appeal process;
- Changing notification requirements for discretionary applications; and
- Consolidating subdivision legislation.

**9.3 Waste Levy** Contact Officer: Dion Lester

Decision Sought

1. That the Meeting note that:

- a) At the May 2016 Premier's Local Government Council meeting it was announced that the Government will not be introducing a state-wide levy on waste; and
- b) LGAT will be re-establishing the waste management reference group to provide a mechanism to allow for strategic consideration of waste issues across the state.

2. That the Meeting agree that the LGAT, supported by the Waste Management Reference Group, develop recommendations for Members, with respect to a waste levy and/or waste strategy.

#### **9.4 Tasmanian Constitutional Recognition For Aboriginal People** \* Contact Officer: Dion Lester

Decision Sought

That members agree that LGAT write to the State Government supporting the proposed amendment to the Tasmanian Constitution to provide for constitutional recognition of Tasmanian Aboriginal people.

### **11 ROADS AND INFRASTRUCTURE**

#### **11.1 Motion – Tourism Infrastructure** Council – Break O'Day

Decision Sought

That LGAT call on the State Government to provide funding for upgrades, maintenance and provision of tourism infrastructure in areas where tourist numbers have increased significantly in recent years.

#### **11.2 Motion – Speed Limit Restrictions** \* Council – George Town

Decision Sought

That LGAT lobby the State Government to amend legislation to require a decreased speed limit whilst motorists pass an emergency incident.

#### **11.3 Motion – Bass Link Council** – Northern Midlands

Decision Sought

That the Local Government Association of Tasmania support the State Government application to the Federal Government for assistance to replace the Bass Link cable.

That the Local Government Association of Tasmania advocate to the State Government to explore all opportunities to ensure the State is self-reliant for its power generation.

### **12 SECTOR PROFILE & REFORM**

#### **12.1 Motion – Swearing in of Elected Members** Council – Kingborough

Decision Sought

That LGAT staff provide a report on potential changes to the swearing-in process for new and re-elected Councillors/Aldermen to require them to –

1. Read and abide by the Local Government Act and Regulations
2. Read and abide by the Code of Conduct Policy of their Local Government Municipality.

#### **12.2 Motion – Elected Member Expenditure Council** – City of Hobart

Decision Sought

That there be statewide reporting consistency on the disclosure of itemised Aldermanic expenses on a monthly basis.

#### **12.3 Motion – Compulsory Voting Council** – City of Hobart

Decision Sought

The Local Government Association of Tasmania urge the State Government to consider making Local Government elections compulsory.

**12.4 Motion – Open and Transparent Governance Council – City of Hobart****Decision Sought**

The Local Government Association of Tasmania develop resource tools to encourage Tasmanian Councils to consider implementation of live-streaming of Council meetings as a means of ensuring open and transparent governance.

**12.5 Motion – Elected Member Training Council – Burnie City****Decision Sought**

That all Councillors undertake an external examination after undertaking training with regard to their role as a planning authority, which will test their competence to deal with planning matters and their knowledge of the planning scheme relating to their municipality.

**14 SECTOR CAPACITY****14.1 Motion – Tyre Levy Council – Northern Midlands****Decision Sought**

That Members note the issue of waste tyres remains unresolved and seek that LGAT continue to lobby the State Government to develop an effective solution to tyre storage and disposal in Tasmania, which might include the introduction of a regulated tyre levy in Tasmania for end of life tyres.

**14.2 Motion – Disposal Of Abandoned/Wrecked Vehicles Council – Southern Midlands****Decision Sought**

That the Local Government Association of Tasmania be requested to consult with the regional waste management bodies (and other relevant bodies) for the purpose of:

- a. Identifying the extent of problems associated with the disposal of car wrecks/car bodies. This recognises the lack of disposal options given the current steel recycling market (or lack thereof); and
- b. In conjunction with the regional bodies, determine what cost effective options can be considered to address and manage the issues identified.

Note: Consideration should be given to an option for car enthusiasts to access these car wrecks/car bodies for sourcing parts and/or bodies for restoration purposes.

**15 LAND USE PLANNING & ENVIRONMENT****15.1 Motion – Funding of Implementation of Planning Scheme Council – Break O'Day****Decision Sought**

That LGAT call on the State Government to allocate an ongoing budget to provide legal and staff-time funds to all Tasmanian Councils for all challenges arising from the implementation of the State Planning Scheme.

**15.2 Motion – Planning Directives Council – Break O'Day****Decision Sought**

That LGAT lobby the Minister for Planning and Local Government to engage in consultation with Councils when issuing planning directives and take a more considered approach to change, specifically more notice of implementation.

**15.3 Motion – Environmental Management & Pollution Control Council – Southern Midlands****Decision Sought**

That the State Government be requested to develop an agreed set of clear protocols with Local Government clarifying the split in responsibilities between the two levels of government in regard to enforcement under the Environmental Management and Pollution Control Act 1994.



#### **15.4 Motion – Wildlife Fatalities Councils – Latrobe & Kentish**

##### **Decision Sought**

That the Local Government Association of Tasmania and member councils;

- i. Work with the State and Federal Governments and key stakeholders to ensure a coordinated approach to reduce the instances of Tasmanian Devil and native wildlife fatalities on Tasmanian roads through informed projects such as installation of emergent virtual fencing technology and community programs to inspire a change in driver behaviour.
- ii. Support coordination initiatives such as installation of virtual fencing in Devil roadkill hotspot areas, to assess effectiveness and make informed decisions about the installation pattern. (LGAT support for this could be through promotion of projects/case studies, encouraging councils to engage in projects etc.)
- iii. Work together to access grant funding to support on the ground projects to reduce native wildlife fatalities on Tasmanian roads.

### **16 PUBLIC POLICY GENERAL**

#### **16.1 Motion – CSIRO Job Losses Council – City of Hobart**

##### **Decision Sought**

The Federal Government be lobbied to reconsider its position with regard to CSIRO job cuts because of the critical importance of the scientific data needed by Councils to accurately inform their climate adaptation strategies and to inform their communities.

#### **16.2 Motion – TasRail - Use of Network Council – Northern Midlands**

##### **Decision Sought**

That LGAT lobby the State Government and TasRail to permit a Tasmanian Transport Museum MS steam train to travel from Hobart to Fingal once a year on the Fingal Valley Festival day.

#### **16.3 Motion – Electronic Gaming Machines Council – Brighton Council**

##### **Decision Sought**

That LGAT formally take the position that the terms of reference for the State Government's Joint Select Committee Review into gaming in Tasmania be expanded to include whether or not electronic gaming machines should be allowed outside casinos at all and that as part of the Select Committee Review process, the Tasmanian community be polled to determine its view on this critical question.

That LGAT formally take the position that the Gaming Act should be reviewed particularly to remove its power to over-ride other acts.

That LGAT convey this position to the Government, Opposition and Green parties and to all Members of the Legislative Council

### **2016 ANNUAL GENERAL MEETING**

#### **1 MINUTES OF 103RD ANNUAL GENERAL MEETING \***

##### **Decision Sought**

That the Minutes of the 103rd Annual General Meeting, held 22 July, 2015 be confirmed.

### **2 PRESIDENT'S REPORT**

##### **Decision Sought**

That the President's report be received.

### 3 FINANCIAL STATEMENTS TO 30 JUNE 2015 \*

Decision Sought

That the Financial Statements for the period 1 July 2014 to 30 June 2015 be received and adopted.

### 4 BUDGET AND SUBSCRIPTIONS 2016/17 \*

Decision Sought

That the Meeting adopt the Budget and Subscriptions as presented.

### 5 PRESIDENT AND VICE PRESIDENT HONORARIUMS

Decision Sought

That the President's and Vice President's allowance for the period 1 July 2016 to 30 June 2017 be adjusted in accordance with the movement in the Wages Price Index.

### 6 RULES OF THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA \*

Decision Sought

That the Rules as amended be adopted in full (replaced).

### 7 REPORTS FROM BOARD REPRESENTATIVES \*

Decision Sought

- (a) That the reports from representatives on various bodies be received and noted.
- (b) That Conference acknowledges the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.

## 16.2 DRAFT TRANSPORT ACCESS STRATEGY FOR PUBLIC CONSULTATION

The *Transport Access Strategy* sets out the Tasmanian Government's approach to providing better integrated and coordinated transport services for all Tasmanians, particularly those disadvantaged through economic circumstances, age or disability.

This Strategy will help give effect to the Government's commitment to building a modern economy for Tasmania and providing essential services that create resourceful and resilient people, strong communities, and viable industry.

The *Transport Access Strategy* aims to improve social connectivity and access to employment (paid and voluntary), training and education, services and recreational opportunities through progressing the following priority areas:

**Living closer:** improved opportunities for people to live closer to employment, education, services, recreational opportunities and key transport corridors.

**Working together:** stronger collaboration and partnership between governments, key service providers, and public, private and not-for-profit transport providers.

**Connected transport system:** a focus on frequent, efficient, accessible, affordable and reliable transport services.

**Better integration:** ensuring public transport is easier to use through better coordination and integration of services.

**Closing transport gaps:** developing innovative approaches to enable those members of the community who are transport disadvantaged to overcome transport barriers.

**Innovative pricing:** developing innovative pricing mechanisms to support the greater use of public transport in order to make it more viable.

**Improved infrastructure:** providing more opportunities for people to walk, cycle and use public transport by making sure infrastructure is safe, accessible and attractive to use.

Public Comments on the Draft Transport Access Strategy close on 9 September 2016.

LGAT is keen to work with Councils to develop a sectoral submission and are seeking comments or feedback to be included in the response by Tuesday 6 September 2016.

### **For Discussion**

## **16.3 REVIEW OF THE CLIMATE CHANGE (STATE ACTION) ACT 2008**

The State Government is currently undertaking a review of the [\*Climate Change \(State Action\) Act 2008\*](#). The review is being undertaken by consulting firm Jacobs Australia and is looking at a number of matters, including:

- The extent to which the objects of the Act are being achieved;
- The extent to which additional legislative measures, if any, are considered necessary to achieve the targets set by the Act;
- The appropriateness of the 2050 emissions reduction target contained within the Act, given the target has been exceeded; and
- Other legislative and policy measures that might be required for the Tasmanian Government to meet its commitments to address climate change.

Jacobs has prepared a discussion paper that provides context about the review, and asks a number of questions on how the Act could be amended to meet the challenges and opportunities climate change presents for Tasmania.

The review document provides specific questions for consideration and response, including a number that either directly refer to or imply local government involvement.

LGAT is keen to gauge the local government sector's position on these to include in a response and request that comment on any or all of the questions be provided to Dion Lester, Policy Director by Friday 22 July 2016

**Question 1:** *The Act aims to help Tasmania respond to the challenges posed by climate change. What do you consider are the critical challenges to which this legislation and Government action should respond?*

**Question 2:** *How successful do you think the Act has been in influencing action on climate change within Tasmania?*

**Question 3:** *What amendments may the Act require to further drive action on climate change?*

**Question 4:** *The Act creates a narrative on how the state regards the challenges posed by climate change. How do you think the Act can provide a narrative which helps to project Tasmania's clean-green liveable brand?*

**Question 5:** *With Tasmania providing just 0.3% of national emissions, how important is it that the Act supports the achievement of national and international targets for climate change?*

**Question 6:** *Should the Act recognise the possibility of 2°C of warming as a means of driving action on climate resilience?*

**Question 7:** *What should the Act include to help Tasmania build resilience to climate change?*

**Question 8:** *How can the Act facilitate action on climate change at state and local levels and among businesses and the broader Tasmanian community?*

**Question 9:** *To what extent should Tasmania rely on the Land Use-Land Use Change Forestry emissions sector to achieve its emissions reduction target?*

**Question 10:** *What 2050 emissions reduction target would you consider is consistent with Tasmania seeking to be an international leader on climate change?*

**Question 11:** *Should Tasmania's targets account for emissions and abatement associated with its importation and export of electricity?*

**Question 12:** *What other types of emissions reduction target should be considered (e.g. interim, sectoral, energy efficiency, mandatory/voluntary)?*

**Question 13:** *How willing would your business, community group, local government or region be to commit to pledges to reduce emissions?*

**Question 14:** *What do you consider might be appropriate principles to guide government decision-making which influences climate risks and greenhouse gas emissions?*

## For Discussion

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### 16.4 ANGLICAN PARISH OF HAMILTON – CULTURAL CONNECT

The Anglican parish of Hamilton are would like to host an event "Cultural Connect" on 10 September 2016. The event will be organised to better understand the different cultures that are making a home in Tasmania.

The proposal includes keynote speakers, performances and showcasing crafts.

The parish is seeking the use of the Hamilton Hall for the day and assistance with set up that may be required the day before.

The parish will be using the park opposite the hall and outside the front of the hall for food stalls (if any) and for a long table for brunch .

For safety, part of Tarleton Street will need to be closed for the duration.

## For Decision

*The Anglican Parish of Hamilton*  
*Ministering in the communities of*  
*Hamilton, Ouse, Osterley, Macquarie Plains, Gretna & Maydena*  
*and surrounding areas*

15<sup>th</sup> June 2016

Central Highlands Council

**Lyn Eyles – General Manager**

6 Tarleton Street, Hamilton TAS 7140  
 PO Box 20, Hamilton TAS 7140

Dear Lyn Eyles (General Manager) and Central Highlands Councillors

The Anglican Parish of Hamilton would like to host an event on September 10<sup>th</sup> 2016. This event would be organised to better understand the different cultures that are making a home here in Tasmania introducing them to a more rural lifestyle and the wonderful people of the Central Highlands.

We envision that there would be 6 to 10 various cultures participating with some keynote speakers.

We would like to avail ourselves of the hall for the groups that have performances and smaller tables for showcasing crafts with the centre of the hall for seating in conjunction with stage performing arts. The adjacent park and the outside we would like to use for Food Stalls (if any) and a long table Brunch catered by us from 10.30 to 12 noon in the area in front of the hall, this would mean partial road closure.

The name has been set down for this event, "Cultural Connect", we hope to make this an annual event.

We ask of you for assistance in the availability of the Town Hall in Hamilton for that day and maybe for some set up that may be required the day before. We would also like to utilise some space in front as well as the park opposite for some games and fun for the children.

If this initial proposal could be presented at your next meeting and is approved we would appreciate having a meeting with you and interested council members with a view to move forward on this event.

A sub committee meeting is to be held on the 17<sup>th</sup> July 2016 at the NRM building and a further and final proposal submission is to be presented to the full Parish council on the 3<sup>rd</sup> August 2016. If this matter could be presented at the upcoming Council Meeting and a reply forwarded to the Parish. This would be greatly appreciated to assist in liaison with the Multicultural Council of Tasmania in a timely manner for the organisation of the event.

Kind regards

*Jannie Fahey – Event Coordinator*

M: 0488456657

E: [faheyjannie0@gmail.com](mailto:faheyjannie0@gmail.com)

&

*Rev. Ellen Clark*

P: 62861185

M: 0408861185

## 16.5 RENTAL STEPPES ACCOMMODATION PADDOCK

Council currently rents the old accommodation paddock at the Steppes to Janet and Robert Monks for an annual fee of \$10.00. Part of the arrangement was that Mr and Mrs Monks would have to reapply annually.

Mr and Mrs Monks have reapplied.

### **Recommendation:**

**THAT** Janet & Robert Monks be granted 12 month rental of the Old Steppes Accommodation paddock from 1 July 2015 on the same fencing and grazing conditions as previously for an annual fee of \$10.00, and that they be advised that they will need to reapply each year.

## 16.6 CAMPING GROUND BOTHWELL

An employee of Gradco is seeking Council permission to keep his caravan at the Bothwell Camping Ground for 12 weeks to use as his accommodation whilst working in the area. Council has a seven day limit on sites, but have previously granted permission to other itinerant workers.

### **Recommendation:**

That the request to locate a caravan at the Bothwell camping ground to use for accommodation for 12 weeks whilst employed in the local area, be approved.

To whom it may concern,

I am writing to ask permission to keep my caravan at the Bothwell Caravan Park for longer than 7 days, as I will be working for Gradco for approximately 12 weeks as this will be my accomodation.

I would greatly appreciate your assistance.

Yours Sincerely

## 16.7 REVIEW OF POLICIES

The following Policies have been reviewed and submitted for council consideration and adoption:

- a) 2014-24 Work Health & Safety Policy
- b) 2014-25 Healthy Catering Policy
- c) 2014-26 Playground Inspection Policy
- d) 2014-26 Donations and Financial Assistance Policy

### Recommendation:

That Council adopt the following reviewed policies:

- a) 2014-24 Work Health & Safety Policy
- b) 2014-25 Healthy Catering Policy
- c) 2014-26 Playground Inspection Policy
- d) 2014-26 Donations and Financial Assistance Policy

## 16.8 LOCAL AND STATE GOVERNMENT ROAD TRADE PRINCIPLES

Road trades were identified in Infrastructure Tasmania's recent Roads Audit and a draft set of criteria and proposed process for road trades has been provided to LGAT by Infrastructure Tasmania.

The State Roads Audit was provided to Councillors in the Briefing Papers for the April Council Meeting.

Information provided by LGAT is attached.

### For Discussion/Information

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## 16.9 CHILD/YOUTH ENGAGEMENT OFFICER

Clr Erika McRae would like to discuss a proposal for Council to introduce a child/youth engagement officer for Council.

The proposal is to allocate at least one day per week to begin with, and to use existing staff.

Clr McRae has outlined some of the requirements/benefits of this position:

- Increase engagement within the schools
- Opportunistically capture health issues
- Increase availability to access and implement state and federal funded programs
- Grant application sourcing
- Commence a much needed school holiday program
- Resource share with other councils that have similar programs
- Organise sports utilising the newly funded netball/tennis court and cricket practice nets
- Access Rural Youth and participate in movie nights
- Keep in touch with the Edward Rice organises and disseminate information to all the CHC schools

### For Discussion

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## 16.10 REQUEST FOR DONATION

Tracey Harback has been selected to represent Darts Tasmania Inc. Senior Ladies State Team at the Darts Australian Inc. Championship in Bendigo from 28<sup>th</sup> July to 7<sup>th</sup> August 2016.

A request has been received for a donation towards costs to attend the Championships.

Councils Donation Program provides for a maximum donation of \$150.00 for participating in an interstate event, but may be exceeded in exceptional circumstances.

### For Discussion

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## 17.0 SUPPLEMENTARY AGENDA ITEMS

Moved **Clr**

Seconded **Clr**

**THAT** Council consider the matters on the Supplementary Agenda.

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## 18.0 CLOSURE

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