



Central Highlands Council

Draft MINUTES – SPECIAL MEETING – 26th February 2019

Minutes of an Open Special Meeting of Central Highlands Council held at Bothwell Town Hall, on Tuesday 26th February 2019, commencing at 10.40am.

1.0 OPENING

The Mayor advises the meeting and members of the public that all Ordinary and Special Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website. The Mayor also advises that members of the public are not permitted to make audio recordings of Council meetings.

Mayor L Triffitt opened the meeting at 10.40am.

2.0 PRESENT

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J A Honner, Clr J Poore, Mrs Lyn Eyles (General Manager), Mr Adam Wilson (Deputy General Manager), Ms Jacqui Tyson (Contract Planner), Mrs Michaela Herbert (Minutes Secretary), Mrs Kathy Bradburn (Minutes Secretary) and a large group of people were present in the gallery.

3.0 APOLOGIES

NIL

4.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, the Mayor requested Councillors to indicate whether they or a close associate have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any Item of the Agenda.

NIL

5.0 COUNCIL ACTING AS A PLANNING AUTHORITY

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

5.1 PUBLIC COMMENTS AND /OR QUESTIONS ON THE DEVELOPMENT APPLICATION

Procedures for Public Comments and/or Questions for the Special Meeting of Council to be held on 26th February 2019 as adopted by Council at its meeting held on 19 February 2019

Speakers should follow the procedure detailed below.

Public Comments and/or Questions Procedures for Special Meeting of Council

1. Only those people that have:
 - (a) Initiated the planning decision under the Land Use Planning and Approvals Act 1993 (Act) (“Applicant”); or
 - (b) The owner of the land subject to the planning decision (“Owner”); or
 - (c) made a representation within the statutory notice period in relation to a planning decision (“Representor”)will be entitled to speak at the meeting.
2. Prior to the commencement of the Meeting a person who wishes to address the Meeting must:
 - 2.1 Notify the Council in writing by close of business on the Friday prior to the meeting of the person’s intention to address the Meeting, including the following detail:
 - (a) Identify whether the person is the Applicant or a Representor;
 - (b) If a Representor, the date the person made a representation in respect to the planning decision; and
 - (c) the relevant planning decision by the Council allocated number, or by reference to the land to which it relates (eg, by certificate of title, PID or address);
 - (d) the question or topic on which the person wishes to speak.
 - 2.2 Notify the Chairperson of his or her arrival prior to the commencement of the meeting.
3. If a person has complied with the procedure in 2, the person will be entitled to speak at the meeting.
4. The Chairperson will determine the order of speakers.
5. All people entitled to speak will be given equal opportunity to speak.
6. Each person will be limited to 3 minutes unless otherwise allowed by the Chairperson.
7. A person may make a statement only or ask questions that are directed through the Chairperson.
8. A person may not direct questions to staff members unless directed through the Chairperson. The Chairperson may ask staff members to answer any question.
9. The Council is under no obligation to answer questions. Questions may be taken on notice. Council may answer such questions at its discretion.
10. Councillors may ask questions of the person speaking or seek clarification at the discretion of the Chairperson.
11. The Applicant may be given notice of a person’s intention to speak. The Applicant will be given an opportunity to speak in reply up to a maximum of 20 minutes at the conclusion of all verbal submissions by representors.

12. No debate or argument is permitted at any time.
13. Members of the gallery must not interject while another party is speaking.

Weight to be given to verbal representations made at the Meetings in planning decisions

Council is under no obligation to consider or to give any weight to any oral submission or questions made at this Meeting.

Council is under no obligation to give reasons if it chooses not to rely upon or give weight to a verbal representation made.

The hearing of an oral submission at this Meeting by Council does not take any weight or precedence over the written application and representations made.

NOTED

5.2 DA2018/50: VISITOR ACCOMMODATION (STANDING CAMP): HALLS ISLAND, LAKE MALBENA, WALLS OF JERUSALEM NATIONAL PARK

The following people registered to speak in accordance with the Public Comments and/or Questions Procedures for Special Meeting of Council and a brief summary of their comments are provided below:

John Campbell:

Main concerns were that the application was non-compliant in particular clauses 29.1 to 29.4 with the Central Highlands Interim Planning Scheme 2015. He also had concerns about the number of flights and the noise from the helicopter.

Dr David Young represented Tasmanian Fly Tyers Club Inc.:

Tasmanian Fly Tyers Inc. have two shacks with 105 members, 15 of these members are Central Highlands Shack Owners. They want to keep the experience of the Western Lakes unique and are against the reliance on helicopters.

Tom Allen represented Wilderness Society Tasmania Inc.:

Wilderness Society Tasmania Inc. are concerned that there are 8 breaches of the Central Highlands Interim Planning Scheme 2015.

Senator Nick McKim represented the Tasmanian Greens:

Stated the RAA has no statutory basis and should not be accepted by Council and questioned the classification of a standing camp.

Clinton Garratt:

Has been a full time outdoor guide for five years and believed there was no openness on the lease or re-zoning of Lake Malbena/Halls Island.

Jarrah Vercoe:

Had concerns regarding the setbacks in the planning scheme and the performance criteria, the stormwater, the vegetation and bushfires.

Fred Duncan:

Had concerns regarding not receiving a Fire Management Plan with there being many highly flammable species.

Robyn Lewis:

Has had a family connection to the Western Lakes since the 1800's and has a background in tourism. She has concerns of the noise from the helicopters and the welfare of wildlife and people from low flying helicopters.

Nicholas Sawyer represented Tasmanian National Parks Association:

Noted that they are conservationists and not the Parks and Wildlife Service. He was concerned regarding the RAA that was provided and state it was a mistake to class the Development as a level three where as it should have been a level four with public consultation. He was also concerned about grey water.

Patricia Jane Wilson:

Had concerns that the development doesn't meet the Central Highlands Interim Planning Scheme 2015.

Dr Neil Smith:

Concerned about the quantity of stormwater that will be generated and that the development is not within the World Heritage Management Plan. He believed that the Planner had given too much weight to the Parks and Wildlife Service assessment. There are also concerns regarding the new tracks that would be formed and that the buildings proposed are not a standing camp.

Dr David Young:

Concerns that the development didn't comply with 29.1 of Planning Scheme and that the Self-reliant Recreation Zone only allows standing camps and not huts. Independent advice should to be sought on the classification of the buildings.

Richard Romaszko:

Concerned that the State Government process isn't complete and that the use of helicopters does not comply with the zoning.

Bill Tomalin:

Is a teacher and has taken students to the Western Lakes for many years including Halls Island for walking expeditions. He is concerned that rules have been broken, bent and changed to allow this development to happen.

Kate Johnston representing Tasmanian wilderness Guides Association:

Members of the newly formed Tasmanian Wilderness Guides Association have views regarding developments in World Heritage Areas and believe they need to be preserved. They feel the development application lacks information regarding stormwater/rain water and that Council should not base their decision on the development already receiving State and Federal Approval.

Vica Bailey, Independent candidate for Nelson:

Concerned that the application did not comply with the World Heritage Management Plan. He was also concerned that the proposed buildings were not standing camps and the impact of helicopter flights.

Hans-Joachim Mueller:

Is opposed the commercial helicopter access to the area and wants to protect the values of the wilderness.

Angela Triffitt:

Concerned that the flight routes were not clear in the development application, no bushfire management plan was submitted, eagles nests in the area and was concerned that some information on the documents was blacked out and unable to be read. Ms Triffitt also declared that she was the Mayors daughter but in no way influenced the decision.

Jane Malecky:

Was concerned about the noise of the helicopters, wedge tail eagle nests and the increased fire risk on the island. She believes that we need to keep the wilderness wild.

Heather Sculthorpe representing the Tasmanian Aboriginal Council:

The use of private developments on public land should not be allowed, they object to the development due to be processes and secret dealings with the application. They are very concerned regarding the erosion of wilderness values and possible impacts on Aboriginal cultural values. She reminded Councillors that it's okay to stand up and say no to the application.

Rodney Dillon representing Aboriginal Heritage Centre:

Is the chair of the Statutory Advisory Council and they believe their concerns have been ignored by the State and Federal Government. They believe that their concerns have not been weighted and that the process has been flawed and that no adequate Aboriginal assessment had been undertaken.

Brett Smith representing Fishers and Walkers Against Helicopter Access Tasmania Facebook Page:

The Facebook page has over 800 followers that are very concerned regarding helicopter access and pleaded with Council to reject the application to keep the wilderness values.

Jennifer Smith:

Stated that other levels of Government have not followed process and believes that Council have been pushed into a corner. She is concerned that the application does not meeting the Planning Scheme and will deter people from the area.

The meeting was adjourned at 12.15pm for lunch and resumed at 12.50pm.

Daniel Hackett, Applicant

Daniel Hackett is the director of Wild Drake and with his wife, has 40 years combined experience in the tourism industry. They developed the first ever standing camp in the Western Lakes at Lake Ina and want to treat the World Heritage Area more sensitively. Daniel spoke briefly on previous processes by other levels of Government and stated that both Councils Planning report and his independent planner, Frazer Reid, indicate compliance with Council's Planning Scheme. He also stated that there will be continued work with Aboriginal communities and that they work closely with the Tasmanian Museum and Art Gallery to preserve the history of the area.

Jacqui Tyson, Contract Planner:

Gave an overview of the proposal and advised that Visitor Accommodation in the Environmental Management Zone is a permitted use. She acknowledged the concerns raised by many on the process of the State and Federal Governments but advised that this is not relevant to the Planning Scheme.

Councillors were given an opportunity to direct any questions to Daniel Hackett regarding the Development Application.**Mayor L Triffitt asked the following questions:**

- Do you intend to develop any type of trail or track to access any Aboriginal Heritage in the area whether it be on Halls Island or off Halls Island, if no, what exactly are you referring to when you state that that cultural interpretation is a planned activity? (pages 3 of 54 in the PWS RAS)
- Why are the three pages of community consultation with in PWS RAA totally blacked out?
- Why did you not provide the leases within your application documents? What is the length of both leases? As I understand one is in your name and the other in the name of Wild Drake.

Daniel Hackett then responded to the Mayor's questions (brief description):

- *The first question was answered in two parts: first part being no there will not be other tracks/trails built on the island and; as for other off island activities are yet to be assessed and yet to be approved but there will be public consultation. He also stated that there will be consultation and involvement from Aboriginal communities.*
- *These pages have been in the public domain for over a year. They were blanked out for privacy reasons with fear of retribution if they were publically named.*
- *All documents provided is what can and can't be done with in the lease of the land. Believed that it was commercial confidence and that information didn't need to be provided and if it was asked of any other business they would probably give you the same answer and not provide the other information.*

Mayor L Triffitt responded (brief description):

- Are the documents you have supplied within the application, those that were approved by Crown on the 3rd of August 2018, has there been any change in design or materials, or any changes to flight paths since then?

Daniel Hackett responded to the Mayor's questions (brief description):

- *There are no changes to the helicopter routes and maybe minor of an edition of one step to the design which will be 900mm wide but that is all.*

Mayor L Triffitt:

- As noted within the PWS RAA, you state that unanticipated discovery plan will be developed and implemented to cover scenarios where Aboriginal heritage may be discovered on the construction site. It is known that this plan was not a part of the application papers but have you completed this UPD as stated in March 2015?

Daniel Hackett then responded to the Mayor's questions (brief description):

- *Mentioned that it was not a plan that they had to create and that it is actually created and given to them.*
- *He also stated that a tree was found that has some Aboriginal contractions and Aboriginal heritage were notified of this.*
- *Cultural surveys will also be undertaken of potential walking locations and Halls Island to prevent damage to any sites found.*

Mayor L Triffitt:

- There are further parts of the report that are blocked out, again can you tell the Planning Authority why?

Daniel Hackett then responded to the Mayor's questions (brief description):

- *Again stated this was for privacy reasons as they are the locations of sensitive Aboriginal cultural sites.*

Mayor L Triffitt:

- Based on the information it appears that the helipad and some of the proposed tracks cast through areas of listed threatened native vegetation community, it appears that these areas were not surveyed as part of the on ground assessment by North Barker. No information has been provided in the documents regarding the size or form of these structures. (PWS RAA page 40 of 54) Proposed Tracks of Halls Island, can you explain that please?

Daniel Hackett then responded to the Mayor's question (brief description):

- The helicopter landing sites in the general area there has been a full flora and fauna assessment provided by North Barker.

Miss Angela Triffitt, through the Chair, asked the following Question (brief Description):

- Stated that she was quite confused with Mr Hackett's response to the Mayors question in that the building of the huts will not unearth the ground.
- The architectural designs that she had actually seen have a kenset footing system that does indeed unearth the ground which would also be against the PWS Standing Camp Policy of 2006, but believes that goes against what Mr Hackett had previously stated.

Mayor L Triffitt then asked Mr Hackett to respond to the question asked by Ms Triffitt (brief description):

- *Mr Hackett stated that as with any bushwalking tent with pegs, there will be some kenset bolts that will be put into the sheet rock and that doesn't involve removal of great lots of soil or anything that might be high on the aboriginal cultural point at the point of inserting them.*

Deputy Mayor J Allwright asked the following question:

- There is discussion around the privatisation of you managing the visitation, but just as a matter of clarification, there's no attempt to try and manage the visitation of the Shoreline?

Daniel Hackett then responded to Deputy Mayor's question (brief description):

- *Mr Hackett then clarified that there is an identifiable area to which they are responsible for and if something happened in that space then they would be responsible so it needs to be definable. Halls Island has very little area where you are able to pitch a tent and camp.*
- *Still want people to use and experience the hut.*

Deputy Mayor J Allwright:

- Given the interest this had generated, a flood of people may want to walk there, who is responsible for the damage that they might do? For example the Shoreline?

Daniel Hackett then responded to Deputy Mayor's question (brief description):

- Informed that obviously it is an issue but as that is not a part of the lease area, it will be someone else who will deal with it.

Clr J Poore, Clr S Bowden, Clr A Campbell and Clr R Cassidy all provided statements regarding the position that Council is in with this development application.

MOTION 1:

Moved: Deputy Mayor J Allwright

Seconded: Clr J Poore

The proposal is assessed to substantially comply with the requirements of the Central Highlands Interim Planning Scheme 2015 and so in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority is recommended to approve the Development Application for use and development of Visitor accommodation in the form of a Standing Camp at Halls Island, Lake Malbena.

Recommended Conditions:

General

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

Approved Use

- 3) The site is to be used for the purposes detailed within the approved documents only, that is; Visitor accommodation and ancillary activities. It must not to be used for other purposes without the prior written consent of Council.
- 4) The Helicopter Landing Site is approved as ancillary to the Visitor accommodation use only and must only be used for purposes associated with that use i.e. construction, guest transfers to and from the visitor accommodation, servicing and emergencies. Helicopters and the Helicopter Landing Site must not be used for any other purpose and must altogether cease if the Visitor accommodation use ends.

Rehabilitation

- 5) If the Visitor accommodation use ceases for any reason all approved buildings and structures must be removed from the site and the site must be rehabilitated to avoid environmental degradation such as erosion, to the satisfaction of the Council's General Manager.

External finishes

- 6) The external building materials and finishes associated with the development are to be of types and colours that are sympathetic to the natural environment as detailed in the approved plans and shall be to the satisfaction of the Council's General Manager.
- 7) 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.

Services

- 8) All stormwater from the roofs of the proposed development must be captured for re-use onsite with water from overflows to be dispersed to avoid any concentrated or diverted discharge that may cause unnatural erosion. Such water must not be directly discharged to Lake Malbena. All such works must be to the satisfaction of Councils Plumbing Inspector.
- 9) All wastewater from the proposed development must be captured in sealed tanks and removed from the site for disposal at an approved facility outside the Tasmanian Wilderness World Heritage Area, to the satisfaction of Councils General Manager.

Operations and Management Plans

- 10) Before any work commences the following documents must be submitted to the satisfaction of Councils General Manager:
- Reserve Activity Assessment approval including any conditions;
 - Operations Manual;
 - Construction Environmental Management Plan;
 - Weed and Hygiene Plan;
 - Indigenous Heritage Management Plan;
 - Species and Communities of Significance Plan;
 - Fire Management Plan
 - Customised Fly Neighbourly Advice Impact Mitigation and Avoidance Prescription Plan;
 - Wilderness Characteristics Management Plan;
 - Soil and Water Management Plan; and
 - Emergency Management Plan

Construction Amenity

- 11) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental 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.
- 12) 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. Appearance of any building, works or materials.
 - d. 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 is permitted.

The following advice applies to this permit:

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) The use and development must not commence until all other approvals have been obtained.
- c) Construction and site works must not commence until any necessary approval has been issued in accordance with the *Building Act 2016*.
- d) The Soil and Water Management Plan shall be prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997.
- e) The issue of this permit does not ensure compliance with the provisions of the Aboriginal Heritage Act 1975. If any suspected Aboriginal heritage items are located during construction the provisions of the Act must be complied with.
- f) The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995, Nature Conservation Act 2002 or the Commonwealth Environmental Protection and Biodiversity Protection Act 1999.
- g) Any signage associated with the use located on the land may require further pre-approvals from Council.

MOTION LOST 3 / 6

FOR the Motion:

Deputy Mayor J Allwright, Clr S Bowden, and Clr J Poore.

AGAINST the Motion:

Mayor L Triffitt, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr R Cassidy and Clr J Honner.

MOTION 2:

Moved: Clr A Archer

Seconded: Clr J Honner

In accordance with Section 57 of the Land Use Planning and Approvals Act 1993 and the Central Highlands Interim Planning Scheme 2015, the Planning Authority REFUSE the Development Application for use and development of Visitor accommodation in the form of a Standing Camp at Halls Island, Lake Malbena.

CARRIED 6 / 3

FOR the Motion:

Mayor L Triffitt, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr R Cassidy and Clr J Honner.

AGAINST the Motion:

Deputy Mayor J Allwright, Clr S Bowden, and Clr J Poore.

Mayor L Triffitt thanked everyone who had put so much effort and work into the development application. She also thanked the Councillors, Council Staff and everyone involved that made the meeting happen.

6.0 CLOSURE

Mayor L Triffitt closed the meeting at 2.05pm.
