

Council Meeting Minutes

19th November 2024

Bothwell Council Chambers

Notice of Meeting of Council – Tuesday 19th November 2024

To Councillors,

In accordance with the Local Government (Meeting Procedures) Regulations 2015, Notice is hereby given, that an Ordinary Meeting of Central Highlands Council is scheduled to be held in the Council Chamber, **Bothwell** on **Tuesday 19th November 2024**, commencing at **9.00am** with the business of the meeting to be in accordance with the following agenda paper.

In accordance with the Local Government (Meeting Procedures) Regulations 2015 Part 2, Division 1, a notice of the meeting was published on the Council website on 1 August 2024.

General Manager's Certification

PURSUANT to Section 65 (1) of the Local Government Act 1993, I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

- A. such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
- B. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.

Section 65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated at Hamilton this **14th** day of **November 2024**.



Stephen Mackey
Acting General Manager

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The meeting commenced at 9.00 a.m.

AUDIO RECORDING DISCLAIMER

As per *Regulation 33 (2) (a) of the Local Government (Meeting Procedures) Regulations 2015*, audio recordings of meetings will be made available to Councillors, staff and members of the wider community including Government Agencies at no charge and will be made available on Council's website as soon as practicable after each Council Meeting. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website in accordance with Council's Policy 2017-50.

The Mayor also advises, that members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past, present and emerging.

CONDUCT OF COUNCIL MEETING

Central Highlands Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.

These premises form part of the Council's workplace, and it is expected that everyone who attends Council meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.

1. PRESENT

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller

1.1 IN ATTENDANCE

Mr Stephen Mackey (Acting General Manager), and Mrs Katrina Brazendale (Minute Secretary).

1.2 APOLOGIES

Nil

2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil

3. DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST BY COUNCILLORS AND STAFF

3.1 DECLARATIONS OF PECUNIARY INTEREST

PURPOSE

In accordance with Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson requests Councillors to indicate whether they or a close associate have or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) or conflict of interest in any Item of the Agenda.

3.2 DECLARATIONS OF CONFLICT OF INTEREST

PURPOSE

Under the **Model Code of Conduct** made by Order of the Minister responsible for Local Government the following will apply to a Councillor –

PART 2 – Conflict of Interest that are not Pecuniary.

(6) A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
- (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.

The following declarations were recorded:

Item 4.1 St Michael and All Angels Church Bothwell Closed Session – Cr J Honner

Item 16.2 Lake Crescent Boat Ramp Walkway/Landing – Cr A Archer

Item 16.6 Fire Detection Cameras – Cr J Hall

4. MINUTES

4.1 CONFIRMATION OF DRAFT ORDINARY COUNCIL MEETING MINUTES – 15 OCTOBER 2024

RESOLUTION 01/11.2024/C

Moved: Cr Y Miller

Seconded: Cr J Honner

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 15 October 2024 be confirmed.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to confirm the Council Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

4.2 RECEIVAL OF DRAFT OF PLANNING COMMITTEE MEETING MINUTES – 12 NOVEMBER 2024

RESOLUTION 02/11.2024/C

Moved: Cr J Honner

Seconded: Cr J Hall

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 12 November 2024 be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to receive the Planning Committee Minutes. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

5. NOTIFICATION OF COUNCIL WORKSHOP(S) HELD

RESOLUTION 03/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT the Council notes the following Council Workshop conducted by Council since its last ordinary Council meeting.

Date	Attendance	Purpose
12/11/2024	<p>Present: Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.</p> <p>Mr Stephen Mackey (Acting General Manager) and Mrs Katrina Brazendale (Executive Assistant)</p> <p>Apologies: Cr A Archer</p>	<p><i>Discussions undertaken on the following items:-</i></p> <ul style="list-style-type: none"> • Audit Panel Representation • Central Highlands Council Christmas Break • Review Process for General Manager • Motions to LGAT • Report from Independent Facilitator • Saint Micheal and All Angels Church • Planning Committee Structure • Council Meeting Schedule • Update of Land Transfer Show Grounds Hamilton • Application to amend sealed plan Tea Tree Bay • Office Hours Hamilton • Referral of Major Projects – Kangaroo Bay Hotel • Policy – Payment of Councillors Expenses & Provision of Facilities • Upcoming Telstra Meeting • Lake Crescent Boat Ramp upgrade

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

PURPOSE

The purpose of the report is to note the Council Workshop(s).

5.1 FUTURE WORKSHOP(S)

PURPOSE

The purpose of the report is for Councillors to note the Council Workshop date(s).

The proposed next Council Workshop will be held on the following date(s).

- 12th December 2024

6. CLOSURE OF THE MEETING TO THE PUBLIC

RESOLUTION 04/11.2024/C

Moved: Cr J Hall

Seconded: Cr J Honner

THAT pursuant to Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015, Council, by an absolute majority, close the meeting to the public to consider the following matters in Closed Session:

Item Number	Matter	Outcome
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 15 October 2024.</i>	<i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i>
4.1	<i>St Michael and All Angels Church Bothwell</i>	<i>Regulation 15 (2)(F) proposals for the council to acquire land or an interest in land or for the disposal of land</i>
4.2	<i>Notice of Motion – Deputy Mayor J Allwright</i>	<i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i>
4.3	<i>Highland Digest Request For Additional Funding</i>	<i>Regulation 15 (2)(D) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal)</i>
4.4	<i>Code of Conduct Panel Determination Report</i>	<i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i>

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

PURPOSE

Under Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority.

MEETING CLOSED to the public at **9.10 a.m.**

7. RE-OPEN MEETING TO THE PUBLIC

The meeting re-opened to the public at **10.10 am**. The Mayor again advises, to the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website.

Members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

8. PUBLIC RELEASE ANNOUNCEMENT(S)

The Chairperson announced that pursuant to Regulation 15(8)(9) of the Local Government (Meeting Procedures) Regulations 2015 and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Item Number	Matter	Outcome
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 15 October 2024.</i>	THAT <i>the Minutes of the Closed Session of the Ordinary Meeting of Council held on 15 October 2024 be confirmed.</i>
4.1	<i>St Michael and All Angels Church Bothwell</i>	<i>MOTION was Lost</i>
4.2	<i>Notice of Motion – Deputy Mayor J Allwright</i>	THAT <i>Paul West from River Road Consulting Pty Ltd to continue working with the Central highlands Council on policy and procedural issues over the next twelve months on an as needed basis</i>
4.3	<i>Highland Digest Request for Additional Funding</i>	THAT <i>additional funding was granted</i>
4.4	<i>Code of Conduct Panel Determination Report</i>	THAT <i>the report be received</i>

9. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum to enable members of the public to ask question on Council related matters.

A period of 15 minutes, if required, will be set aside at the beginning of each Ordinary Council Meeting to conduct Public Question Time. If a response to a question cannot be provided at the meeting a written response will be provided as soon as practicable.

A member of the public may give written notice to the General Manager, 7 days before a meeting of a question to be put to the Meeting.

The Chairman may invite any member of the public present at a meeting to ask questions, without notice, relating to activities of the Council, subject to the provisions of Clause 2 below.

1. Once Question Time commences the Chairman will determine the order in which questions are heard.
2. Questions may relate to any business of the Council capable of being discussed in the open portion of the meeting, and which is not listed as an item for consideration on the Agenda for the Council Meeting.
3. Members of the public proposing a question are required to be present at the Council Meeting at which their question is to be read. Where a person submits a question for Public Question Time but fails to attend the meeting, the question will be treated as general correspondence and a written response will be provided at the earliest opportunity.
4. A person asking a question, when called upon by the Chairman is requested to:
 - Stand,
 - State their name and address,
 - Read out their question.
5. The Chairman retains the right to accept or decline questions and to determine if the question is to be answered at the meeting by the appropriate Councillor or employee or written down and taken on notice. The decision to take the question on notice may also be taken by the Councillor or employee to whom the question is directed. Questions taken on notice will be answered at a later meeting.
6. The Chairman may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, insulting, improper or relates to any matter which would normally be discussed in the closed portion of the meeting as defined in the *Local Government (Meeting Procedures) Regulations 2015*.
7. Public Question Time forum will be limited to a maximum of 15 minutes in duration and will be declared closed following the expiration of the allocated time period, or where all valid questions have been dealt with, whichever is the sooner.
8. Each question is to be asked by the proponent who will be allowed a maximum of three minutes in which to put the question.
9. The Chairman will **not allow** any discussion or debate on either the question or the response.
10. Where a person proposes more than one question at any one forum, and there are a number of persons wishing to lodge questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.

11. The minutes of the Council Meeting will contain a summary of each question asked by members of the public and the response given.
12. Public Statements (as opposed to questions) **will not** be accepted for the reason that statements could be considered a form of participation.

Pertaining to any Planning Authority agenda item within this agenda, Council will do so in accordance with Council's Policy 2017-49.

Both the Public Question Time Procedure above and Council's Policy 2017-49 'Public Comment on Planning Agenda Items' will be available for the public to view at the meeting.

Four members (4) were in the gallery:

Jan Gursansky (BlazeAid), Cheryl Youkee (BlazeAid), Steve Loring and Damian Bester (Derwent Valley News)

The following question was raised by Damian Bester

Code of Conduct Panel determination reports are generally provided in open council meeting and I asked why the closed section of today's meeting received one of those reports.

Reply from Stephen Mackey - Acting General Manager - "The Director of Local Government requested that that's how it be dealt with, the determination report has two parts, one was for the closed section and the other was for open council."

10. PETITIONS / DEPUTATIONS / PRESENTATIONS

10.1 PETITIONS

Nil

10.2 DEPUTATIONS

10.30 a.m. – Jan Gursansky and Cheryl YouKee (BlazeAid)

Cheryl provided Council with an update on the recent works undertaken within the Hamilton and Ouse area.

Jan Gursansky and Cheryl YouKee left the meeting at 10.28 a.m.

10.3 PRESENTATIONS

Nil

11. NOTICE OF MOTIONS

PURPOSE

Under Regulation 16 of the Local Government (Meeting Procedures) Regulations 2015 relating to Motions on Notice. It states the following:

- (5) A Councillor may give to the general manager, at least 7 days before a meeting, give written notice of a motion, together with supporting information and reasons, to be included on the agenda of that meeting.

CENTRAL HIGHLANDS COUNCIL



NOTICE OF MOTION

Under Division 2 – Motions, Section 16 (5) of the Local Government (Meeting Procedures) Regulations 2015, a Councillor may give to the General Manager, at least 7 days before a meeting, written notice of a motion, together with supporting information and reasons, to be included on the agenda of that meeting.

Date of Meeting:	19-11-2024
Councillor Name:	JOHN HALL
Proposed Motion:	<p>update on WAIDAMANA BRIDGE ON OUSE RIVER AND REPLACEMENT.</p> <p>I request: can THIS BE TABLED IN OPEN SESSION OF MEETING?</p>
Background Details:	<p>THE COLLAPSE OF THE SWINGING BRIDGE</p>
Signature:	
Date:	12-11-2024

RESOLUTION 05/11.2024/C**Moved:** Cr J Hall**Seconded:** Cr D Meacheam**THAT** the information be received.**CARRIED****For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

OFFICERS COMMENTS

The suspension bridge over the Ouse River at Waddamana is one of the declared structures on a local highway i.e. council managed road around the state. Section 23 of the Local Government (Highways) Act declares that the bridge is to be maintained and renewed by the State Government.

The Ouse River Suspension bridge was built in 1934 and was constructed with steel cables supporting a steel truss and a timber deck. The timber deck was totally renewed in 2005 had deteriorated since and required constant maintenance. The department recently undertook some maintenance in July 2022 which included replacement of some running planks and cross timber beams and a fibre reinforced polymer (FRP) grating placed above the timber deck as well. The load limit on the bridge was further downgraded from 10T to 4T to ensure that there was no overloading.

With the sudden collapse of the bridge, the replacement is at the cost of the State Government and early estimates are approximately around 5 Million dollars, we are expecting that the new bridge will be concrete, single lane and constructed to all new standards to allow log trucks and all over size and over mass vehicles to cross.

The bridge is in the early stages of design and the State Government will work with Council to achieve the following points below.

- Application for funding through the Australian Government Bridge Renewal Program by the council with the department assisting in preparing the application
- Development Application organised by the department on behalf of the council
- Concept Design organised by the department in consultation with the council for the new structure
- Detailed Design organised for delivery of the project upon obtaining the necessary approvals
- Option for delivery via council tendering process possibly with funding made available via the Bridge Renewal Program and co-funding from the State.

The concrete ford was constructed by GUNNS LIMITED back many years ago to cart timber. As the State Government have no ownership over the concrete ford, they have been kind enough to engage Pitt and Sherry to undertake an investigation of ford improvement options.

Hydraulic Assessment

A site visit was undertaken, available hydrological and geographical data a hydraulic assessment was carried out using QGIS and DRAINS software. This was checked using Nomograph Figure B 6:

Headwater depth for concrete pipe culverts with inlet control from the Guide to Road Design Part 5B: Drainage –Open Channel, Culverts, and Floodway's Crossings published by Austroads.

The watercourse discharge data for Ouse River from OUSE RIVER - B/L STAFF HOUSE station (Station no: 521.1) was utilised for the purpose of this assessment. This gauge was located immediately upstream and contains approximately 30-years of data which provides excellent reference for the analysis of minor flood flows.

The gauge ceased providing readings in 2016 when it was assumed to have been destroyed by the major flood in that year.

Based on the hydraulic data provided in Pitt and Sherry's report that the ford is in flood for 38days a year and to improve the hydraulic capacity of the ford the option to install additional pipes to improve the low flow capacity was recommended to add 4 new 750mm concrete pipes adjacent to the existing pipes and to ensure new and existing pipes are kept clean and clear of debris this could minimize the days of flooding to 16 days.

I believe the consultants gave some indication on an estimate for the upgrade works to achieve this and this came in at over \$200,000.

One think I have done is spoken with the State Government and ask them if they could have Pitt and Sherry finalise the design so that Council can then have some contractors price the upgrades to have a more accurate price for the works. Keeping in mind the State Government are not obligated to contribute any funding towards this. At this stage they haven't said they won't or will.

I am also waiting for Pitt and Sherry to clarify when they speak about the ford being in flood for 38 days in their report at what depth is that overlapping as this will be a crucial piece of information.

When Council have the design for works on the ford and have some more accurate pricing on the proposed upgrades and any knowledge of a contribution from the State Government, we will be taking this to Council on a decision to see if they believe if it is justifiable to spend 'X' amount of dollars to eliminate approximately 22 days of flooding when the new bridge is being constructed and also considering that when the bridge is completed that the ford more than likely will have very minimal use except for the possibility of any more future renewable energy projects in the Municipal area who may need to transport very large components.

Requests for financial support have been send to Goldwind and the State Government.

12. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

The Chairperson is to advise the meeting if the Council (or a Council Committee) intends to act at a meeting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

The General Manager is to ensure that the reasons for a decision by the Council (or a Council Committee) acting as a Planning Authority are recorded in the minutes.

Any alternative decision the Council may make to a recommendation appearing on the Agenda requires a full statement of reasons in order to maintain the integrity of the planning approval process and to comply with the requirements of the *Judicial Review Act 2000*.

12.1 DEVELOPMENT APPLICATION (DA2024/47) FOR DEMOLITION, CONSTRUCTION OF A NEW DWELLING, OUTBUILDING, VISITOR ACCOMMODATION (4 CABINS) AND ASSOCIATED INFRASTRUCTURE AT 14246 LYELL HIGHWAY, BRONTE PARK (CT 241772/1), OWNED BY J BUTT & R PARKER

RESOLUTION 06/11.2024/C

Moved: Cr R Cassidy

Seconded: Cr J Honner

THAT in accordance with the provisions of the Tasmanian Planning Scheme – *Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2024/47) to demolish the existing dwelling, construct a new dwelling, outbuilding, four (4) cabins to be used as Visitor Accommodation and associated infrastructure at the property described as 14246 Lyell Highway (CT 241772/1), owned by J Butt & R Parker and that a permit be issued with the following conditions:

General

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

Amenity

- 3) All external metal building surfaces (colours and construction materials) must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development and Environmental Services.
- 4) No vegetation other than that necessary for the construction of the development, associated access and services is to be cleared without the approval of Council.
- 5) The proposed outbuilding is approved as ancillary to the Residential and is to be used for domestic storage only. It is not to be used for commercial, industrial or habitable purposes, unless in accordance with a permit issued by Council or as otherwise permitted by Council's Planning Scheme.

Parking and Access

- 6) Detailed design drawings of the culvert over the watercourse prepared by a suitably qualified person (engineer), are to be provided and approved by Council's Manager of Infrastructure and Works before application for permits under the Building Act 2016 are lodged.
- 7) The siting of vehicular accesses and car parking spaces must generally accord with the endorsed plans.
- 8) At least four (4) car parking spaces must be provided for the use of the visitor accommodation and must be available for car parking at all times. Car parking must be in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 9) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
 - a) Constructed with a durable all weather pavement;
 - b) Minimum carriageway width of 4 metres;
 - c) Drained to an approved stormwater system; and
 - d) Vehicular passing areas 6 metres wide (total) x 20 metres long every 200 metres.or as otherwise required by an approved Bushfire Plan.
- 10) The internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.

Access to State Road

- 11) The Access to the Lyell Highway is to be a minimum 5.5m wide to permit two vehicles to pass each other entering/exiting the property.
- 12) The Access is to be sealed a minimum of 6.0m from the edge of the existing seal of the Lyell Highway.
- 13) The existing B2 centre line (double continuous line) is to be modified to create a break in the line to permit vehicles to legally turn right into the access from the Lyell Highway.
- 14) The existing access where the structure to be demolished is located, must be either removed or blocked to prevent future use.
- 15) Any conditions imposed by the Department of State Growth for works affecting the road reserve shall form part of this permit and must be adhered to.
- 16) Prior to undertaking any access (or other) works in the state road reserve an Access Permit is required from the Department of State Growth in accordance with Section 16 of the *Roads and Jetties Act 1935*.

Application for Permits can be found at;
https://www.transport.tas.gov.au/road_permits/permits_and_bookings

- 17) Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

Services

- 18) 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.

Stormwater

- 19) Prior to the commencement of the activity, a Stormwater Management Plan prepared by a suitably qualified person must be prepared and submitted to Councils Municipal Engineer for approval. Once approved the plans shall form part of the permit.
- 20) Prior to the commencement of use and the issuing of a plumbing permit, detailed plans and calculations of the stormwater drainage system, including treatment, retention and outfalls must be prepared by a suitably qualified civil engineer and be submitted to Councils Plumbing Surveyor for approval. Once approved the plans shall form part of the permit.
- 21) Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Wastewater

- 22) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.
- 23) The land application area is to be located with a minimum separation distance of 50m of downslope surface water.

Protection of Water Quality

- 24) A Soil and Water Management Plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.

Advice: The SWMP must show the following:

- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
- Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
- Estimated dates of the start and completion of the works;
- Timing of the site rehabilitation or landscape program;
- Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.
- Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.
- Temporary erosion and sedimentation controls to be used on the site.
- Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: *On-site wastewater management*, Standards Australia, Sydney.

- 25) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Development and Environmental Services.

Advice: Appropriate temporary control measures include, but are not limited to, the following (refer to brochure attached):

- **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 (e.g. 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;**
- **Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and**
- **Rehabilitation of all disturbed areas as soon as possible.**

Natural Values

- 26) Unless otherwise agreed by the Council's General Manager, the development and works must be carried out in accordance with the recommendations made at Part 12 of the Flora and Fauna Report, prepared by RMCG and dated 26 July 2024.

Weed Management

- 27) Prior to the carrying out of any works approved or required by this approval, the property owner must provide a weed management plan detailing measures to be adopted to limit the spread of weeds listed in the Weed Management Act 1999 through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Manager of Development & Environmental Services.
- 28) Weed control of the works area and surrounds following works to prevent establishment of weeds in the area must be undertaken in accordance with the recommendations made at Parts 6 and 12 of the Flora and Fauna Report, prepared by RMCG and dated 26 July 2024

Construction Amenity

- 29) 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. |
- 30) 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, wastewater, 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.
 - e. 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 of Development and Environmental Services.
- 31) Public roadways or footpaths must not be used for the storage of any construction 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.
- 32) 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 Manger of Works and Technical Services.
- 33) Building material waste/refuse is to be disposed of at a site approved by Council's Works and Infrastructure Manager.

ADVICE NOTES

The following advice applies to this permit:

- A. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).
- B. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- C. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- D. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- E. The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995 or the Environmental Protection and Biodiversity Protection Act 1999 (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Tourism, Arts and the Environment or the Commonwealth Minister for a permit.
- F. Land on adjacent properties are Timber Production Zone Land (PTPZL) and will be subject to noise and heavy vehicle movements outside of business hours. It should also be noted that as Timber Production land, once harvested, the visual amenity of the area will change.
- G. A separate application may be required for Signage.

CARRIED**For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Grant Finn, Senior Planning Officer (SMC)

Attachments

- Development Application Documents
- Representation 1
- Representation 2

DISCRETIONS

- 20.3.1 P1, P2, P3 & P4
- C7.6.1 P1.1, P3
- C7.6.2 P1.1 & P1.2

PROPOSAL

Property owner's J Butt & R Parker are seeking approval to demolish an existing dwelling, construct a new dwelling, ancillary outbuilding and 4 cabins to be used as Visitor Accommodation on the property 14246 Lyell Highway (CT 241772/1). The application also includes internal roads and the provision of on-site infrastructure (waste disposal, power reticulation)

The documents provided with the Development Application include the following:

- Completed Development Application Form
- Certificate of Title documents
- Site Plans and Elevations prepared by Weeda Drafting (dwg No. 11023 1 of 16, dated 8 August 2024)
- Response to Discretionary Use of Rural Zone
- Flora & Fauna Report (version 2.0 dated 26 July 2024) prepared by RMCG, Launceston
- Bushfire Hazard Report prepared by ES & D (dated October 2023)
- Geo-Environmental Assessment prepared by GES (revised September 2024)

This report will assess the proposal against the relevant provisions of both the Act and the Planning Scheme.

It is recommended that Council grant a planning permit for the development application subject to conditions.

BACKGROUND

Council will recall at its meeting of 21 May 2024 that it approved DA2023/68 an almost identical application

Council's Senior Planner in email correspondence dated 16 July 2024 advised the following:

I can see that the outbuilding has moved 64m and that the alignment of the internal road has also changed and the length increased.

Given the proposed changes are outside the scope of the original planning approval, Council did not have the ability to entertain a s56 LUPAA minor amendment and the applicant has instead resubmitted a new application to account for the above.

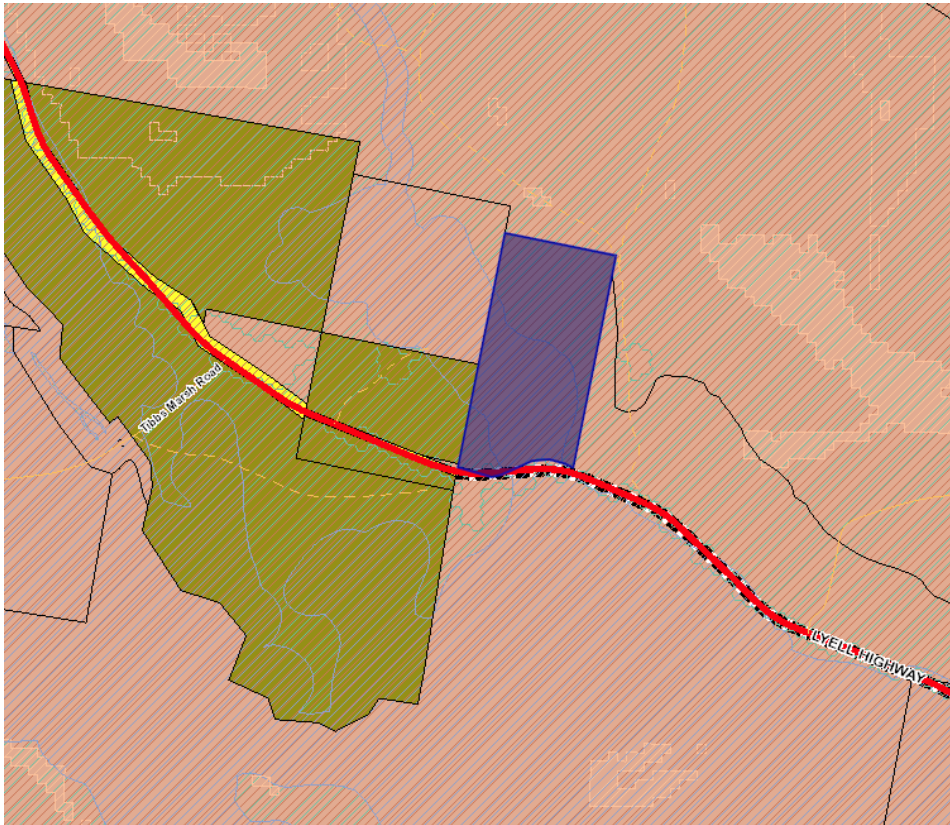
THE SITE

The property has an area of 19.91ha and is located 7km west of the junction of the Lyell Highway with Fourteen Mile Road and 10km east of 'The Wall' Derwent Bridge.

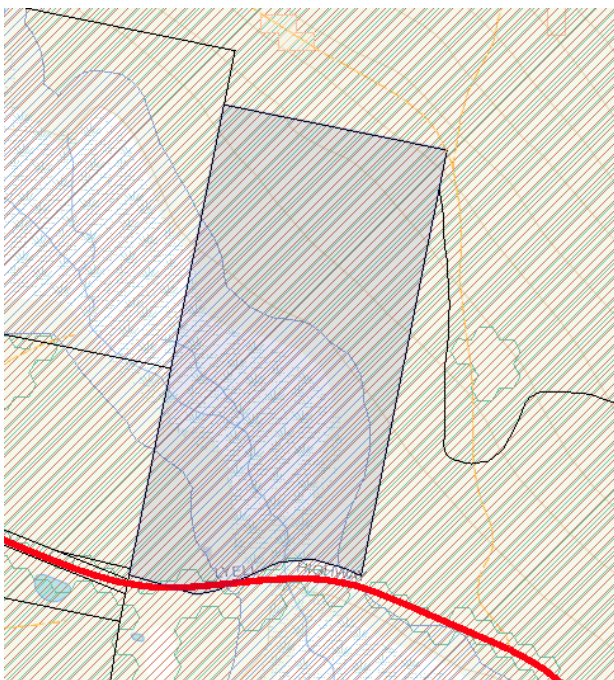
An existing dwelling is located 50m parallel to the Highway in the bottom northwest corner of the property and it is proposed to be removed. An existing vehicular access to this structure is also present, however this will be removed or blocked off and a new access established.

Areas of Private Timber Production landform the northern and eastern property boundaries and land identified as Future Potential Production Forest form the southern property boundary. Adjacent to the western boundary is a property zoned Landscape Conservation and a second title under the property address, which is zoned Rural.

Maps 1, 2 and 3 below indicate the location, zoning and code overlays of the property and immediate area.



Map 1_ The subject land area and surrounds shown in pink is zoned Rural, surrounding properties are in the Landscape Conservation Zone (green) (source: theList. 05/05/24)



Map 2_ The subject land area shaded blue with the Bushfire Prone Area Code Overlay (black lines), Natural Assets Code, Waterway and Coastal Protection Area (light blue lines) Natural Assets Code, Priority Vegetation (green lines) (source: theList. 05/05/24)



Map 3_ The subject land area aerial photograph (source: theList. 05/05/24)

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Tasmanian Planning Scheme as ‘residential’ and ‘Visitor Accommodation’ as below:

Residential use of land for self-contained or shared accommodation. Examples include a single dwelling.

Visitor Accommodation use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include holiday cabin.

(Extract: Tasmanian Planning Scheme – Central Highlands May 2024)

Use/Development Status under the Planning Scheme

- Under the Tasmanian Planning Scheme, Residential development and Visitor Accommodation in the Rural Zone are provided for as a *Permitted Activity* (subject to its permitted qualification with relevant development standards). These qualifications cannot be met, therefore the application is *Discretionary*.
- As a Discretionary activity, the application was advertised in accordance with Section 57 of the Act. Council has the discretion to grant a permit with or without conditions or refuse to grant a permit subject to the notification and determination provisions of the Act.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from 30th September until 14th October 2024.

During which time two (2) representations were received and are summarised in the table below. Please refer to enclosure to view the full copies of representations received. It should be noted the representors previously provided an objection in relation to DA2023/68.

Public Notice Period 30th September to 14th October 2024	
Representation 1	Council Planning Officer Comment
Opposes the development due to several non-compliances with the Tasmanian Planning Scheme and inconsistency with the Southern Tasmania Regional Land Use Strategy (STRULUS).	The Rural Zone does not contain a development standard that relate to the protection/enhancement of visual amenity. It is noted however within the body of the application that the colours of construction

<p>1. Applicants statement is incorrect 'no impact' on neighbouring property DA2024/47 will have and is starting to have an adverse effect on the viewscape from conservation landscape zone PID 2304227.</p> <p>2. There will be even more vegetation and earthworks occurring than the previous approved, flawed planning approval DA2023/68.</p> <p>3. The location of the visitor accommodation away from the existing settlement is inconsistent with STRLUS policy T1.3, SRD1 and Table 3.</p> <p>4. The location of the Visitor Accommodation fails to;</p> <ul style="list-style-type: none"> a) Minimise adverse impacts on surrounding uses as required in the zone; b) Avoid or minimise adverse impacts on natural assets within the waterway & coastal protection area; and c) Minimise adverse impacts on priority vegetation within a Priority vegetation area. 	<p>materials will blend with the general landscape of the area.</p> <p>It is acknowledged that the removal of vegetation is required for the establishment of building platforms, fire management, access and the provision of on-site servicing.</p> <p>The Flora & Fauna report however contains a number of recommendations that will be adopted as conditions of approval.</p> <p>The report states: <i>All vegetation within the proposed development footprint comprises a non-threatened native vegetation community which has not been identified as native vegetation of local importance. No threatened vegetation communities are at risk of being impacted by the proposed works.'</i></p> <p><i>The applicant has provided a Flora and Fauna Report prepared by a suitably qualified person, as required by the Scheme. The information contained within the report is adequate and informs the assessment of the proposal against the Scheme in the remainder of this report.</i></p> <p>The Southern Tasmania Regional Land Use Strategy documents are intended to guide land use development, and infrastructure investment decision across the region. The STRLUS guides growth and informs the Tasmanian Planning Scheme – Central Highlands and the Local Provisions Schedule (LPS) for Central Highlands. The Dwelling and Visitor Accommodation is not assessed against the STRLUS, but rather the Planning Scheme and the LPS.</p> <p>As a discretionary development application, the decision to grant or refuse a Planning Permit will be determined by Council. This decision will be based upon an assessment by Council's Planning Officer of the information submitted to Council. Council has determined that there is adequate information to assess the proposal against the Planning Scheme. It should be noted that additional information was requested pursuant to s54 LUPAA.</p>
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<p>5. The partial demolition of the existing building. Debris from the demolition has been blowing around the area for months.</p> <p>6. Nowhere on the DA does it state where electricity will be sourced from.</p> <p>7. The site assessment report by GES fails to adequately provide climatic loading events as per freezing of effluents via the sewage system.</p>	<p>Assessment against the objectives and Standards of the applicable Zone and Codes of the Scheme is provided below in this report.</p> <p>If this is indeed the case it is inexcusable and conditions of approval will be imposed to this effect. The issue of a Building Approval for the demolition should have addressed this component.</p> <p>A moot point however it is evident the site has the ability to be provided with reticulated power. Desirous power is reticulated underground as opposed to overhead and the need for maintenance of a wayleave easement (or similar).</p> <p>Unfortunately, I am not qualified to comment on matters that relate to plumbing approvals but note that the supporting wastewater site assessment and design has been compiled by a suitably qualified person (Dr. J P Cummings) having regard to relevant Australian Standards.</p>
<p>Representation 2</p>	<p>Council Planning Officer Comment</p>
<p>The representor is reliant on comments contained within their original representation.</p> <p>Because of the zoning of our land, we have signed a Covenant Agreement with the state government as a part of the Private Land Conservation Programme.</p> <p>1. Perhaps the landowner would consider a formal covenant placed on their property to enhance their application and complement the natural beauty of the area.</p> <p>2. There are many animals, some listed on the NRE threatened species act found in the locality. I am concerned of the effect of the development on these species in terms of habitat range and feeding areas.</p> <p>3. The application lacks detail in terms of reference to 'low impact'. In such a sensitive environment I would expect no impact.</p> <p>4. Some works have already been undertaken.</p> <p>5. The area floods, this is problematic for residential activity.</p>	<p>14246 Lyell Highway does not contain any Covenants on the land. The adoption of Covenants would be for the property owner to consider, outside of the Planning Process.</p> <p>The comment regarding existing fauna and loss of habitat is noted. These concerns are addressed in the Zone Assessment and Code Assessment in this report to Council.</p> <p>The wording in the Zone Assessment of the Tasmanian Planning Scheme is 'low impact', therefore Council can only respond to the wording in the scheme.</p> <p>Council takes note of the comment that some works have already been undertaken.</p> <p>The property contains areas which are within the Waterway & Coastal Protection Area, however they are not identified as Flood Zone. The Waterway & Coastal Protection Area assessment is provided below.</p>

ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

Rural Zone

The subject site is in the Rural Zone of the *Tasmanian Planning Scheme – Central Highlands*.

The proposed residential and visitor accommodation uses are both discretionary within this zone. Accordingly, the proposal must satisfy the requirements of the following relevant use and development standards of this zone:

20.3 Use Standards		
20.3.1 Discretionary Uses		
That the location, scale and intensity of a use listed as Discretionary:		
(a) is required for operational reasons; (b) does not unreasonably confine or restrain the operation of uses on adjoining properties; (c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and (d) is appropriate for a rural location and does not compromise the function of surrounding settlements.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if: (a) the gross floor area does not increase by more than 30% from that existing at the effective date; and (b) the development area does not increase by more than 30% from that existing at the effective date.</p>	<p>P1 A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to: (a) the nature, scale and intensity of the use; (b) the importance or significance of the proposed use for the local community; (c) whether the use supports an existing agricultural use; (d) whether the use requires close proximity to infrastructure or natural resources; and (e) whether the use requires separation from other uses to minimise impacts.</p>	<p>Visitor accommodation is discretionary, as the permitted qualification could not be met. The proposal must therefore be assessed against Performance Criteria P1. Residential use is excluded from P1.</p> <p>There is no existing agricultural use on the property and the applicant states that due to existing vegetation and topography the property is unsuitable for agricultural use. I concur with the applicant.</p> <p>The proposed Visitor Accommodation is for 4 cabins whose GFA is 110m² and 80m² and includes an access track and car parking.</p> <p>The subject site has an area of 19.91ha and the VA is to be developed within a relatively small area and the aggregation of buildings will limit site works.</p> <p>The visitor accommodation may bring additional employment opportunities to the local community and visitors to the wider community, therefore supporting local business.</p> <p>The use does not require to be close to infrastructure or natural resources, however it is noted that the surrounding</p>

		<p>natural resources are of benefit to the proposed use.</p> <p>As the land to the north and the east of the property is productive timber plantations, the location of the visitor accommodation away from these uses is beneficial. The remainder of the property then acts as a separation between the two uses.</p> <p>The application meets the Performance Criteria.</p>
<p>A2 No Acceptable Solution</p>	<p>P2 A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the proposed use; (b) the nature, scale and intensity of the use; (c) the likelihood and nature of any adverse impacts on adjoining uses; (d) whether the proposed use is required to support a use for security or operational reasons; and (e) any off site impacts from adjoining uses. 	<p>Both residential and visitor accommodation uses are listed as discretionary, as the permitted qualification could not be met. The proposal must therefore be assessed against Performance Criteria P2.</p> <p>The proposed dwelling is considered to be a 'sensitive use' and will be located several hundred meters from the silvicultural use on adjoining properties. AN advice note will be added to the conditions of the permit which states that the surrounding land maybe subject to noise.</p> <p>Land zoned Landscape Conservation is located adjoining the property to the western boundary. There are no existing uses on this property which will be affected. All proposed development will be contained within the application site - 14246 Lyell Highway.</p> <p>The application meets the Performance Criteria.</p>
<p>A3 No Acceptable Solution</p>	<p>P3 A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature, scale and intensity of the use; (b) the local or regional significance of the agricultural land; and 	<p>Both residential and visitor accommodation uses are listed as discretionary, as the permitted qualification could not be met.</p> <p>The proposal must therefore be assessed against Performance Criteria P3.</p> <p>The property is not used for agricultural purposes.</p>

	(c) whether agricultural use on adjoining properties will be confined or restrained.	No adjoining properties contain agricultural land. The application meets the Performance Criteria.
A4 No Acceptable Solution.	P4 A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to: (a) the nature, scale and intensity of the proposed use; (b) whether the use will compromise or distort the activity centre hierarchy; (c) whether the use could reasonably be located on land zoned for that purpose; (d) the capacity of the local road network to accommodate the traffic generated by the use; and (e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.	Visitor accommodation is discretionary, as the permitted qualification could not be met. The proposal must therefore be assessed against Performance Criteria P4. The proposed visitor accommodation is considered appropriate for the property as it is a small scale development within a larger property. There is no ' <i>hierarchy of activity centres</i> ' therefore the proposal will not compromise the function of surrounding settlements. In fact, it is likely the activity will benefit the regional economy. The visitor accommodation could not be located on land zoned for that purpose because the predominant zoning of land within the area is Rural. Traffic generated by the proposal is relatively low and is therefore likely to be accommodated on the Lyell Highway. The DSG have recommended that a number of conditions be imposed to ensure the safety and efficiency of the road network is not compromised. The use does not require a rural location to minimise impacts from the use. The application meets the Performance Criteria.

20.4 Development Standards for Buildings and Works		
20.4.1 Building height		
To provide for a building height that:		
(a) is necessary for the operation of the use; and		
(b) minimises adverse impacts on adjoining properties.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1	P1	

<p>Building height must be not more than 12m.</p>	<p>Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the proposed height of the building; (b) the bulk and form of the building; (c) the separation from existing uses on adjoining properties; and (d) any buffers created by natural or other features. 	<p>The height of the proposed development (dwelling, outbuilding and cabins) are under the 12m maximum building height.</p> <p>The proposal complies with the Acceptable Solution A1.</p>
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<p>20.4.2 Setbacks That the siting of buildings minimises potential conflict with use on adjoining sites.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 Buildings must have a setback from all boundaries of: (a) not less than 5m; or (b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p>P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: (a) the bulk and form of the building; (b) the nature of existing use on the adjoining properties; (c) separation from existing use on the adjoining properties; and (d) any buffers created by natural or other features.</p>	<p>The development of dwelling, outbuilding and cabins meets the minimum setback of 5m to all boundaries.</p> <p>The proposal complies with the Acceptable Solution A1.</p>
<p>A2 Buildings for a sensitive use must be separated from an Agriculture Zone a distance of: (a) not less than 200m; or (b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p>P2 Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to: (a) the size, shape and topography of the site; (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties; (c) the location of existing buildings on the site; (d) the existing and potential use of adjoining properties; (e) any proposed attenuation measures; and</p>	<p>The proposal does include a 'sensitive use' (dwelling), however the surrounding land is not zoned Agriculture.</p> <p>The proposal complies with the Acceptable Solution A1.</p>

	(f) any buffers created by natural or other features.	
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20.4.3 Access for New Dwellings		
That new dwellings have appropriate vehicular access to a road maintained by a road authority.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>	<p>P1 New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to:</p> <ul style="list-style-type: none"> (a) the number of users of the access; (b) the length of the access; (c) the suitability of the access for use by the occupants of the dwelling; (d) the suitability of the access for emergency services vehicles; (e) the topography of the site; (f) the construction and maintenance of the access; (g) the construction, maintenance and usage of the road; and (h) any advice from a road authority. 	<p>The proposal complies with the Acceptable Solution A1.</p>

Parking and Sustainable Transport Code

The Code applies to all use and development. The proposal must satisfy the requirements of the following relevant development standards:

C2.5 Use Standards		
C2.5.1 Car parking numbers		
That an appropriate level of car parking spaces are provided to meet the needs of the use.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or 	<p>P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or 	<p>The number of car parking spaces required for the dwelling is two (2) which can be easily accommodated on the property adjacent to the dwelling or outbuilding.</p> <p>The number of car parking spaces required for visitor accommodation is one (1) space per accommodation unit. The proposal allows for two spaces per unit.</p> <p>The proposal meets the Acceptable Solution A1.</p>

<p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <ul style="list-style-type: none"> i. the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or ii. the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<ul style="list-style-type: none"> (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development. <p>P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area. 	
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C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas		
That parking areas are constructed to an appropriate standard.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or 	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; 	Conditions will be imposed to ensure the access driveways throughout the proposed development are to be constructed from an all-weather pavement and drained to a stormwater system as required by a Plumbing Permit issued by the authority.

<p>contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	<p>The proposal meets the Performance Criteria P1.</p>
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C2.6.2 Design and layout of parking areas		
That parking areas are designed and laid out to provide convenient, safe and efficient parking.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> i. have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; ii. provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; iii. have an access width not less than the requirements in Table C2.2; iv. have car parking space dimensions which satisfy the requirements in Table C2.3; v. have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; vi. have a vertical clearance of not less than 2.1m above the parking surface level; and vii. excluding a single dwelling, be 	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities. 	<p>Car parking areas are relatively level and will meet the Australian Standard AS 2890.</p> <p>All vehicles will be able to exit the property in a forward direction.</p> <p>The width of the access roads meets the standards of the Code and the Bushfire Prone Code.</p> <p>Car parking space dimensions meet the requirements, as indicated in the application plans.</p> <p>The combined access and manoeuvring width adjacent to parking spaces meets the requirements of the scheme.</p> <p>The proposal meets the Acceptable Solution A1.</p>

<p>delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890-Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities. [S35]</p>		
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<p>C2.6.3 Number of accesses for vehicles That:</p> <p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses;</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>	<p>As no more than the one access point is proposed, the Acceptable Solution A1 is met</p> <p>The old access will be blocked and a new access provided to LGAT standard.</p>
<p>A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</p> <p>(a) not have an adverse impact on:</p> <p style="margin-left: 20px;">i. pedestrian safety and amenity; or</p> <p style="margin-left: 20px;">ii. traffic safety; and</p> <p>(b) be compatible with the streetscape.</p>	<p>Not applicable given the Rural zoning.</p>

Road and Railway Assets Code

The Code applies to all use and development. The proposal must satisfy the requirements of the following relevant development standards:

C3.5 Use Standards		
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction		
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority. 	<p>The proposed visitor accommodation and new dwelling will require a new access from Lyell Highway. The Department of State Growth as provided Conditions for the upgrading of the existing vehicular access, including increasing the width to 5.5m to allow for two vehicles to pass each other and 6m seal. The existing access will be decommissioned.</p> <p>The proposal meets the Acceptable Solution A1.</p>

Natural Assets Code

This Code applies as areas of *Waterway & Coastal Protection Area and Priority Vegetation Overlay* are located throughout the property.

The purpose of the Natural Assets Code is:

- To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- To minimise impacts on identified priority vegetation.
- To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The Tasmanian Planning Scheme (Central Highlands) defines the *Waterway and Coastal Protection Area* as land:

- (a) shown on an overlay map in the relevant Local Provisions Schedule as within a waterway and coastal protection area; or
- (b) within the relevant distance from a watercourse, wetland, lake or the coast shown in the Table C7.3 below, but does not include a piped watercourse or piped drainage line. If an inconsistency for the width exists between Table C7.3 and the area shown on the overlay map, the greater distance prevails, excluding the width measured from the high water mark of tidal waters where the distance shown on the overlay map in the relevant Local Provisions Schedule prevails. The depiction of a watercourse, or a section of a watercourse on an overlay map in the relevant Local Provisions Schedule, is definitive regardless of the actual area of the catchment

The Tasmanian Planning Scheme (Central Highlands) defines the Priority Vegetation Area as *'land shown on an overlay map in the relevant Local Provisions Schedule, as within a Priority Vegetation Area.'*

As illustrated in Map 2, both the Waterway & Coastal Protection Area and Priority Vegetation Area are shown to affect the property.

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

C7.6 Development Standards for Buildings and Works		
C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area		
That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
A1 Buildings and works within a waterway and coastal protection area must: <ul style="list-style-type: none"> (a) be within a building area on a sealed plan approved under this planning scheme; (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility 	P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank 	The proposal must be assessed against the Performance Criteria P1. The documents provided in the application state that it is unlikely that proposal will result in adverse impacts caused by erosion, siltation, sedimentation and runoff. However, a number of conditions and recommendations are contained within the Fauna & Flora Report. Impacts on riparian or littoral vegetation will be limited to the width of the access track to the Visitor Accommodation where

<p>existing at the effective date.</p>	<p>overhangs, rocks and trailing vegetation;</p> <ul style="list-style-type: none"> (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (n) the guidelines in the Tasmanian Coastal Works Manual. <p>P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; or (f) provisions of open space or for marine-related educational, research, or recreational facilities. 	<p>it crosses the watercourse (5m). This is considered minimal impact as the watercourse extends for a distance of 330m through the title. No littoral vegetation will be impacted.</p> <p>The proposal includes a vehicular crossing of a shallow tributary this is not considered to significantly impact the natural flow or drainage. Additional conditions will be imposed on the planning permit to ensure that the crossing is engineered and installed to the satisfaction of Council's Manager of Infrastructure & Works.</p> <p>It is noted that water is not constantly present on the property, however the installation of a vehicle crossing and culvert will not impede fish passage.</p> <p>No fill of the wetland area is proposed.</p> <p>The proposed visitor accommodation units are grouped together and located on an area previously disturbed, that of the existing dwelling to be demolished.</p> <p>The visitor accommodation is to be established on relatively level ground. As such it is not considered that the building design is required to respond to the size, shape, contours or slope of the land.</p> <p>A Soil & Water Management Plan will form a part of the conditions of a planning permit.</p> <p>The proposal meets the performance criteria. P1.1</p> <p>P1.2 is not applicable.</p>
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<p>A2 Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>P2.1 Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas; (b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation; (c) allowing the coastal processes of sand deposition or erosion to continue to occur; (d) the need to group new facilities with existing facilities, where reasonably practical; (e) the impacts on native vegetation; (f) minimising cut and fill; (g) building design that responds to the particular size, shape, contours or slope of the land; (h) the impacts of sea-level rise on natural coastal processes and coastal habitat; (i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (j) the guidelines in the Tasmanian Coastal Works Manual. <p>P2.2 Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; 	<p>Not applicable.</p>
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	<ul style="list-style-type: none"> (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; and (f) provision of open space or for marine-related educational, research, or recreational facilities. 	
<p>A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff. 	<p>Additional stormwater discharge is proposed to the existing waterbody.</p> <p>It is considered that impacts will be negligible, however it is recommended that a Stormwater Management Plan and a Soil & Water Management Plan form a part of the conditions of a planning permit.</p> <p>The proposal meets the performance criteria P3.</p>
<p>A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>P4.1 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must minimise adverse impacts on natural coastal processes and natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) the need to avoid land filling of wetlands; (d) impacts on sand movement and wave action; and (e) the potential for increased risk to inundation of adjacent land. <p>P4.2 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary:</p> <ul style="list-style-type: none"> (a) to continue an existing use or development on adjacent land; or 	<p>The proposal meets the acceptable solution A4, no dredging or reclamation will occur in the watercourse.</p>

	<p>(b) for a use which relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> i. the need to access a specific resource in a coastal location; ii. the need to operate a marine farming shore facility; iii. the need to access infrastructure available in a coastal location; iv. the need to service a marine or coastal related activity; v. provision of essential utility or marine infrastructure; and vi. provision of open space or for marine-related educational, research, or recreational facilities. 	
<p>A5 Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>P5 Coastal protection works or watercourse erosion or inundation protection works within a waterway and coastal protection area or a future coastal refugia area must be designed by a suitably qualified person and minimise adverse impacts on natural coastal processes, having regard to:</p> <ul style="list-style-type: none"> (a) impacts on sand movement and wave action; and (b) the potential for increased risk of inundation to adjacent land. 	<p>Not applicable.</p>
<p>C7.6.2 Clearance within a priority vegetation area</p> <p>That clearance of native vegetation within a priority vegetation area:</p> <ul style="list-style-type: none"> (a) does not result in unreasonable loss of priority vegetation; (b) is appropriately managed to adequately protect identified priority vegetation; and (c) minimises and appropriately manages impacts from construction and development activities. 		
<p>Acceptable solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as 	<p>The new dwelling, ancillary outbuilding and sections of the access road will be cleared, meeting P1.1 (b).</p> <p>The area of native vegetation on the property to be cleared for visitor accommodation is not for an existing use.</p>

	<p>recommended by the Tasmania Fire Service or an accredited person;</p> <p>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the buildings and works;</p> <p>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p>	<p>A Bushfire Hazard Report has been provided which has informed the Fauna & Flora Report for the proposal.</p> <p>The supporting Flora & Fauna Assessment Report states that <i>'the clearance of the existing native vegetation on the property for the Visitor Accommodation is limited, 8.5% of the total area of priority vegetation will be cleared.'</i></p> <p>The report also states that it is <i>'likely that the priority vegetation species will persist within the hazard management area.'</i></p> <p>Clearance of native vegetation will be limited to the area surrounding the visitor accommodation, which is located adjacent to an existing dwelling to be demolished, and includes areas of already disturbed land. Clearance of large areas of Priority Vegetation has been avoided.</p> <p>The design enables the car parking and manoeuvring spaces for the visitor accommodation to be contained within the Bushfire Hazard Management Area. The Hazard area is also expected to continue to support the priority vegetation.</p> <p>The Flora & Fauna report makes recommendations to minimise the residual impacts on priority vegetation, which have been imposed as conditions of the Planning Permit.</p> <p>In addition, A Soil & Water Management Plan will form a part of the conditions of a planning permit.</p> <p>Conditions for Weed Management will also be included in the Planning Permit.</p> <p>The proposal meets the Performance Criteria.</p>
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	(f) any existing cleared areas on the site.	
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CONCLUSION

This report has assessed a Development Application to demolish the existing dwelling, construct a new dwelling, outbuilding and four (4) cabins to be used as Visitor Accommodation on the property 14246 Lyell Highway (CT 241772/1).

Two representations were received to Council during the notice period and these have been addressed within the body of this report.

The proposal has been found to comply with all the relevant standards of the Rural Zone and the applicable Codes.

It is recommended that the Development Application be approved and a permit issued with appropriate conditions and advice notes.

PLANNING COMMITTEE CONSIDERATION

This item was considered at the Planning Committee Meeting held on Tuesday 12th November 2024 with the Planning Committee making the following recommendation to Council acting as the Planning Authority.

13. ORDINARY COUNCIL MEETING RESUMED

RESOLUTION 07/11.2024/C

Moved: Cr J Honner

Seconded: Cr J Hall

THAT Council no longer act as a Planning Authority and resume the Ordinary Council Meeting.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

14. MONTHLY MAYORAL AND ELECTED MEMBERS ACTIVITY

RESOLUTION 08/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT the Council notes the Mayoral and Elected Members Activities.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
Council Policy	Councillor Code of Conduct Policy
Legislative Context	Local Government Act 1993 Local Government (General) Regulations 2015 Local Government (Model Code of Conduct) Order 2024
Consultation	The community and stakeholders.
Impact on Budget/Resources	Not applicable.
Risk	Allocations for Councillor Conference attendance are included in the operational budget.

PURPOSE

This report aims to provide an overview of the Mayor and Elected Member's monthly activities.

BACKGROUND

The Mayor and Elected members can provide an activity report each month summarising any civic events they attend.

DISCUSSION

The Mayor and Elected Members represent the council at public and civic events and are the political interface between other bodies, governments, and the Council. In accordance with the Local Government Act 1993, the Mayor is designated as the spokesperson for the Council as well as a representative for the Council on regional organisations and at intergovernmental forums at regional, state, and federal levels. Reports below are provided outside the general functions of a Councillor, whereby Councillors meet with ratepayers and attend workshops.

Mayor Loueen Triffitt

15 October 2024	Ordinary Council Meeting (Bothwell)
16 October 2024	ABC Interview
21 October 2024	Meeting with BlazeAid
6 November 2024	Meeting with Nadine Cove (Bushfest)
6 November 2024	Meeting with Primary HealthCare
12 November 2024	Planning Meeting (Bothwell)
12 November 2024	Workshop (Bothwell)
13 November 2024	Redcross Function (Ouse Country Club)

- Business of Council x **16**
- Ratepayer and community members – communications **7**
- Elected Members - communications **5**
- Council Management communications 4

Deputy Mayor J Allwright

15 October 2024	Ordinary Council Meeting (Bothwell)
28 October 2024	TasWater (Launceston)
7 November 2024	Tas Waste (Sorell)
12 November 2024	Workshop (Bothwell)

Cr A Archer

15 October 2024	Ordinary Council Meeting (Bothwell)
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Cr A Bailey

15 October 2024	Ordinary Council Meeting (Bothwell)
12 November 2024	Planning Meeting (Bothwell)
12 November 2024	Workshop (Bothwell)

Cr R Cassidy

15 October 2024	Ordinary Council Meeting (Bothwell)
12 November 2024	Planning Meeting (Bothwell)
12 November 2024	Workshop (Bothwell)

Cr J Hall

9 October 2024	Tas Fire Awards Meina Fire Service (Bothwell Council Chambers)
15 October 2024	Ordinary Council Meeting (Bothwell)
12 November 2024	Planning Meeting (Bothwell)
12 November 2024	Workshop (Bothwell)

Cr J Honner

15 October 2024	Ordinary Council Meeting (Bothwell)
19 October 2024	Meeting with Whispering Landscapes
12 November 2024	Workshop (Bothwell)

Cr D Meacheam

15 October 2024	Ordinary Council Meeting (Bothwell)
19 October 2024	Meeting with Whispering Landscapes
12 November 2024	Workshop (Bothwell)

Cr Y Miller

15 October 2024	Ordinary Council Meeting (Bothwell)
7 November 2024	Hamilton Show Meeting (Hamilton)
11 November 2024	Meeting with Acting General Manager (Hamilton Show Grounds)
12 November 2024	Workshop (Bothwell)
13 November 2024	HATCH Meeting (Ouse)

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY WELL-BEING)

Build capacity to enhance community spirit and sense of wellbeing

- 1.1 Continue to upgrade existing public open spaces and sporting facilities and encourage community use
- 1.2 Advocate for improved health, education, transport and other government and non-government services within the Central Highlands
- 1.3 Continue to strengthen partnerships with all tiers of government
- 1.4 Support and encourage social and community events within the Central Highlands
- 1.5 Provide support to community organisations and groups
- 1.6 Foster and develop an inclusive and engaged community with a strong sense of ownership of its area
- 1.7 Foster and support youth activities in the Central Highlands

15.1 HEALTH AND WELLBEING PLAN 2020-2025 – MONTHLY PROGRESS REPORT

RESOLUTION 09/11.2024/C

Moved: Cr D Meacheam

Seconded: Cr J Honner

THAT the Health and Wellbeing report be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Kat Cullen, Community Development Officer

BACKGROUND

The following activities were performed during **October and November 2024**.

Grants and funding

Completed collaborative grant application with Barry Harback (Works Supervisor) – establishment of new change rooms at Gretna Cricket Club via Federal Growing Regions Grant.

Completed two collaborative State Government Response and Recovery grant application with Katrina Brazendale (Executive Assistant) for equipment to support communities during and following an emergency event – 1: supporting isolated communities grant and 2: supporting recovery centres.

Completed activities as part of assessment panel for Cattle Hill Community Grant. Assessment meeting held 4 October. Outcomes to be announced by end of year.

Health and Wellbeing

Ouse Community Health Centre

Commenced meetings with Primary Health Tas to discuss their recent federally funded Innovative Models of Care project at Ouse over next for three years. As part of support for this, meetings have also been held with Corumbene Rural Health, and Tas Health Service.

HATCH collaboration

Support for HATCH mental health week event at Ouse Hall. Well attended community event, which included BlazeAid volunteers.

Delivery of presentation “Community Development in the Central Highlands” during a workshop to upskill members working towards establishing a Neighbourhood House in Ouse.

Community Engagement and Communication

Assisted with engagement and for these Council and external events and projects:

- Structure Plan draft consultation
- Australia Day Awards
- BlazeAid volunteer program
- Weasel Plains Solar farm proposal consultation
- Telstra Bus visit – Bothwell
- Government Services Bus Visit – Bothwell and Ouse
- State Roads Lyell Highway strategic planning consultation
- HydroTas Community Day

Children and young people

Communities for Children

Completed activities as part of role in C4C steering committee. Ongoing engagement of Bothwell school students in “Roving Reporter” project which will see local young people interviewing people during Bush Fest. This is part of a wider strategic project aimed at capturing the voices, needs, and aspirations of young people locally.

Playgroup

Continued support of Bothwell Community Playgroup each week at the Bothwell Football Club.

Community training

License training

Ongoing coordination of free driver training for locals through RACT, which has been funded through a Cattle Hill Grant. The first of 51 lessons will be shortly delivered in Bothwell to school students, and promotion of program across LGA will follow.

Disability support

Ongoing support of NDIS funded pre-employment training course for locals at Ouse, with the aim of increasing disability services, and employment opportunities locally.

Keep Australia Beautiful Awards

Facilitation of nomination and site visit of Great Lake Community centre to be nominated for KABs sustainable community award.

Communications

Administration of Council's facebook page.

Progressing update to new Residents Guide.

Assist in new public noticeboards at Gretna and Ellendale, including community consultation.

Bi-monthly email update about grants, events, opportunities sent to local community groups

Council facility activation

Ouse Hall

There have several community ideas put forward for increased use of the Ouse Community Hall. Feasible suggestions being considered and will be put forward to Council.

Liaison with new Ellendale Hall Committee.

Coordination of Cattle Hill Grant-funded shade structure install at Ouse Recreation Ground.

Council Grants

Administration of Council Grants and student bursary program. An updated draft of new version of the community grants application and guidelines will be included with next report.

Additional meetings attended

LGAT Health and Wellbeing Network meeting.

Municipal Emergency Management committee meeting

Southern Emergency Management committee meeting

LGAT Measuring What matters in Community Development workshop

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE AND FACILITIES

Manage Council’s physical assets in an efficient and effective manner	
2.1	Develop and implement a 10 year Asset Management Plan for all classes of assets
2.2	Continue to lobby at regional and state levels to improve transport and infrastructure
2.3	Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
2.4	Ensure that the standard of existing assets and services are maintained in a cost effective manner

Adam Wilson (Deputy General Manager) attended the meeting at 10.48 a.m.

16.1 WORKS & SERVICES MONTHLY REPORT – OCTOBER 2024

RESOLUTION 10/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT the Works & Services monthly report for October 2024 be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Jason Branch, Works & Services Manager

BACKGROUND

The following activities were performed during **October 2024** by Works & Services –

Grading & Sheeting	Rock mount road. Meadow Banks road.
Maintenance Grading	Deniston Road. Laycock Drive.
Potholing / shouldering	Fourteen-mile Road. Strickland road. Green Valley Road. Dawson road. Wihareja road.
Spraying:	Hamilton town spraying. Westerway town spraying. Bothell town spraying Over 11000 cape weed plants sprayed. Bothwell cemetery cape weed.

	<p>Gretna town spraying. Hamilton land fill. Hamilton show grounds. Hamilton quarry. Hollow tree roadside spraying. Ellendale roadside spraying. Deniston roadside spraying. Lower marshes roadside spraying. Marked tree roadside spraying. Medfield road spraying. Poppys along Hollow tree road. Horehound Hamilton quarry.</p>
Culverts / Drainage:	Clean drains around Bothwell township.
Occupational Health and safety	<ul style="list-style-type: none"> • Monthly Toolbox Meetings • Day to day JSA and daily prestart check lists completed. • Monthly workplace inspections completed. • Playground inspections • Annual playground audit also undertaken
Bridges:	Nil
Refuse / recycling sites:	Hamilton land fill
Other:	<p>Replace stolen signs hollow tree road. Clean up around Derwent bridge toilets. Scrubbing Arthurs Lake Road. Playground safety audit on all playgrounds. Replace soft fall Queens Park. Replace swings and chains at Bothwell Hamilton and Ouse playgrounds. Replace s hooks Bronty playground. Remove burnt and dead trees Dry polls road. Cold mix holes Ellendale. Clean up Hamilton land fill. Fence Ouse wetlands.</p>
Slashing:	Hollow tree road parts where slashed.
Municipal Town Maintenance:	Mowing off all municipal towns
Buildings:	<p>Remove and trim vegetation from Bothwell units. Clean gutters Bothwell units.</p>
Plant:	<p>Pm 778 Hamilton spray Ute service. Pm 843 Toyota Hilux new tyres Pm 676 Kobelco excavator new Batteries.</p>
Private Works:	
Casuals	<p>Cleaning of public toilets twice weekly. Town for supplies once weekly.</p>
Program for next 4 weeks	<p>Pot holing municipal roads. Town mowing and brush cutting. Clean public toilets. Town rubbish. Tree removal Thousand acer lane</p>

Cr A Archer declared an interest and left the meeting at 10.49 a.m.

16.2 LAKE CRESCENT BOAT RAMP WALKWAY/LANDING

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT Council give approval to Inland Fisheries to construct Boat Ramp Walkway/ Landing on Council owned property at Lake Crescent, and that council make application to the State Government for a lease on the portion of crown land over which the structure will be built.

That Council contribute \$5,000 towards the construction of the Walkway/Landing on the condition that the contribution be made in the 2025/26 financial year.

That council take over the ownership and maintenance of the walkway/Landing after any defect’s liability period in the construction contract has expired

AMENDMENT TO THE MOTION

Moved: Cr R Cassidy

Seconded: Cr A Bailey

THAT this item be deferred until discussions are undertaken with the Clyde Water Trust by Inland Fisheries

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

RESOLUTION 11/11.2024/C

AMENDMENT BECAME THE MOTION

Moved: Cr R Cassidy

Seconded: Cr A Bailey

THAT this item be deferred until discussions are undertaken with the Clyde Water Trust by Inland Fisheries

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	2.3 Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
Council Policy	Not applicable

Legislative Context	Not applicable
Consultation	The community and stakeholders
Impact on Budget/Resources	Contribution amount will have to be allocated in the 25/26 Budget
Risk	That council take over the ownership and maintenance of the walkway/Landing after any defect's liability period in the construction contract has expired

REPORT BY Stephen Mackey, Acting - General Manager

BACKGROUND

Trout fishing is a key economic driver of the Central Highlands economy and is an important recreational activity for over 26,000 licensed anglers. Lake Crescent ranked as the 9th most popular trout fishery in the State in 2022-23 and is drawing large numbers of anglers seeking the trophy sized fish which Lake Crescent contains. (Refer photo of boat ramp car park.)

In addition to the much-needed recent upgrading of the vehicle/trailer parking area at Lake Crescent, a need was also identified to improve access and amenity for anglers when getting into and out of their boats. The Council owned boat ramp is the only public access point for boaters to the lake.

To assess options, a joint site visit was undertaken by Marine and Safety Tasmania (MAST), the Inland Fisheries Service (IFS) and Anglers Alliance Tasmania (AAT). It was resolved that the most effective way to make it easier for boaters and their passengers to enter and leave their craft was to construct a timber and Fibreglass reinforced plastic (FRP) walkway/landing along the side of the boat ramp allowing boat users safe access to their craft irrespective of the water level.

As a result of this meeting:

- Mast has advised that the principal component of the construction costs could be met through the MAST Small Craft Boating Fund.
- IFS has provided \$5000.00 for Project Design Drawings – copy attached.
- IFS has agreed to make a financial contribution towards construction.
- AAT has agreed to a \$5000 contribution towards the project.

Matters to consider and determine:

- The proposed structure will be predominantly on Council owned land with a small portion on Crown Land.
- Landowner (Council) permission is required for an application for funding to be submitted to MAST for the structure to be built.
- A licence application will be required for the portion of the jetty on Crown Land.
- If MAST approves funding a Development Application will need to be submitted to Council.
- An owner of the facility, responsible for ongoing maintenance is required and needs to be determined (See discussion below).
- MAST's costing estimate for completion of the project is approximately \$85,000 with these costs being met by MAST, IFS and AAT.
- Council may want to consider a financial contribution towards the project.

DISCUSSION

As the existing boat ramp and car park is owned by Council and the structure will be situated almost entirely on Council land, it would be preferable that the structure become the property of Council and Council licences or leases the adjoining Crown Land required.

Maintenance: MAST have many years' experience with the construction and maintenance of similar facilities regarding construction method, materials used and expected service life. It should also be noted that the MAST Small Boating Fund is available for any future maintenance work required.

'The proposed walkway to be built alongside the Lake Crescent Boat Ramp is predominantly constructed using treated pine framing with a fiberglass grating (FRP) deck. It is attached to the ramp with a concrete abutment. This type of construction has been widely used by Councils and Hydro Tasmania throughout the state at both fresh and saltwater sites.

Treated pine was chosen for the framing as it can be easily fabricated and installed to suit the constraints and aesthetics of the site. This is an important consideration at the more remote and secluded sites. Fiberglass grating is now the predominant material specified by MAST and other authorities like the Tasmanian Parks and Wildlife Service for outdoor structures as it provides a great non-slip surface with minimal trip hazards and has a long service life (30 years +). There can be ongoing maintenance issues using other types of material.

The proposed construction should provide a facility with a service life of at least 25-30 years with minimal maintenance required apart from regular inspections for checking fixings and for impact damage.'

MANAGEMENT COMMENT

At this stage there has been no communication with the Clyde Water Trust regarding the development of this structure. Conversation with Mr Byard suggests that there will be no impediments to the trust in this structure being placed in this location.

Council will need to apply to the Crown (State Government) for a lease on the portion of Crown land on which the structure will be crossing. There may be some costs associated with this, but I would suggest that a lease payment would be in the order of a dollar if demanded as per many Crown Land Leases.

The matter of long-term maintenance is an unknown save to say an annual inspection to see that there are no trip hazards and that all balustrading is in good order and all fixings are secure

Cr A Archer returned to the meeting at 10.54 a.m.

16.3 POLICY NO. 2014-26 PLAYGROUND INSPECTION POLICY

RESOLUTION 12/11.2024/C

Moved: Deputy Mayor J Allwright

Seconded: Cr Y Miller

THAT Council adopt Policy No 2014-26 Playground Inspection Policy

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	2.4 Ensure that the standard of existing assets and services are maintained in a cost effective manner.
Council Policy	Policy No. 2014-26 Playground Inspection Policy No. 2015-41 Risk Management Policy and Strategy
Legislative Context	Local Government Act 1993
Consultation	Council's Senior Management Team
Impact on Budget/Resources	As per Council's approved reserve budget
Risk	Council playgrounds are inspected on a monthly basis to identify potential hazards, rectify defects, and provide a feedback mechanism from inspection staff

REPORT BY Jason Branch, Works and Service Manager

Attachments

Policy No 2014-26 Playground Inspection Policy (DRAFT)

BACKGROUND

The previous legal opinions policy was approved by Council in July 2020.

The policy has been developed to ensure Council playgrounds are inspected on a monthly basis to identify potential hazards, rectify defects, and provide a feedback mechanism from inspection staff.

As this policy is concerned with maintenance, it is assumed that the existing equipment complies with relevant Australian standards. All playgrounds and play equipment within the Central Highlands municipality are inspected once a month.

16.4 POLICY NO. 2015-39 GRADING OF SNOW OFF COUNCIL ROADS POLICY

Moved: Cr D Meacheam

Seconded: Cr J Hall

THAT Council adopt Policy No 2015-39 Grading Of Snow Off Council Roads Policy

AMENDMENT TO THE MOTION

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT this item be deferred until the December ordinary meeting of Council.

RESOLUTION 13/11.2024/C

AMENDMENT BECAME THE MOTION

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT this item be deferred until the December ordinary meeting of Council.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacham and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	2.4 Ensure that the standard of existing assets and services are maintained in a cost effective manner.
Council Policy	Policy No. 2015-39 Grading of snow off Council roads
Legislative Context	Local Government Act 1993 Local Government (Highways) Act 1982
Consultation	Council’s Senior Management Team
Impact on Budget/Resources	As per Council’s approved roads maintenance budget
Risk	Council will only grade snow off municipal roads during normal working hours only if the relevant State road access is open and if it does not pose a safety risk for Council staff and equipment

REPORT BY Jason Branch, Works and Service Manager

Attachments

Policy No 2015-39 Grading Of Snow Off Council Roads Policy (DRAFT)

BACKGROUND

The previous Grading of Snow Off Council Roads Policy was approved by Council in September 2020 and the intent of this revised policy is to review any required changes. The policy outlines Council’s commitment to determine when it is appropriate for Council to grade snow off municipal roads maintained by Council.

Council will only grade snow off municipal roads during normal working hours only if the relevant State road access is open and if it does not pose a safety risk for Council staff and equipment; and one of the following criteria is met:

- if there is a medical emergency – a medical emergency is defined as a situation where a person is required to have immediate medical attention; or

- in exceptional circumstances where snow levels reach a depth in excess of 30 centimetres and remains after 48 hours; and the road is deemed by Tasmania police to be impassable by four wheel drive vehicles.

Where there is a medical emergency outside of council working hours, Ambulance Tasmania and/or Tasmania Police may request assistance by contacting Council's Works & Services Manager or Central Highlands Emergency Management Coordinator, who are authorised to provide that assistance.

16.5 POLICY NO. 2022- 60 ROADSIDE MEMORIALS POLICY

RESOLUTION 14/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT Council adopt Policy No 2022-60 Roadside Memorials Policy

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	2.4 Ensure that the standard of existing assets and services are maintained in a cost effective manner.
Council Policy	Policy No 2022-60 Roadside Memorials Policy
Legislative Context	Local Government Act 1993 Local Government (Highways) Act 1982
Consultation	Council's Senior Management Team
Impact on Budget/Resources	As per Council's approved roads maintenance budget
Risk	Establishment of roadside memorials to ensure the safe of the general public.

REPORT BY Jason Branch, Works and Service Manager

Attachments

Policy No 2022-60 Roadside Memorials Policy (DRAFT)

BACKGROUND

The previous Roadside Memorials Policy was approved by Council in February 2021.

This policy has been prepared to provide guidance to Central Highlands Council for managing roadside memorials on Council's local road network within the Central Highlands municipality.

Central Highlands Council recognises that some members of the community wish to mark the location of the loss of life of a loved one on the road network by establishment of a roadside memorial. Council recognise that this is an important part of the grieving process. Council will deal sensitively with requests for the establishment of roadside memorials but does not encourage their placement.

Cr J Hall declared an interest and left the meeting at 11.05 a.m.

16.6 FIRE DETECTION CAMERAS

RESOLUTION 15/11.2024/C

Moved: Cr A Archer

Seconded: Cr Y Miller

THAT Council invite Jason Vinen District Office Tas Fire Service and Rob Vernon from Indicium Dynamics Pty Ltd to discuss the installation and ongoing maintenance of an early fire detection camera on Blue Hill or Vincent Hill to complement existing cameras which have installed by Sustainable Timber Tasmania and the possible installation of a camera by Cattle Hill Windfarm.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	2.3 Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
Council Policy	Not Applicable
Legislative Context	Local Government Act 1993
Consultation	The community and stakeholders.
Impact on Budget/Resources	Not Applicable
Risk	Not Applicable

DISCUSSION

A meeting was held at the Bothwell Fire Station on Thursday 13 November 2024 to discuss the installation of more early forest fire detection cameras. Currently the forestry companies have installed cameras to protect their assets, and the Local brigade is able to obtain images from these but the installation of two more would go a long way to filling the gaps in the current system by making early detection of a possible fire over a greater area possible this will go a long way to help protect lives and assets in our community.

One of the great things about the technology is that it can see through smoke. This is an effective way to look for new ignitions., especially if conditions are similar to 2019 where there was a lot of smoke in the atmosphere and limited visibility.

David Bowman, Professor of Pyrogeography and Fire Science at the University of Tasmania, has said that rapid attack is a crucial approach to preventing bushfires from becoming uncontrollable and destructive.

As the fire season lengthens due to climate change, we need to improve and adapt. The early forest fire detection technology is an example of using new technology to improve fire suppression capacity.

Fire detection technology information can then be shared with the Tasmanian Fire Service, Sustainable Timber Tasmania and Tasmanian Parks and Wildlife Services

Tasmanian forest managers are investing in smart technology for the future and SMF's recent undertaking to trial innovative fire detection and suppression technology is a notable and valuable example

MANAGEMENT COMMENT

As there is to be a workshop on the 12 December 2024 at 11.00am to meet face to face with representatives from Telstra regarding the Pelham Tier Phone tower it would be prudent to invite Jason and Rob to attend this day at say 9.30am.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – FINANCIAL SUSTAINABILITY)

Manage Council’s finances and assets to ensure long term viability and sustainability of Council	
3.1	Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
3.2	Review annually, Councils Long Term Financial Management Plan and Council’s Long Term Asset Management Plan
3.3	Where efficiency gains can be identified, resource share services with other local government councils
3.4	Endeavour to, and continue to lobby for, an increase in the level of grant income
3.5	Encourage development to expand Council’s rate base
3.6	Identify revenue streams that could complement/substitute for existing resources
3.7	Develop and maintain sound risk management processes

Cr J Hall returned to the meeting at 11.08 a.m.

17.1 MONTHLY FINANCE REPORT TO 31 OCTOBER 2024

RESOLUTION 16/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT the Monthly Finance Report to 31 October 2024 be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
Council Policy	Not applicable
Legislative Context	The council’s decision-making is under the provisions of the Local Government Act 1993, and the report details the basis for the recommendation

Consultation	The financial statements form part of the public record within the Council minutes
Impact on Budget/Resources	As attached
Risk	The council must ensure that it meets its financial obligations. This report captures the ongoing financial performance

REPORT BY

Zeeshan Tauqeer, Accountant

BACKGROUND

The following Finance reports are tabled for period ending **31 October 2024**.

	BUDGET 2024/2025	ACTUAL TO 31-Oct-23	ACTUAL TO 31-Oct-24	% OF BUDGET SPENT	BALANCE OF BUDGET
CORPORATE AND FINANCIAL SERVICES					
ADMIN HAMILTON	\$1,870,264	\$686,425	\$733,874	39.24%	\$1,136,390
ELECTED MEMBERS EXPENDITURE(AMEH)	\$256,040	\$83,101	\$101,771	39.75%	\$154,269
MEDICAL CENTRES(MED)	\$127,141	\$33,026	\$38,382	30.19%	\$88,759
STREET LIGHTING(STLIGHT)	\$34,357	\$9,517	\$12,103	35.23%	\$22,254
ONCOSTS	(\$498,049)	(\$186,167)	(\$97,356)	19.55%	(\$400,693)
COMMUNITY & ECONOMIC DEVELOPMENT & RELATIONS(CDR+EDEV)	\$460,441	\$114,456	\$151,103	32.82%	\$309,338
TOTAL CORPORATE & FINANCIAL SERVICES	\$2,250,194	\$740,358	\$939,877	41.77%	\$1,310,317
				238.54%	
DEVELOPMENT AND ENVIRONMENTAL SERVICES					
ADMIN BOTHWELL	\$321,446	\$110,729	\$136,289	42.40%	\$185,157
ENVIRON HEALTH SERVICES (EHS)	\$33,455	\$11,017	\$8,137	24.32%	\$25,318
ANIMAL CONTROL(AC)	\$11,375	\$4,422	\$2,748	24.16%	\$8,627
PLUMBING/BUILDING CONTROL (BPC)	\$182,083	\$50,511	\$54,127	29.73%	\$127,956
SWIMMING POOLS (POOL)	\$30,241	\$3,422	\$8,780	29.04%	\$21,461
DEVELOPMENT CONTROL (DEV)	\$351,850	\$61,846	\$65,188	18.53%	\$286,662
WASTE SERVICES	\$928,956	\$268,164	\$324,409	34.92%	\$604,547
ENVIRONMENT PROTECTION (EP)	\$41,357	\$4,786	\$458	1.11%	\$40,899
TOTAL DEVELOPMENT & ENVIRONMENTAL SERVICES	\$1,900,763	\$514,897	\$600,135	31.57%	\$1,300,628
WORKS AND SERVICES					
PUBLIC CONVENIENCES (PC)	\$287,145	\$56,543	\$61,056	21.26%	\$226,089
CEMETERY (CEM)	\$16,732	\$7,049	\$4,148	24.79%	\$12,584
HALLS (HALL)	\$80,732	\$34,511	\$51,874	64.25%	\$28,858
PARKS AND GARDENS(PG)	\$97,057	\$38,601	\$49,512	51.01%	\$47,545
REC. & RESERVES(Rec+tennis)	\$119,900	\$43,504	\$38,414	32.04%	\$81,486
TOWN MOWING/TREES/STREETSCAPES(MOW)	\$193,285	\$69,573	\$55,875	28.91%	\$137,410
HOUSING (HOU)	\$116,424	\$58,119	\$83,627	71.83%	\$32,797
CAMPING GROUNDS (CPARK)	\$18,884	\$5,233	\$5,331	28.23%	\$13,553
LIBRARY (LIB)	\$2,346	\$1,852	\$1,687	71.90%	\$659
ROAD MAINTENANCE (ROAD)	\$1,056,382	\$517,131	\$511,030	48.38%	\$545,352
FOOTPATHS/KERBS/GUTTERS (FKG)	\$13,813	\$5,260	\$11,719	84.84%	\$2,094
BRIDGE MAINTENANCE (BRI)	\$23,026	\$2,986	\$3,031	13.16%	\$19,995
PRIVATE WORKS (PW)	\$50,743	\$24,742	\$8,823	17.39%	\$41,920
SUPER. & I/D OVERHEADS (SUPER)	\$812,468	\$260,469	\$261,002	32.12%	\$551,466
QUARRY/GRAVEL (QUARRY)	(\$181,998)	(\$29,889)	(\$38,577)	21.20%	(\$143,421)
NATURAL RESOURCE MANAGEMENT(NRM)	\$128,847	\$47,067	\$56,388	43.76%	\$72,459
SES (SES)	\$2,000	\$502	\$130	6.49%	\$1,870
PLANT MITCE & OPERATING COSTS (PLANT)	\$640,571	\$319,684	\$267,982	41.83%	\$372,589
PLANT INCOME	(\$756,571)	(\$417,160)	(\$416,905)	55.10%	(\$339,666)
DRAINAGE (DRAIN)	\$42,124	\$20,053	\$20,899	49.61%	\$21,225
OTHER COMMUNITY AMENITIES (OCA)	\$40,559	\$19,084	\$16,762	41.33%	\$23,797
WASTE COLLECTION & ASSOC SERVICES (WAS)	\$0	\$7,327	\$4,129		(\$4,129)
FLOOD REPAIRS		\$0	\$0		
TOTAL WORKS & SERVICES	\$2,804,469	\$1,092,241	\$1,057,937	37.72%	\$1,746,532
DEPARTMENT TOTALS OPERATING EXPENSES					
Corporate Services	\$2,250,194	\$740,358	\$939,877	41.77%	\$1,310,317
Dev. & Environmental Services	\$1,900,763	\$514,897	\$600,135	31.57%	\$1,300,628
Works & Services	\$2,804,469	\$1,092,241	\$1,057,937	37.72%	\$1,746,532
Total All Operating	\$6,955,426	\$2,347,496	\$2,597,949	37.35%	\$4,357,477

	BUDGET 2024/2025	ACTUAL TO 31-Oct-23	ACTUAL TO 31-Oct-24	% OF BUDGET SPENT	BALANCE OF BUDGET
CAPITAL EXPENDITURE					
CORPORATE AND FINANCIAL SERVICES					
Computer Purchases	\$41,500	\$0	\$28,584	68.88%	\$12,916
Equipment	\$5,000	\$0	\$0	0.00%	\$5,000
Miscellaneous	\$5,000	\$0	\$0	0.00%	\$5,000
	\$51,500	\$0	\$28,584	55.50%	\$22,916
DEVELOPMENT & ENVIRONMENTAL SERVICES					
Swimming Pool	\$5,000	\$0	\$0	0.00%	\$5,000
	\$5,000	\$0	\$0	0.00%	\$5,000
WORKS & SERVICES					
Plant Purchases	\$760,000	\$60,890	\$75,689	9.96%	\$684,311
Camping Grounds	\$0	\$0	\$0		\$0
Public Conveniences	\$150,000	\$58,710	\$0	0.00%	\$150,000
Bridges	\$0	\$0	\$0	0.00%	\$0
Road Construction & Reseals	\$2,918,000	\$211,480	\$464,273	15.91%	\$2,453,727
Drainage	\$20,000	\$175,138	\$0	0.00%	\$20,000
Parks & Gardens Capital	\$11,440	\$16,110	\$180	1.57%	\$11,260
Infrastructure	\$82,145	\$40,209	\$19,890	24.21%	\$62,255
Footpaths, Kerbs & Gutters	\$40,000	\$8,111	\$12,940	32.35%	\$27,060
Rec Grounds	\$570,000	\$0	\$23,121	4.06%	\$546,879
Halls	\$60,000	\$2,623	\$11,755	19.59%	\$48,245
Buildings	\$449,000	\$430,579	\$73,104	16.28%	\$375,896
	\$5,060,585	\$1,003,850	\$680,952	13.46%	\$4,379,633
TOTAL CAPITAL WORKS					
Corporate Services	\$51,500	\$0	\$28,584	55.50%	\$22,916
Dev. & Environmental Services	\$5,000	\$0	\$0	0.00%	\$5,000
Works & Services	\$5,060,585	\$1,003,850	\$680,952	13.46%	\$4,379,633
	\$5,117,085	\$1,003,850	\$709,536	13.87%	\$4,407,549

Bank Reconciliation as at 31th Oct 2024

	2023	2024
Balance Brought Forward	\$9,710,151.06	\$6,559,865.90
Receipts for month	\$154,353.14	\$287,739.05
Expenditure for month	\$795,738.45	\$812,864.82
	<hr/>	<hr/>
Balance	\$9,068,765.75	\$6,034,740.13
	<hr/> <hr/>	<hr/> <hr/>
Represented By:		
Balance Commonwealth Bank	\$1,837,433.19	\$777,941.86
Balance Westpac Bank	\$812,608.95	\$441,306.77
Investments	\$6,415,265.66	\$4,814,941.50
Petty Cash & Floats	\$550.00	\$550.00
	<hr/>	<hr/>
	\$9,065,857.80	\$6,034,740.13
Plus Unbanked Money	\$2,907.95	
	<hr/>	<hr/>
	\$9,068,765.75	\$6,034,740.13
Less Unpresented Cheques	\$0.00	\$0.00
Unreceipted amounts on bank statements	\$0.00	
	<hr/>	<hr/>
	\$9,068,765.75	\$6,034,740.13
	<hr/> <hr/>	<hr/> <hr/>

BANK ACCOUNT BALANCES AS AT 31 Oct 2024

No.	Bank Accounts	Investment Period	Current Interest Rate %	Due Date	BALANCE	
					2023	2024
11100 Cash at Bank and on Hand						
	11105 Bank 01 - Commonwealth - General Trading Account				1,840,341.14	777,941.86
	11106 Bank 02 - Westpac - Direct Deposit Account				812,608.95	441,306.77
	11110 Petty Cash				350.00	350.00
	11115 Floats				200.00	200.00
	11199 TOTAL CASH AT BANK AND ON HAND				2,653,500.09	1,219,798.63
11200 Investments						
	11207 Bank 6	0	0.00	4/09/2023	1,072,905.82	0.00
	11207 Bank 5	0	0.00	26/09/2023	3,067,638.05	0.00
	11115 Bank 04	30Days	4.45%	27/11/2024	-	2,197,964.51
	11110 Tascorp	120Days	4.81%	29/01/2025	80,346.47	85,276.81
	11115 Bank 16	30days	4.42%	18/11/2024	2,194,375.32	2,531,700.18
	11299 TOTAL INVESTMENTS				6,415,265.66	4,814,941.50
	TOTAL BANK ACCOUNTS AND CASH ON HAND				9,068,765.75	6,034,740.13

Rates Reconciliation as at 31 Oct 2024

	<u>2023</u>	<u>2024</u>
Rates in Debit 30th June	\$135,606.82	\$196,877.36
Rates in Credit 30th June	-\$171,244.88	-\$145,341.00
Balance 30th June	-\$35,638.06	\$51,536.36
Rates Raised	\$4,473,690.61	\$4,716,976.66
Penalties Raised	\$15,306.58	\$20,479.32
Supplementaries/Debit Adjustments	\$6,548.44	\$13,284.71
Total Raised	\$4,495,545.63	\$4,750,740.69
Less:		
Receipts to Date	\$2,110,107.38	\$2,206,797.01
Pensioner Rate Remissions	\$117,916.83	\$127,974.98
Remissions/Supplementary Credits	\$9,058.10	\$10,399.05
Balance	\$2,222,825.26	\$2,457,106.01

Comprehensive Income Statement

31/10/2024

Recurrent Income	Budget 2023-2024	Actual to date prior year	Actual to Date	Budget 2024-2025	Variation from YTD Budget %	Comments
Rates Charges	\$4,469,863	\$4,469,305	\$4,716,977	\$4,682,233	1%	
User Fees	\$355,450	\$80,615	\$97,520	\$494,250	(14)%	
Grants - Operating	\$124,860	\$104,541	\$136,310	\$30,000	421%	
Other Revenue	\$453,200	\$266,425	\$266,345	\$704,366	4%	
Grants received in Advance	\$2,998,566	\$3,031,386	\$2,782,241	\$3,206,515		FAGs received Jun 2024 for 2024/25
Total Revenues	\$8,401,939	\$7,952,272	\$7,999,392	\$9,117,364	54%	
Expenditure						
Employee Benefits	\$2,553,663	\$755,003	\$919,008	\$2,584,261	2%	
Materials and Services	\$2,012,016	\$726,969	\$834,684	\$2,447,768	1%	
Other Expenses	\$1,715,852	\$853,217	\$894,957	\$1,892,738	14%	
Depreciation and Amortisation	\$2,260,000	\$820,068	\$841,914	\$2,327,800	3%	
Total Expenditure	\$8,541,531	3,155,257	3,490,564	9,252,567	4%	
Operating Surplus(Deficit)	(139,592)	4,797,015	4,508,828	(135,203)		
Capital Grants & Other	\$2,407,078	\$123,100	\$635,370	\$2,424,996		
Surplus(Deficit)	2,267,486	4,920,115	5,144,198	2,289,793		
Capital Expenditure	\$8,107,503	\$1,003,849	\$709,536	\$5,117,085		

17.2 APPLICATION TO AMEND SEALED PLAN 184995 – TEA TREE BAY WILBURVILLE**RESOLUTION 17/11.2024/C****Moved:** Cr A Archer**Seconded:** Deputy Mayor J Allwright

THAT Council refuse the application to remove the following restrictive covenant from Sealed Plan 184995 Tea Tree Bay Wilburville affecting lots 5-16

9. A covenant or other restrictive control must be established to restrict building, access/track construction, wastewater disposal, removal of vegetation or use of fertilizers and other chemicals within the building exclusion zone and shall be registered on the relevant lot titles in accordance with the approved plan.

CARRIED**For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacham and Cr Y Miller.

DISCUSSION

Sealed Plan 184995 contains multiple lots and was made effective by the Recorder of Titles on 27 July 2023

The planning permit (DA 2012 -00027) dated October 2012 was approved under the Central Highlands Planning Scheme 1998 which is no longer in effect, where condition 9 of the permit required the creation of a covenant in favour of Council to comply with the planning scheme in the following terms-

9. A covenant or other restrictive control must be established to restrict building, access/track construction, wastewater disposal, removal of vegetation or use of fertilizers and other chemicals within the building exclusion zone and shall be registered on the relevant lot titles in accordance with the approved plan.

The schedule of easements to the plan created covenants in favour of Council affecting lots 5-16, however the future development on the subject land will be controlled under the current Central Highlands Statewide Planning Scheme and associated planning code overlays.

The subject land titles are mapped as Priority Vegetation area under the Natural Assets Code of the planning scheme. The lakeside area of the titles are mapped as Waterway and Coastal protection area under the Natural Assets Code. The titles are also mapped as Bushfire Prone Areas under the Bushfire Prone Areas Code

Any development on the subject land lots will need approval of the Central Highlands Council under the current planning scheme thus rendering the 2012 permit covenants somewhat obsolete.

Your petitioners are desirous of deleting the covenant from the plan as future development on the subject land will otherwise be constrained by an unnecessary double layer of much the same development controls.

Management comment

It is correct that the titles are mapped as Priority Vegetation under the Natural Assets Code and the Bushfire Prone Areas Code but only lots 5,6,7,10,11,13 and 14 are covered by the Waterways and Coastal Protection area under the Natural Assets Code.

Only a very small part of each of these lots are covered under the Waterways and Coastal Protection area.

17.3 REQUEST FOR RATES REMISSION

RESOLUTION 18/11.2024/C

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT Council remit the Solid Waste Garbage Fee

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	3.5 Encourage development to expand Council's rate base
Council Policy	Policy No. 2013-13 Rates and Charges
Legislative Context	Local Government Act 1993
Consultation	Council rate staff
Impact on Budget/Resources	As per Council's approved rates budget
Risk	The council must ensure that it meets its legislative and governance responsibilities as per the Local Government Act 1993.

REPORT BY Adam Wilson, Deputy General Manager

BACKGROUND

Correspondence has been received from rate payer on the 27th July 2024 regarding Property 10-0400-03595 137 Little Den Road Millers Bluff.

The rate payer states the following:

In relation to the solid waste domestic charge of \$202.00 if there was a facility close by, we could use it. As far as we know there is nothing this side of the mountain which the road accessed is not in the municipality of the Central Highlands. So, we take our solid waste home to Deloraine. We ask that Council remit our Solid Waste Domestic Charge for the 2024-2025 financial year as this remission request has been approved by Council for the past 7 years, this being the time of our ownership of this property.

17.4 DRAFT OF THE NEW SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY (STRLUS), AND THE 'STATE OF PLAY' REPORT

RESOLUTION 19/11.2024/C

Moved: Deputy Mayor J Allwright

Seconded: Cr J Honner

THAT Council submit the comments detailed above on the State of Play report and the Draft Southern Tasmania Regional Land Use Strategy (STRLUS) to the STRLUS Review Project.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Damian Mackey, Council Planning Consultant (SMC)

ATTACHMENTS

STRLUS Review "State of Play" Report.

PURPOSE

The purpose of this report is to advise Council of:

- the preliminary draft of the new Southern Tasmania Regional Land Use Strategy (STRLUS), dated 4 November 2024, and
- the associated 'State of Play' report that has been produced for the Review of STRLUS, and
- the opportunity to provide comment on both of the above.

BACKGROUND

The Southern Tasmania Regional Land Use Strategy (STRLUS) is a long-term plan to facilitate and manage change, growth, and development, whilst protecting our natural values, within Southern Tasmania to 2046.

Section 5A of the *Land Use Planning and Approvals Act 1993* provides for the making of Regional Land Use Strategies.

Since the preparation of the first STRLUS in 2010, the Southern Tasmanian region has experienced significant population growth and new economic and social conditions are driving change.

There have also been changes to the Tasmanian planning framework including the introduction of the Tasmanian Planning Scheme.

Furthermore, draft Tasmanian Planning Policies (TPPs) are currently under consideration. The STRLUS will need to be consistent with the TPPs, once they are approved by the Minister for Planning.

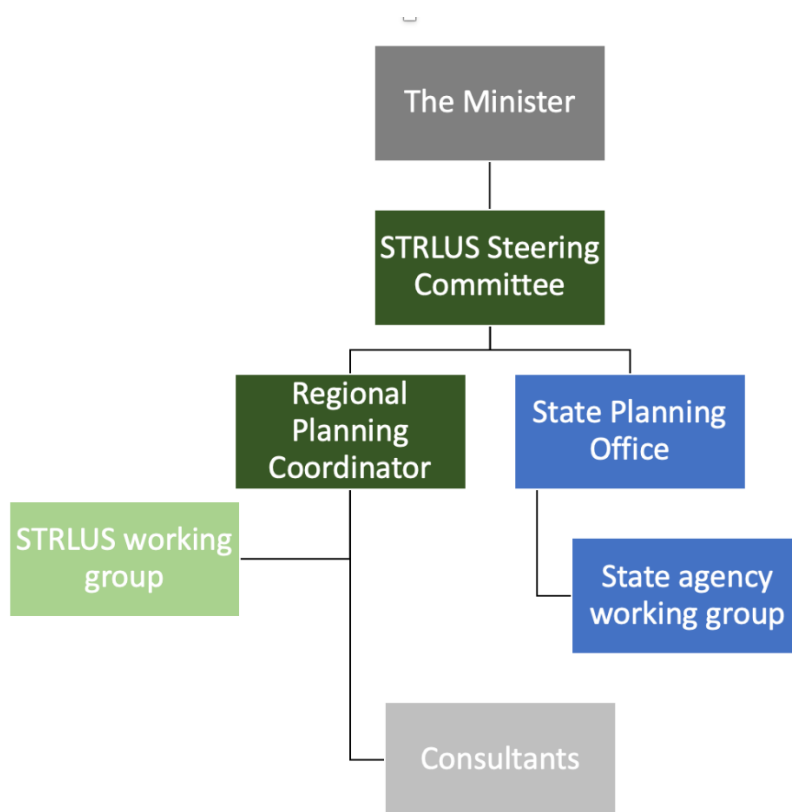
In the context of these changes, the 12 Southern Councils committed to conduct a comprehensive review and update of the current 2010 STRLUS. The comprehensive review and update program is co-funded by the 12 Councils and the State Government.

In February 2023, a Steering Committee was established consisting of Mayors and General Managers of several southern Councils, with representatives of the State Planning Office.

The role of the Steering Committee is to: ensure Project outcomes and deliverables are achieved; approve the release of Project deliverables and establish communication channels and maintain regular project updates with the elected members and executives of the Councils.

In August 2023, a Regional Planning Coordinator was appointed. The Regional Planning Coordinator is responsible for working with the Southern Councils and the State Planning Office to coordinate the comprehensive review and development of the updated STRLUS.

In December 2023, to support the delivery of the project, a Working Group was established. This is comprised of the Regional Planning Coordinator, a senior planning advisor from the State Planning Office, two State Agency/Authority representatives and 12 Council planners. The role of the Working Group is to provide advice to the Regional Planning Coordinator on regional planning matters relevant to the review and provide advice on technical planning issues, as relevant.



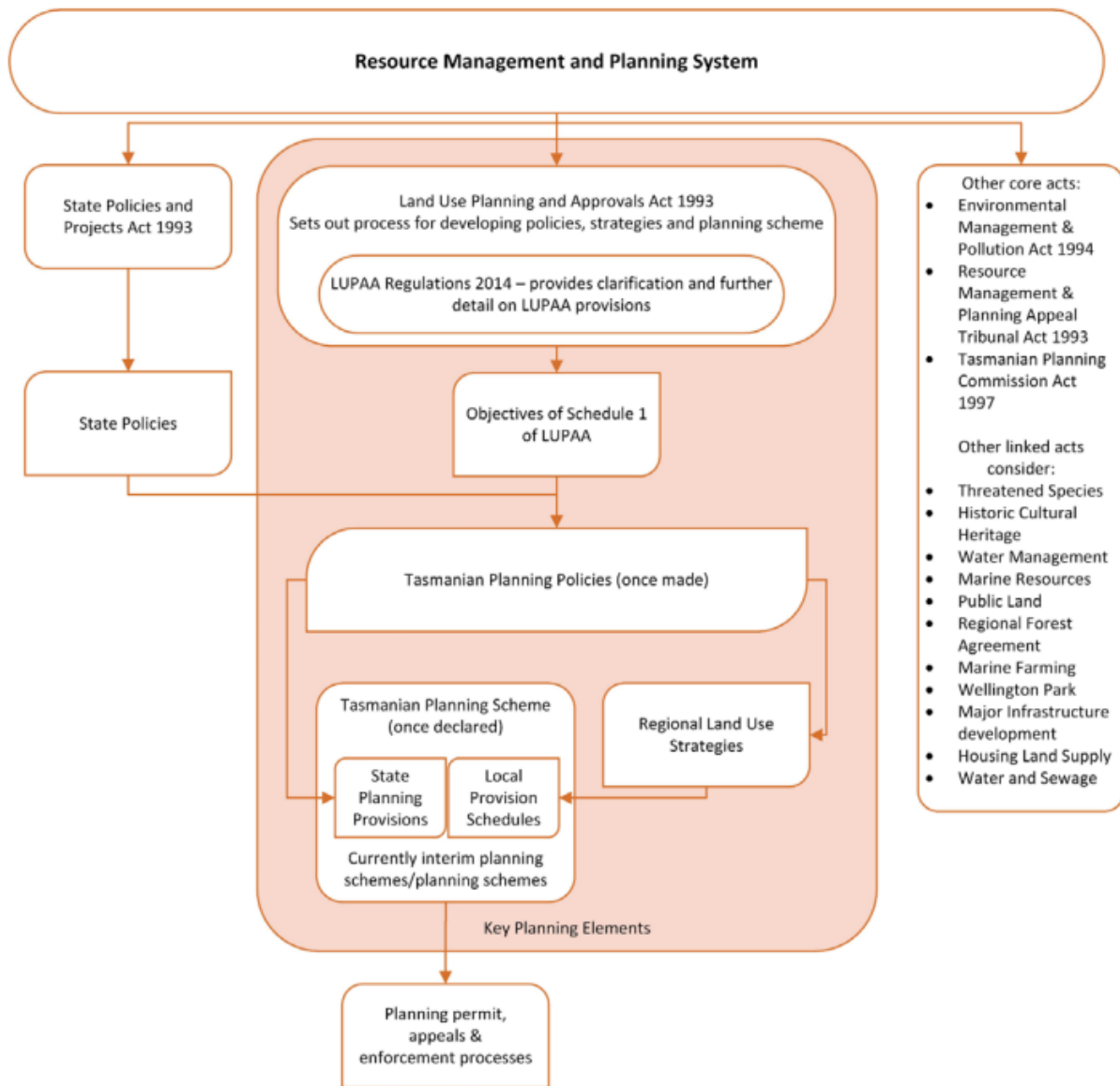
ETHOS Urban, a leading consultancy comprising of planners, economists, social strategists and designers, was engaged to support the delivery of the ‘State of Play’ report and an overhauled STRLUS.

Capire Consulting Group, a specialist community engagement consultancy with expertise in regional planning, community development and social impact, and public policy has been engaged to support with communication and engagement.

Cooee Communities, palawa consultants, have reviewed the State of Play and are currently being engaged to support palawa engagement.

REGIONAL LAND USE STRATEGIES WITHIN THE PLANNING SYSTEM

Each of the three regions in Tasmania has a Regional Land Use Strategy, all developed around 2010-2011. They play a key role in Tasmania’s planning system, known as the *Resource Management and Planning System*:



All three regions are now embarking on projects to review their existing Regional Land Use Strategies. The initial intention was that they would be reviewed every five years. However it has now been 14 years and the current review process is therefore considered long overdue.

OPPORTUNITY FOR COUNCIL COMMENT

The State of Play Report:

The State of Play report is the first step in updating the STRLUS. It endeavours to summarise available data and information on a range of issues to understand the key issues and influences in the Region and the causes of growth and change. It seeks to address what we know from experience, what is currently happening, and (for some issues) projections of what may occur over the next 25-30 years.

In July 2024, Councils were provided with the State of Play report ‘for noting’, prior to it being released to the community as the basis for the initial consultation for the revision of the STRLUS. Council, along with the rest of the community, can now provide comment. This comment period is open unto 18 December.

Draft Southern Tasmania Regional Land Use Strategy, 4 November 2024:

Council officers have been provided with a preliminary draft of the new Southern Tasmania Regional Land Use Strategy, STRLUS, dated 4 November 2024. This has not yet been released for community comment and is provided as a council-only enclosure to this report.

STATE OF PLAY REPORT: PROPOSED COMMENTS

1. The State of Play report ought to be just a snapshot of the current situation in the region and not venture into the realm of policy. However, the 'Region Shapers' are policy positions. These should have been left to the process of developing the new STRLUS and subject to community and stakeholder consultation.
2. The State of Play report does not acknowledge that, at this point in time, there are no Tasmanian Planning Policies. These are yet to be declared and may or may not be modified when they are formally declared. The uninformed reader would believe that we have Tasmanian Planning Policies in place. As a snapshot in time of the current situation, the State of Play report should acknowledge that these do not yet formally exist.
3. Whilst the seven Region Shaper statements are not necessarily listed in any order of priority, it is noted that statement focussing on economic growth is last. It is proposed that this be listed first, as without economic prosperity, none of the others are possible.
4. In *5.1 Population Growth & Change*, the report notes that in the 12 years between 2011 and 2013 we had strong population growth of 20%; more than 51,000 people. It then simply accepts population forecasts that we will have less than this growth over the next 23 years, growing by only 43,000 people in that period, (which is less than half the growth rate). There is no explanation.

With increased climate-change induced immigration to Tasmania likely, it is reasonable to assume that there will be greater growth, not less, over coming decades.

Tasmania is unique in Australia, in that climate change induced heat extremes and less rainfall will drive immigration out of other states, and into Tasmania. Migrants are likely to come from other countries as well.

If we do not meet this demand with supply, house and rental prices will increase further and be beyond the reach of even more Tasmanians.

The State of Play report acknowledges climate change is real and endeavours to deal with other reasonably foreseeable impacts, yet it ignores this aspect.

At the very least, the State of Play report ought to include a discussion on this issue.

5. The State of Play report does not acknowledge we are in a housing crises. House prices are unaffordable for a large percentage of the population. So too are rental prices. There are many people living on the streets. Essentially, dwelling demand outstripped dwelling supply years ago.

The requirement to prove that demand exists before land is allowed to be rezoned for housing should be dropped until the housing crises is over.

6. The State of Play report does not include any discussion on 'land banking'. This phenomenon is real, and has therefore been included in the draft Tasmanian Planning Policies which require Regional Land Use Strategies to address this issue.

Land banking can be both intentional and unintentional. The former is common around Greater Hobart and the latter is common in small rural towns. The result is the same: the practical amount

of residential land supply is significantly lower than the theoretical supply, contributing to land shortages and artificially increasing prices, and contributing to the housing crises.

The only real way to address land banking is to ensure there is more land zoned for residential development than is theoretically needed, (subject to all other town planning considerations, of course). In each area of Greater Hobart or each rural town there needs to be multiple landowners with the potential to subdivide.

DRAFT SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY: PROPOSED COMMENTS:

1. The Draft STRLUS should be aspirational. It is cast as a development-control document, setting out what development can't be done rather than what we should seek to achieve. It is the role of the planning schemes to control development by limiting opportunity. By contrast, as a strategic document, the STRLUS ought to be forward looking and include visionary thinking.
2. In 1.3, the dot point "fostering sustainable economic development that allows our communities to prosper" should be elevated to the first dot point.
3. In 1.4, the text reads as if Tasmanian Planning Policies (TPPs) exist. If this document is subject to community consultation before the TPPs exist, this section will need to be changed accordingly.
4. In 2.1, the vision statement should be centred on developing a strong economy. As written, this is a secondary consideration.
5. In 2.2, seven 'region shapers' are listed. '*Economically Strong*' is listed as the last 'region shaper'. It should be listed first. Unless this is achieved, none of the others are possible.
6. In 3.1, the strategy titled 'Growth Management' should be amended to 'Growth Facilitation'.
7. In 3.1, a new paragraph should be added to note that Tasmania will be a destination for climate change driven immigration over the next 25 years, (unlike mainland Australia which will be a place of origin). This will change our future demographics.

If Tasmania does not increase housing supply to meet this demand, the housing affordability crises will deepen. We need to address this now, in the new STRLUS, due to the inevitably long time lag between strategic intent and outcomes on the ground.

8. In 3.1, the last paragraph on page 25 should be amended to acknowledge we are in the midst of the worst housing crises in many generations, and that demand has outstripped supply. It will not be enough to 'ensure capacity for new homes is maintained'. There needs to be a significant increase.

The requirement for councils and developers to prove that demand exists before land is allowed to be rezoned for residential use should be removed, as an emergency measure, until the housing crises is over. The fact that demand exists is inarguable.

9. In 3.1.3, Table 5 '*Town and Village Roles and Functions*', Bothwell should also be listed as a 'service hub', and as a 'tourist destination' as it has a rural supplies store, the medical service, swimming pool, a pharmacy, hotels, shops, cafes, convenience stores fire station, police station, council offices, a primary school, retirement units and other services and facilities. It is home to the Australian Golf Museum and 'Ratho' Australia's oldest golf course, and a wealth of Georgian heritage buildings.
10. In 3.4.2, under '*Industry, Freight and Logistics*', the role of the Rural Zone should be recognised as providing opportunity for many rural industries. In addition to being an agriculture zone, it is

a multi-purpose rural industry zone. (This is one of the reasons why the Agriculture Zone should only apply to prime and significant agricultural land.)

11. Throughout the document, the correct terms 'Urban Growth Boundary' and 'Settlement Growth Boundary' should be used, as per the terms in the draft Tasmanian Planning Policies. The omission of the word 'growth' panders to those who erroneously believe that nothing needs to change.
12. Overall, the draft STRLUS is heavily biased towards growth in greater Hobart and a few larger nearby centres. It fails to recognise that the smaller rural towns have capacity to absorb new population, ensuring services such as schools and local shops remain open.

Growth in small rural towns outside the gravitational pull of greater Hobart does not negatively impact regional strategic planning considerations. Overall, any such growth would be small from a regional point of view, but significant for small towns. The new STRLUS should not dictate whether such towns grow. As drafted, towns not nominated as regionally significant and accorded a Settlement Growth Boundary will face substantial hurdles set in place by STRLUS. These are unnecessary and should be removed.

13. The draft STRLUS contains no strategies to address 'land banking', as required by the draft TPPs. This is a very real phenomenon. It is largely 'intentional' around greater Hobart, where some developers hold on to scarce residential zoned land, drip-feeding lots to the market to maintain high prices. In rural towns it is largely 'unintentional', where owners simply enjoy the lifestyle of living on large lots and have no intention of subdividing, even though they are aware that demand exists.

The only way to address the issue of land banking is to ensure that there is more land available for subdivision than is theoretically needed, giving more land owners the option of subdividing. More competition will also lower house prices.

14. The 2010 STRLUS and the draft Tasmanian Planning Policies include a mechanism whereby existing rural residential settlements that are nevertheless in a rural zone may be zoned Rural Living. This should be inserted into the new STRLUS:

5. *Avoid allocating additional land for the purpose of rural residential use and development, unless:*
 - a) *the amount of land to be allocated is minimal and does not constitute a significant increase in the immediate vicinity, or the existing pattern of development reflects rural residential type settlement;*
 - b) *the land is not within an urban growth boundary or settlement growth boundary;*
 - c) *the location of the land represents an incremental, strategic and natural progression of an existing rural residential settlement;*
 - d) *the land is not strategically identified for future development at urban densities, or has the potential for future development at urban densities;*
 - e) *growth opportunities maximise the efficiency of existing services and physical infrastructure;*
 - f) *agricultural land, especially land within the more productive classes of agricultural capabilities, cultural heritage values, landscape values, environmental values and land subject to environmental hazards are, where possible, avoided;*
 - g) *the potential for land use conflict with surrounding incompatible uses, such as extractive industries and agricultural production is avoided or managed; and*

- h) *it contributes to providing for a mix of housing choices that attracts or retains a diverse population.*

NEXT STEPS

It is anticipated that a draft STRLUS will be formally provided to the twelve southern Councils by March 2025.

Councils will be requested to endorse the document so that it can be sent to the Minister for Planning, seeking the Minister's approval for it be placed on public exhibition.

The public exhibition process will likely occur in the second half of 2025.

The twelve Councils and the Minister will then undertake a process to consider the submissions and create a final version of the new STRLUS.

A potential complication in the above could be the finalisation of the Tasmanian Planning Policies. The new STRLUS is being crafted to comply with the current *draft* Tasmanian Planning Policies. It is unknown at this point in time if they will be significantly amended before being statutorily declared.

FINANCIAL

There are no current or proposed funding implications associated with the State of Play or the STRLUS.

Funding for the STRLUS review was allocated within the 23/24 budget.

SUSTAINABILITY

Sustainability is recognised as a key principle for shaping the region within the State of Play and the draft STRLUS. Embedded through all chapters, the ongoing sustainability of our communities, towns and natural environment is discussed.

COMMUNITY ENGAGEMENT: STATE OF PLAY REPORT

The Tasmanian Government, State Planning Office is preparing a communications plan for Regional Land Use Strategies.

The State of Play report and associated materials have been made publicly accessible via a project website and through each of the twelve Councils. The report forms the basis for the initial public consultation for the review of STRLUS, and this consultation period will end on 18 December.

FUTURE COMMUNITY ENGAGEMENT: DRAFT STRLUS

The Draft STRLUS will not be subject to community consultation until after a further draft has been endorsed by the Councils and approved by the Minister for Planning as suitable for community consultation. This is likely to be in the second half of 2025.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – NATURAL ENVIRONMENT)

Encourage responsible management of the natural resources and assets in the Central Highlands.

- 4.1 Continue to fund and support the Derwent Catchment Project
- 4.2 Continue with existing waste minimisation and recycling opportunities
- 4.3 Promote the reduce, reuse, recycle, recover message
- 4.4 Continue the program of weed reduction in the Central Highlands
- 4.5 Ensure the Central Highlands Emergency Management Plan is reviewed regularly to enable preparedness for natural events and emergencies
- 4.6 Strive to provide a clean and healthy environment
- 4.7 Support and assist practical programs that address existing environmental problems and improve the environment

Deputy Mayor J Allwright left the meeting at 11.19 a.m.

18.1 DERWENT CATCHMENT PROJECT

RESOLUTION 20/11.2024/C

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT the Derwent Catchment Project Report for October 2024 be received.

CARRIED

For the Motion

Mayor L Triffitt; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.



Derwent Catchment Project Monthly Report for Central Highlands Council

October 11th – November 11th 2024

General business

The Derwent Catchment Project AGM was held on Saturday, 9th November at Curringa Farm. The AGM was delayed due to the previous flooding in the catchment, so it was great to have a clear day with the sun shining for the meeting. It was a smaller event due to the timing and rescheduling but thanks to all those who made it along. We ran a panel discussion which included 3 different types of members/stakeholders. Sarah Barrington (farmer), Vicky Bonwick (paddling Willow Warrior) and Thomas Webster (TasNetworks) with whom we discussed their reasons for involvement and future hopes and directions for the Derwent Catchment Project. It was encouraging to hear their positive stories and also a desire to see us continue to expand our reach. Education and awareness raising was identified as a critical area for the DCP. Thanks for Council for supporting our work and making the Project a reality.

We have also been busy advocating around the important of river resilience and catchment management for all of the community. We have an upcoming meeting with Minister Howlett where we will be discussing how to best maintain the catchment management programs.

Central Highlands Weeds Program

Strategic Actions 4.4 Continue the program of weed reduction in the Central Highlands, and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

As we move into spring, the weed management program is well underway, with ground crew actively addressing weed infestations across the Central Highlands. The focus remains on both high-priority invasive species and routine maintenance to prevent further spread. Below is a summary of the key activities undertaken this month:

Broom Control at Tarraleah

Over the past month, the crew has so far dedicated six days to targeted broom control around the Tarraleah area. This has resulted in significant suppression of the broom infestation, with noticeable reductions in plant density. The ongoing works will continue to focus on treating regrowth and ensuring long-term control of this aggressive species. Additional monitoring will be carried out to assess the effectiveness of the treatment and determine next steps.



Foxglove and Thistle Control

Weed control efforts targeting foxglove and thistles have now been completed for Sustainable Timber Tasmania (STT) across the Florentine Valley and into the Central Highlands. This focused spraying program has effectively reduced the spread of these two invasive species. The work is a crucial part of maintaining healthy native ecosystems, and further follow-up treatments will be scheduled as necessary.

Township Spraying

The weed management crew has also been busy with township spraying in several areas, including Ouse, Hamilton, and Ellendale. These treatments focused on priority weeds identified in each area, ensuring that public spaces, roadsides, and surrounding areas are maintained. In addition, targeted spraying has been carried out around Dunrobin Bridge, at the Lake Meadowbank campground.

Dee Lagoon

Weed control operations targeting broom, gorse, and holly have been successfully carried out around Dee Lagoon. These priority weed species pose threats to native vegetation and water quality. Continued monitoring will ensure that regrowth is controlled and any new infestations are quickly addressed. There are still several days of control left in this program for the season.

These efforts continue to make a significant impact in controlling the spread of invasive weeds, improving biodiversity, and protecting local flora and fauna. We will keep monitoring and adjusting our approach as needed to stay ahead of emerging weed threats.

Agriculture

Strategic Actions 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Derwent Pasture Network - funded by the Derwent Catchment Project

Peter has been busy assessing the species persistence sites at Back Run and Caywood. Also Peter has been keeping an eye on fertilize test strips and multi-species pasture trials. Key differences are starting to show up for the different cultivars of the pasture species. There are also some interesting dynamics between productivity, persistence and palatability. This body of work will be communicated in a series of workshops in the coming months.

Eve has also been working on developing a carbon outreach program. Providing support and information to producers.

Restoration and Conservation

Strategic Actions: 4.1 Continue to fund and support the Derwent Catchment Project and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Ouse Toilet Block

In line with efforts to enhance local environments, native planting has been undertaken around the Ouse toilet block. This initiative is part of a broader strategy to promote native vegetation in public spaces, providing habitat for local wildlife and improving the visual appeal of the area. The plants selected are well-suited to the local climate and will contribute to long-term ecological health.



Trees on Farms

A successful native planting project was completed for a private landholder in Bothwell, where 600 native plants were used to create a shelterbelt. This planting will help reduce wind erosion, provide habitat for local wildlife, and enhance the overall biodiversity of the area. Shelterbelts play a vital role in improving soil quality and providing environmental benefits for surrounding farmland.

Platypus Walk

Maintenance work has been completed at the Andrew Downie Memorial Planting and Platypus Walk in Hamilton. This included brush cutting around previously planted native trees, ensuring they have the space and light to thrive. The site is in good condition and remains an important environmental and community asset.

**Tyenna Willow Warriors**

The Willow Warriors were formed in collaboration with the Tyenna River Recovery Program and have been operating since 2019. The focus of the Willow Warriors has been treating willows along the Tyenna and supporting revegetation efforts on the river when required.

A Willow Warrior Day was held on Sunday, 10 November at Mount Field. This was a successful community event focused on tackling the invasive crack willows along the river's edge. Volunteers and staff worked together to remove these willows in preparation for revegetation efforts. This initiative is an important part of ongoing river restoration projects and will help improve waterway health and biodiversity by reducing the impact of these invasive species.

Ellendale Willow Warriors

The DCP has been actively supporting Ellendale Landcare in assisting landholders with river restoration efforts. With a core group of eight members and four meetings so far, their works are focused on willow control and the planting of native species for revegetation around the Jones River. The work will enhance river health, improve biodiversity, and support the long-term sustainability of the local environment.



Nursery expansion

The expansion of the nursery will increase the current production from 25,000 to 90,000 plants. The work is made possible by funding from the Central Highlands, Derwent Valley and Brighton Councils, with in-kind support from the DCP.

Progress on the new nursery facilities is advancing well. The hot house has been successfully constructed, and electrical works are now completed. Excavation for the hardening off area and carpark is underway, and once finished, this will greatly improve the nursery's capacity for plant production.

Karen has been busy propagating a variety of native [plants](#), and is super busy pricking our seedlings into tube-stock. The nursery is set to support the expansion of revegetation and environmental restoration efforts across the region.



The new hot house as part of the nursery expansion works

Please don't hesitate to call us if you have any queries about our programs.

Yours Sincerely,

The Derwent Catchment Team

Key Contacts:

Josie Kelman (Executive Officer) 0427 044 700

Eve Lazarus (Deputy Executive Officer) 0429 170 048

Morgan McPherson (Operations Manager) 0418 667 426

Todd Holliday (Works Manager) 0428 192 728

Karen Phillips (Nursery Manager) 0400 039 303

Deputy Mayor J Allwright returned to the meeting at 11.20 a.m.

18.2 FLOOD RESPONSE PLANS AND COMMUNITY FLOOD GUIDES FOR BOTHWELL TO HAMILTON, AND THE UPPER DERWENT (INCLUDING OUSE)

RESOLUTION 21/11.2024/C

Moved: Cr A Archer

Seconded: Cr R Cassidy

THAT comments on the Flood Response Plans and Community Flood guides for Bothwell to Hamilton, and the Upper Derwent Valley (including Ouse) be provided to the Manager Development and Environmental Services by Thursday 28th November 2024.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacham and Cr Y Miller.

REPORT BY Graham Rogers, Manager DES

BACKGROUND

The Storm and Flood Ready (SAFR) program supports community level flood and storm resilience by delivering plans that assist communities and response organisations to:

- act cohesively
- make informed decisions
- prepare for, respond to, and recover from floods.

The SAFR Program commenced in late 2021 and aims to deliver:

1. **Community flood guides** for the general public that identify areas prone to flooding, warning arrangements, safe escape routes, and information on what to do before, during, and after a flood
2. ***Flood community protection response plans*** for agencies with flood and storm response roles that identify priority emergency response actions to be taken in the event of a flood. These plans are closely aligned with the TFS Bushfire community protection response plans.
3. ***Catchment level plans*** for agencies with flood and storm response roles that provide guidance on flood response action across a catchment in the event of a flood.

The program also includes community engagement to support community resilience for storm and flood events, and partners with others to better support sectors of the community with specific or additional needs.

Current Situation

Flood Response Plans and Community Flood Guides for Bothwell to Hamilton, and the Upper Derwent (including Ouse) have now been developed, with input from Council at an officer level.

The draft documents have been included in the attachment with feedback required by the end of November. Once the documents have been finalised they will be presented to the State Emergency Service for approval before being made available for distribution.

19. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ECONOMIC DEVELOPMENT)

Encourage economic viability within the municipality

- 5.1 Encourage expansion in the business sector and opening of new market opportunities
- 5.2 Support the implementation of the Southern Highlands Irrigation Scheme
- 5.3 Continue with the Highlands Tasmania and Bushfest branding
- 5.4 Encourage the establishment of alternative industries to support job creation and increase permanent residents
- 5.5 Promote our area's tourism opportunities, destinations and events
- 5.6 Support existing businesses to continue to grow and prosper
- 5.7 Develop partnerships with State Government, industry and regional bodies to promote economic and employment opportunities
- 5.8 Work with the community to further develop tourism in the area

19.1 DEVELOPMENT & ENVIRONMENTAL SERVICES

RESOLUTION 22/11.2024/C

Moved: Cr J Honner

Seconded: Cr A Bailey

THAT the Development & Environmental Services Report be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Graham Rogers, Manager DES

PLANNING PERMITS ISSUED UNDER DELEGATION

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

NO PERMIT REQUIRED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/56	M R Foster	10171 Highland Lakes Road, Brandum	Storage Shed

PERMITTED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/57	R Bean	485 Rockmount Road, Ellendale	Caravan Shelter
2024/58	D P R Super Fund	106 Jones Road, Miena	Visitor Accommodation

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/11	Design To Live Pty Ltd	27 Dolerite Crescent, Flintstone	Dwelling (Retrospective)

ANIMAL CONTROL

Total Number of Dogs Registered in 2023/2024 Financial Year – 998

Total Number of Kennel Licences Issued for 2023/2024 Financial Year – 29

2024/2025 Dog Registration Renewal have been issued and were due by 31 July 2024.

Statistics as of 12 November 2024	
Number of Dogs Impounded during last month	1
Number of Dogs Currently Registered	920
Number of Dogs Pending Re-Registration	11
Number of Kennel Licence Renewals	33

20. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GOVERNANCE AND LEADERSHIP)

Provide governance and leadership in an open, transparent, accountable and responsible manner in the best interests of our community

- 6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
- 6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
- 6.3 Ensure appropriate management of risk associated with Council's operations and activities
- 6.4 Provide a supportive culture that promotes the well-being of staff and encourages staff development and continuous learning
- 6.5 Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities
- 6.6 Consider Council's strategic direction in relation to resource sharing with neighbouring councils and opportunities for mutual benefit
- 6.7 Support and encourage community participation and engagement
- 6.8 Ensure that customers receive quality responses that are prompt, accurate and fair
- 6.9 Council decision making will be always made in open council except where legislative or legal requirements determine otherwise.

20.1 OFFICE CHRISTMAS CLOSURE

NOTED

Please see information that will be advertised in the Mercury for details of the Central Highlands Council Office Closure detail for Christmas/New Year period.

Office Closure Council Offices Close at 12pm on Friday 20th December 2024 and re-open 8am Thursday 2nd January 2025

Emergency Contact Number 0428 770 194

Waste Transfer Stations & Hamilton Refuse Disposal Site Closed Christmas Day, All other days remain unchanged

Garbage & Recycling Collection - No changes

Bothwell Swimming Pool Closed Christmas Day

20.2 COUNCIL AND COMMITTEE MEETING DATES AND TIMES FOR 2025

RESOLUTION 23/11.2024/C

Moved: Cr Y Miller

Seconded: Cr J Hall

THAT Council, by Absolute Majority, approve the below meeting dates and times for the Ordinary Council Meetings and the Planning Committee Meetings for 2024 -

Ordinary Council & Committee Meetings for 2025

Members of the Public are welcome to attend Council and Council Committee meetings.

Ordinary Meetings of Council are held at the Council Chambers as indicated below commencing at **9.00am**. The meetings are open to the public, but **Council is likely to close the meeting to the Public between 9.10am – 10.00am, and therefore, the Public may wish to consider attending from 10.00am onwards.**

Ordinary Meeting of Council:

Tuesday 21 January 2025 –	Hamilton
Tuesday 18 February 2025 –	Bothwell
Tuesday 18 March 2025 –	Hamilton
Tuesday 15 April 2025 –	Bothwell
Tuesday 20 May 2025 –	Hamilton
Tuesday 17 June 2025 -	Bothwell
Tuesday 15 July 2025 -	Hamilton
Tuesday 19 August 2025 –	Bothwell
Tuesday 16 September 2025 –	Hamilton
Tuesday 21 October 2025 –	Bothwell
Tuesday 18 November 2025 –	Hamilton
Tuesday 9 December 2025 –	Bothwell

Annual General Meeting – Tuesday 9 December 2025 – Bothwell at 9.00am

Council Workshops:

All Council Workshops will be held at Bothwell on the first Tuesday of each month commencing at 9.00am. Additional Workshops will be held as and when required and are not open to the Public.

The schedule of meeting dates is available on Council's website. It should be noted that should there be any variation to the schedule, such variation will be advertised.

Ordinary Council and Committee Meetings will be advertised at least four (4) days prior to each meeting and copies of agendas for these meetings will be available from Council Offices or on Council's website -

www.centralhighlands.tas.gov.au

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 - Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
Council Policy	2017-49 Public Comment on Planning Agenda Items at Committee Meetings 2017-50 Audio Recording of Council Meetings Policy
Legislative Context	<i>Under section 4 of Local Government (Meeting Procedures) Regulations 2015 , an ordinary council meeting is required to be held at least once a month. Section 7, Notice of Meetings, outlines requirements related to advertising and providing notice of future meetings.</i>
Consultation	Once adopted, the Council meeting schedule for the 2025 calendar year will be advertised to the public
Impact on Budget/Resources	Not applicable
Risk	Council is required to endorse and advertise its meeting schedule annually; the risk of non-compliance with its legislative obligations is met on undertaking the actions associated with this report.

REPORT BY Stephen Mackey, Acting - General Manager

BACKGROUND

Council needs to consider the 2025 meeting dates and locations.

Under the *Local Government (Meeting Procedures) Regulations 2015* the following applies:

6. Times of Meetings

(1) A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.

(2) After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.

Ordinary Council meetings are currently held on the third Tuesday of each month alternating between Bothwell and Hamilton and commencing at 9.00am; with the Closed Session meeting of the meeting and then opened to the public from 10.00am. The December Council meeting is generally held on the first Tuesday, preceded by the Annual General Meeting.

Another matter which Councillors may consider, is the timing of the Closed Session Meeting. It may be more convenient for the Public and Staff attendance, for this to be held at the end of each Ordinary Meeting instead of at the beginning where time is limited.

The following is the proposed schedule of Council Meeting and Planning Committee Meeting dates for Council in 2025, subject to review of the times of commencement of the meetings as required under Regulation 6 (2) of the *Local Government (Meeting Procedures) Regulations 2015*:

20.3 AUDIT PANEL REPRESENTATION

Moved:

Seconded:

THAT Council resolved to increase the Audit panel to five increasing the number of councillors on the panel to three and the number of independent persons on the committee to two effective from their first meeting in 2025.

The appointment of the Council representative will be for a 23-month period and the independent member for two years.

LAPSED

DISCUSSION

I) Audit Panel Representation

At the last Council meeting the issue regarding increasing the membership to the Audit Panel was discussed. The increase was for one more councillor. As this means total membership would now be four the following section of the act applies:

Membership of Audit Panel

The audit panel is to be constituted by a minimum of 3 and a maximum of 5 members of whom-

- If the panel has 4 or 5 members, at least 2 must be independent persons: or
- If the panel has 3 members, at least one must be an independent person.

In appointing an independent person as a member of an audit panel, the council-

Is to ensure that the person possesses good business acumen and sound management and communication skills; and

May take into account any other relevant knowledge, abilities and skills of the person including, but not limited to-

- Knowledge and expertise in the area of audit practices and financial management; and
- Knowledge of and experience in relevant industries; and
- Experience with governance processes including, but not limited to, risk management.

Appointment of chair

If the audit panel includes more than one independent person as a member, the relevant council is to appoint one of the independent persons as chairperson of the audit panel.

Remuneration

A member of an audit panel who is an independent person is entitled to be paid the remuneration and allowances determined by the relevant council.

Notification of appointment of members of the audit panel

The general manager of a council is to notify the Director Of-

The appointment of members of the council's audit panel, and the term of each of those appointments, as soon as practicable after establishing the panel; and

The identity of the chairperson, and each independent member, of the audit panel, and Of the appointment of each new member of the audit panel, and the term of that appointment, as soon as practicable after making that appointment.

Term and conditions of appointment

A member of the audit panel hold office for a period of not less than one year and not more than 4 years as is specified in the members instrument of appointment and, if eligible, may be reappointed.

If an audit panel includes more than one independent person as members, the relevant council is to appoint one of the independent persons as chairperson of the audit panel.

Quorum

At a meeting of the audit panel is to hold not less than 4 meetings each financial year.

At a meeting of the audit panel, a quorum is constituted by a majority of the total number of members appointed.

Despite the above, if at least one member who is an independent person is not present at the meeting of the audit panel, there is no quorum present.

Management Comment

If council resolved to increase the number of Councillors to The Audit Panel, then it must increase the number of independent members on the Audit Panel. To do this council will need to advertise the vacancy in the paper seeking nominations for the position.

Independent members of the Audit Panel are entitled to be paid the remuneration and allowances determined by the council.

20.4 PAYMENT OF COUNCILLORS EXPENSES & PROVISION OF FACILITIES POLICY 2016-43

RESOLUTION 24/11.2024/C

Moved: Cr R Cassidy

Seconded: Cr J Honner

THAT Council adopt the following proposed changes to the Payment of Councillors Expenses & Provisions Policy.

Proposed Phone Payment

That the payment for the Mayor and Deputy Mayor be set at \$150 per month

Proposed Payment Councillors Phone

That the payment for councillors be set at \$70 per month.

Meal Allowance

Proposed Meal Allowance

For attendance at meetings of council, or meetings of any committee of council, if deemed appropriate a meal will be provided.

Conference, Seminars and Special Functions

Proposed Conference, Seminars and Special Functions

5.1 No changes

- 5.2 The Council will pay accommodation expenses for the attendance at the Annual Conference of the Local Government Association of Tasmania for the Mayor, Deputy Mayor and Councillors and their spouses/partners at the median rate as advised on the conference program in compliance with a resolution of Council.
- 5.3 Where Councillors desire to attend a daily session of the Annual Conference of the Local Government Association of Tasmania, Council will pay, subject to a resolution of Council, the daily registration cost and if applicable any accommodation costs, which is to be approved by two of either the Mayor, Deputy Mayor or General Manager.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

DISCUSSION

This policy has not been reviewed since January 2022 and in some parts the payment amount can be extremely difficult to calculate and to be able to make the correct payment regarding the Mayor and Deputy Mayor a copy of the full account including call made would need to be provided. To make the payment structure simpler and protect the privacy that could be compromised by having to have copies of the full phone accounts it is proposed to make the following changes to the policy.

Current payment for the Mayor and Deputy Mayor

- (a) \$70.00 per month towards his/her home phone plan.
- (b) Mobile phone cap plan (plan to be the most beneficial available to Council);
- (c) Reimbursement of STD calls made in connection with carrying out the functions of Council upon receipt of an itemised account.
- (d) 75% of message bank charges; and
- (e) Monthly rental of a dedicated fax and call directly attributed to Council business.

Proposed Change

That the payment for the Mayor and Deputy Mayor be set at \$150 per month

Current Payment Councillors

All other councillors will receive a flat rate of \$35 per month towards communication expenses in connection with carrying out their function of civic office.

That the payment for councillors be set at \$70 per month.

Meal Allowance

Current meal allowance

For attendance at meeting if council, or meetings of any committee of council, of a duration exceeding 3 hours, a meal will be provided.

Proposed change

For attendance at meetings of council, or meetings of any committee of council, if deemed appropriate a meal will be provided.

Conference, Seminars and Special Functions

- 5.1 The Council will pay on behalf of Councillors, registration costs in respect of attendance at any seminar or conference, in compliance with a resolution of Council.
- 5.2 The Council will pay accommodation expenses for the attendance at the Annual Conference of the Local Government Association of Tasmania for the Mayor, Deputy Mayor and their

spouses/partners at the median rate as advised on the conference program in compliance with a resolution of Council.

- 5.3 Where Councillors desire to attend a daily session of the Annual Conference of the Local Government Association of Tasmania, Council will pay, subject to a resolution of Council, the daily registration cost but any accommodation costs will be the responsibility of the Councillors themselves unless there is extenuating circumstances, where it is to be approved by two of either the Mayor, Deputy Mayor or General Manager.

Proposed Changes

- 5.1 No changes
- 5.2 The Council will pay accommodation expenses for the attendance at the Annual Conference of the Local Government Association of Tasmania for the Mayor, Deputy Mayor and Councillors and their spouses/partners at the median rate as advised on the conference program in compliance with a resolution of Council.
- 5.3 Where Councillors desire to attend a daily session of the Annual Conference of the Local Government Association of Tasmania, Council will pay, subject to a resolution of Council, the daily registration cost and if applicable any accommodation costs, which is to be approved by two of either the Mayor, Deputy Mayor or General Manager.

20.5 POLICY NO. 2013-10 REIMBURSEMENT OF COUNCILLORS LEGAL EXPENSES POLICY

RESOLUTION 25/11.2024/C

Moved: Cr R Cassidy

Seconded: Cr J Honner

THAT Council adopt Policy No 2013-10 Reimbursement of Councillors Legal Expenses Policy

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
Council Policy	Policy No. 2013-10 Reimbursement of Councillors Legal Expenses
Legislative Context	Local Government Act 1993
Consultation	Council’s Senior Management Team
Impact on Budget/Resources	As per Council’s approved legal expense budget
Risk	The council must ensure that it meets its legislative and governance responsibilities and its decision making is supported by legal advice to allow Councillors to carry out the duties of office pursuant to section 28 of the Local Government Act 1993.

REPORT BY Adam Wilson, Deputy General Manager

Attachments

Policy No 2013-10 Reimbursement of Councillors Legal Expenses Policy (DRAFT)

BACKGROUND

The previous reimbursement of Councillors legal expenses policy was approved by Council in September 2021.

The purpose of this policy is to ensure in pursuant to Schedule 5 of the Local Government Act 1993, a Councillor will be reimbursed all reasonable legal expenses arising from defending or responding to any claim, action or suit taken against a Councillor by external parties or bodies arising out of a Councillor "carrying out the duties of office" pursuant to Section 28 of the Local Government Act 1993.

20.6 POLICY NO. 2013-11 LEGAL OPINIONS POLICY

RESOLUTION 26/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT Council adopt Policy No 2013-11 Legal Opinions Policy

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
Council Policy	Policy No. 2013-11 Legal Opinions
Legislative Context	Local Government Act 1993
Consultation	Council's Senior Management Team
Impact on Budget/Resources	As per Council's approved legal expense budget
Risk	The council must ensure that it meets its legislative and governance responsibilities and its decision making is supported by legal advice to allow Councillors to carry out the duties of office pursuant to section 28 of the Local Government Act 1993.

REPORT BY Adam Wilson, Deputy General Manager

Attachments

Policy No 2013-11 Legal Opinions Policy (DRAFT)

BACKGROUND

The previous legal opinions policy was approved by Council in July 2020.

Council from time to time may require a legal opinion to enable them to make an informed decision on a matter before Council hence the policy provides the General Manager with guidance on the procedure to be used.

20.7 POLICY NO. 2013-13 RATES AND CHARGES POLICY

RESOLUTION 27/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT Council adopt Policy No 2013-13 Rates and Charges Policy.

CARRIED 8/1

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Against the Motion

Cr R Cassidy

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
Council Policy	Policy No. 2013-13 Rates and Charges
Legislative Context	Local Government Act 1993
Consultation	Council's Senior Management Team and rate staff members
Impact on Budget/Resources	As per Council's approved rates budget
Risk	The council must ensure that it meets its legislative and governance responsibilities and its decision making is supported by legal advice to allow Councillors to carry out the duties of office pursuant to section 28 of the Local Government Act 1993.

REPORT BY Adam Wilson, Deputy General Manager

Attachments

Policy No 2013-13 Rates and Charges Policy (DRAFT)

BACKGROUND

The previous rates and charges policy was approved by Council in July 2020.

This policy provides a high level framework within which Council will set rates and charges to be levied on properties within its municipal area. It is intended to inform the decision making process, however does not represent the making of specific decisions with respect to property rating. Such decisions will be made annually, or as required, in accordance with relevant legislative requirements.

Council rates are a form of property tax levied by Local Government as the primary source of funding for the many mandatory and discretionary services that are provided. Rates are administered in line with the Local Government Act 1993 which allows some flexibility for each Council to make decisions that suits its local community.

As rates are a method of taxation, the total amount of rates paid may directly relate to the services used by each ratepayer.

Property values (set by the Valuer-General) play an important role in determining how much each individual ratepayer contributes to the cost of delivering Council services and activities.

All land within a Council area, except for land specifically exempt (e.g. Crown land, Council occupied land and other prescribed land) is rateable. Council also raises revenue through fees and charges, which are set, giving consideration to the cost of the service provided and any equity issues.

The Local Government Act 1993 requires Council's policy to take account of the following matters:

- That rates constitute taxation for the purposes of the Local Government rather than a fee for service; and
- The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

20.8 POLICY NO. 2014-24 WORK HEALTH & SAFETY POLICY

RESOLUTION 28/11.2024/C

Moved: Cr J Honner

Seconded: Cr A Bailey

THAT Council adopt Policy No 2014-24 Work Health & Safety Policy.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
Council Policy	Policy No 2014-24 Work Health & Safety Policy
Legislative Context	Local Government Act 1993
Consultation	Council's Senior Management Team and staff members
Impact on Budget/Resources	As per Council's approved budget
Risk	The council must ensure that it meets its legislative and governance responsibilities as per the Local Government Act 1993 and Work Health and Safety Act 2012.

REPORT BY Adam Wilson, Deputy General Manager

Attachments

Policy No 2014-24 Work Health and Safety Policy (DRAFT)

BACKGROUND

The draft Work Health & Safety policy was discussed at the October 2024 Council meeting and were Council agreed to the following:

THAT Council in relation to its Work Health and Safety Policy:

- a. receive and note the report; and*
- b. endorse the DRAFT for consultation purposes;*
- c. request a further report on the outcome of the consultation be provided to the November 2024 Council meeting.*

This Policy applies to all paid workers, volunteers, councillors, contractors and visitors while visiting or conducting business or any other activities that are under the management, control, influence of, or in participation with Council.

No objections were received during the consultation process from the Senior Management Team or any staff member.

Central Highlands Council is committed to ensuring a safe, healthy work environment and work activities in accordance with the Work Health and Safety Act 2012 (the Act), its amendments, regulations, related Codes of Practices and Australian Standards. It is designed primarily to ensure that all parties understand their responsibilities and duties under the Act.

20.9 MOTIONS – LGAT CONFERENCE 20 NOVEMBER 2024

RESOLUTION 29/11.2024/C

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT Council support the following motion.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Motion – Government Business Rate Equivalent payments Council – Central Highlands Council

Decision sought

That LGAT pursue with the Tasmanian Government the following:

- **Funds received by the State Government from Government Business Enterprise as Rate Equivalent payments be in the most part distributed to Local Government.**

Background

Competitive neutrality reform

The competitive neutrality reform program was a commitment under clause 3 of the Competitive Principles Agreement. Under clause 7 of the Competitive Principles Agreement, states and territories committed to also apply this reform at local government level.

The Australian Government and the state and territory governments undertook to ensure that their publicly owned businesses did not enjoy any net competitive advantage simply because they are publicly owned. For significant government businesses, government undertook to adopt a corporatisation model where appropriate and to impose on the business full taxes or tax equivalents and debt guarantee fees to offset advantages from government guarantees, and to apply to the business regulations normally applying to private sector businesses.

In 1996, each government published a competitive neutrality policy statement, outlining its implementation program and mechanism for handling complaints that significant businesses were not appropriately applying competitive neutrality principles. Government also issued a policy statement that addressed the application of this principle to local governments.

Governments published annual National Competition Policy progress reports addressing implementation progress, including allegations of non-compliance, over the life of the National Competition Policy.

Each of the National Competition Council's annual progress assessments considered competitive neutrality implementation.

Related reform – electricity

Arising from the Competition Principles Agreement and the Agreement to Implement the National Competition Policy and Related Reforms, governments undertook to:

- Restructure their electricity sector, apply competitive neutrality and review electricity regulation that restricts competition (Competition Principles Agreement) and
- Introduce fully competitive National Electricity Market (NEM) in southern and eastern Australia, extend competition in supply so that all consumers could have choice of supplier and provide for specific bodies to have operational responsibility in the market (1994) intergovernmental electricity agreement).

Under the intergovernmental electricity agreements governments undertook, prior to joining the NEM, to structurally separate the monopoly electricity transmission function and competitive generation activities, and ring-fence retail and distribution businesses.

The major undertaking was the agreement to establish the National Electricity Market (NEM) in southern and eastern Australia. The NEM was to have been implemented from 1 July 1995, or on such other date agreed by the parties. In December 1996, the implementation date was changed to early 1998. The NEM commenced on 13 December 1998.

The NEM operates in New South Wales, Victoria, Queensland, South Australia, Tasmania and the Australian Capital Territory. Western Australia and the Northern Territory are not part of the NEM because of the distances between their local centres and the interconnected electricity network in the southern and eastern states, but both jurisdictions committed to apply all other electricity sector reforms.

The electricity agreements set the following objectives for the competitive electricity market.

- The ability for customers to choose the supplier, including generators, retailers and traders, with which they will trade (full contestability)
- Non-discriminatory access to the interconnected transmission and distribution network
- No discriminatory legislative or regulatory barriers to entry for new participants in generation or retail supply and
- No discriminatory legislative or regulatory barriers to interstate and/or intrastate trade.

There are now numerous councils in Tasmania separately dealing with options to receive income from these business with some success. But it would now be in Local Governments best interests to formalize a process of rating these developments or for councils to receive (PiLOR) payment in lieu of rates which is the case in Victoria.

Recently The West Coast Council again attempted to bring this matter to a head by commenting on the rate equivalent received by the state Government. At that point it was stated that Hydro Tasmania pays \$5.7 million as a rate equivalent over and above its normal dividend payment. Hydro Tasmania stated that these funds are paid to Local Government, yet a government spokesperson stated it went into consolidated revenue not to Local Government.

Local Government Act 1993 states as follows under exemptions from rates.

Section 87 (1) c Land owned by the Hydro- Electric Corporation or land owned by a subsidiary within the meaning of the Government Business Enterprise Act 1995, of the Hydro-Electric Corporation on which assets or operations relating to electricity infrastructure, within the meaning of the Hydro-Electric Corporations Act 1995, 'other than wind-power developments are located'.

LGAT Comment

At the at the March 2024 General Meeting, the following resolution was supported.

That LGAT lobby the State Government:

1. To amend legislation to include electricity generation and storage plant and equipment in capital valuation (as occurs in Victoria) and to allow energy sector developments to make appropriate payments in lieu of rates under a regulated formula subject to indexation consisting of a fixed payment per site and a variable payment based on installed capacity.
2. That applicable developments subject to the rating policy amendments will include all current electricity generation and storage developments under existing technologies, as well as future generation and storage developments under existing and new technologies.
3. Where a Council's infrastructure and service provision is impacted by energy sector developments, consider the means for appropriate compensation via similar payment arrangements to ensure ratepayers are not financially impacted.

Recommendation 17 of the Future of Local Government Review (the Review), below, aims to resolve this issue. LGAT has indicated this is a high priority recommendation for our sector. At the time of writing the Government has not released its response to the 37 recommendations from the Review. However, the Office of the Valuer General (OVG) has commenced work on the development of new land use codes to allow for councils to rate energy developments, such as wind and solar farms. We understand that the target date for their introduction is 1 July 2025 and that the OVG is expected to begin engagement with the

most impacted councils and relevant landowners early next year. LGAT is considering the development of a model valuation approach for energy developments.

Recommendation 17:

The Tasmanian Government should further investigate and consider introducing an alternative framework for councils to raise revenue from major commercial operations in their local government areas, where rates based on the improved value of land are not an efficient, effective, or equitable form of taxation.

RESOLUTION 30/11.2024/C

Moved: Cr Y Miller

Seconded: Cr J Honner

THAT Council support the motion.

LOST 3/6

For the Motion

Mayor L Triffitt; Cr J Honner and Cr Y Miller.

Against the Motion

Deputy Mayor J Allwright; Cr D Meacheam Cr A Archer; Cr A Bailey; Cr R Cassidy and Cr J Hall

Code of Conduct – Timeframe for making a complaint

Circular Head Council

Decision sought

That LGAT Actively engages with the Office of Local Government to seek a reduction in the current six-month timeframe prescribed in the Councillor Code of Conduct for complaints to be lodged

Background

The Councillor Code of Conduct currently allows potential complainants a six-month period in which to lodge a complaint about an incident or perceived incident.

The threat of a Code of Conduct matter effectively being held over a councillor's head is leading to a great deal of stress and uncertainty for elected representatives across the State.

This Council asks for the sector's support for LGAT to engage with the Office of Local Government to seek a reduction in the timeframe the next time the Local Government Act is amended.

This Council believes that a two-month period is more realistic.

LGAT Comment

There have been numerous sector resolutions related to the Code of Conduct and its predecessor. Notable, only one motion has specifically considered the timeframe for lodgement of a complaint. In July 2015 a motion to seek that the Code of Conduct 'Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days' was not supported.

RESOLUTION 31/11.2024/C

Moved: Cr D Meacheam

Seconded: Deputy Mayor J Allwright

THAT Council does not support the motion.

CARRIED 5/4

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Bailey; Cr J Hall and Cr J Honner

Against the Motion

Cr D Meacheam; Cr A Archer; Cr R Cassidy and Cr Y Miller

Support for publicly owned post office bank

Derwent Valley Council

Decision Sought

That LGAT requests that the Australian Government commission an expert panel to investigate the feasibility of establishing a publicly owned bank that utilises the branch network of Australia Post for its customer service delivery.

Background

The council has consistently received strong requests from the community to advocate for improved banking services in the region. It is clear that local, in-person banking - including easy access to cash, is vital for both business individuals. Rural and regional communities demand affordable, comprehensive banking services, and we are committed to ensuring long-term access to these essential services to fully support their growth and stability.

LGAT Comment

There have been no recent motions related to this matter. However, the Bank closures in regional Australia Senate Committee has already made precisely this recommendation in its final report earlier this year.

Recommendation 2:

The committee recommends that the Australian Government commission an expert panel to investigate the feasibility of establishing a publicly owned bank. In investigating this, the panel should examine options including, but not limited to a stand-alone public bank or one associated with, and using the branch network of Australia Post.

The full report can be viewed at the [Parliament of Australia, Bank Closures in Regional Australia](#)¹.

RESOLUTION 32/11.2024/C

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT Council support this motion.

CARRIED 8/1

For the Motion

Mayor L Triffitt, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Against the Motion

Deputy Mayor J Allwright

By-laws

Derwent Valley Council

Decision sought

That engagement occurs with the State Government is essential to develop a set of Model By-Laws. These By-Laws would allow councils to customize their regulations after development, minimizing the current bureaucratic obstacles. Currently, significant barriers in creating and implementing parking and regulatory By-Laws prevent small councils from developing their own regulations.

Background

Councils would greatly benefit from assistance with this issue, particularly smaller ones. If supportive measures had been implemented earlier, Derwent Valley Council could have

¹ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/BankClosures/Report

successfully enacted their bylaws. This highlights the importance of providing resources to help Councils navigate similar challenges in the future.

LGAT Comment

There have been no recent motions related to this matter. However, this was an approved reform from the 2018/19 Review of the *Local Government Act*.

Recommendation 49:

Create model by-laws for common issues, with streamlined administrative processes.

The reform noted that:

‘The Act will reduce the administrative process councils must go through to develop and adopt model by-laws, creating greater State-wide consistency. A model by-law will be subject to a rigorous assessment process and, once approved, any council could adopt the model by-law without the need to go through the assessment process again. Councils will simply need to consult with the community on any municipality specific issues before adopting the by-law.’

RESOLUTION 33/11.2024/C

Moved: Cr Y Miller

Seconded: Cr R Cassidy

THAT Council support this motion.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Proposed amendment to Local Government (Meeting Procedures) Regulations 2015: retrospective leave of absence for council meetings

Council – King Island Council

Decision sought

That LGAT seek an amendment to the Local Government (Meeting Procedure) Regulations 2015 be amended to allow councillors to seek leave of absence retrospectively in emergency situations.

Background

Regulation 39 (1) of the Local Government (Meeting Procedures) Regulations 2015 requires that “If a councillor wishes to take a leave of absence in respect of one or more meetings, the councillor, or the chairperson on behalf of the councillor, may request that leave of absence.” Regulation 39 (3) states that “A leave of absence may not be granted retrospectively.”

King Island Council proposes that this Regulation be amended to enable retrospective leave of absence to be granted in circumstances where it is not possible for a Councillor to seek prospective approval for leave of absence.

The need to seek leave of absence in advance of a Council meeting requires that a Councillor knows in advance that he or she will not be able to attend a given meeting and has the means to communicate their request for leave of absence by the commencement of that meeting.

However, there may be circumstances where such a request is not possible in advance and the Councillor concerned will have their absence from the Council meeting recorded. The circumstances where this may occur include emergency situations where a Councillor is detained from a meeting due to weather conditions, personal emergency or mishap such as motor vehicle accident and is not able to seek leave or request that their request be conveyed on their behalf.

While this issue impacts on remote locations such as King Island where weather conditions and communications can be unstable, however many parts of Tasmania also suffer these conditions.

The proposed change will ensure that Councillors are not inadvertently found to have not complied with Regulations. Such a change would contribute to the efficient and effective system of local government in Tasmania.

LGAT Comment

At the June 2023 General Meeting the following resolution was supported.

That LGAT and Member Councils support Clarence City Council’s position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:

- I. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).
- II. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner:
 - a) become the natural parent of a child (including any period during pregnancy); or
 - b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period,
 - c) sustain a significant injury or be struck down by a long-term illness.
- III. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
- IV. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination".
- V. A Councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than three days unless in exceptional circumstances

The previous Minister for Local Government has asked the Office of Local Government to develop options to modernise leave arrangements. The *Local Government (Meeting Procedures) Regulations 2015* (the Meeting Regs) are due to be remade next year. We understand that options to modernise leave arrangements will be presented as part of a targeted update to the Meeting Regs.

RESOLUTION 34/11.2024/C**Moved:** Cr Y Miller**Seconded:** Cr D Meacheam**THAT** Council support this motion.**CARRIED 8/1****For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

For the Motion

Cr A Archer

Motion – Proposed change to Local Government (Meeting Procedures)**Regulations 2015: Video conference attendance at council meetings****Council – King Island Council****Moved Clr****Seconded Clr**

That Council support this motion.

Decision sought

That LGAT Request that the Tasmanian Government amend the Local Government (Meeting Procedures) Regulations 2015 to allow councillors to attend Council Meetings via video conferencing in emergency and other special circumstances.

Background

Regulation 37 (2) of the Local Government (Meeting Procedures) Regulations 2015 requires that “a council may not determine that a Councillor may attend a meeting in any manner that does not consist of the person attending the meeting in person.”

This Regulation precludes a Council enabling a Councillor to attend a meeting by remote means such as video conferencing.

King Island Council proposes that LGAT advocate for an amendment to the Regulations to enable

Councillors to attend a Council meeting on occasions when attendance in person is not possible. During the height of the COVID pandemic special provisions were implemented that allowed Councillors to attend meetings via video conferencing. This provision recognised

that it was important to allow Councillors to attend remotely when circumstances did not allow them to attend in person. On King Island and throughout Tasmania, the decision-making processes and functions of council were maintained during the pandemic. Without the option to attend via video conferencing this would have been exceedingly difficult.

During that time, when video conferencing was allowed, there were not any instances when the good governance of the King Island Council was compromised due to the use of this technology. Unfortunately, this provision has been discontinued and all Tasmanian Councils have been forced to revert to the pre-pandemic conditions. As mentioned, the conditions were put in place because of the difficulty for Councillors to attend in person. Ignoring the pandemic, Councillors are still presented with situations when attending in person is difficult, if not, impossible. Such circumstances include changing weather conditions where travel to or from a Council meeting is dangerous, personal illness situations where a Councillor may be precluded from attendance at the Council Chamber but is fit to attend remotely, situations where due to remoteness a Councillor is required to travel off the Island for medical or other appointments either for themselves or as a carer, and yet is able to access video conferencing facilities.

Other Australian states have recently amended regulations or codes of meeting practice to enable attendance at Council meetings by video conferencing:

- The Victorian Government's Regulatory Legislation Amendment (Reform) Act 2022 (Reform Act) introduced into the Local Government Act 2020 (the Act) provisions relating to electronic attendance and participation in council meetings and delegated committees on a permanent basis. The new provisions took effect on 2 September 2022.
- The NSW Local Government Model Code of Meeting Practice 2021 provides that a Councillor may seek permission of the council to attend a meeting by video conferencing and provides guidance to Councils on appropriate procedures to be followed in such circumstances. (Clause 5.19 -5.30)
- WA Regulation 14C(2) stipulates that a member may attend a meeting via electronic means for a range of specified reasons or as authorised by the Mayor or Council.
- Section 245K of the Queensland Local Government Act provides that a person (including Councillors) may attend a Council or Committee meeting by audio visual link.

The proposed amendment is consistent with the LGAT Objective promoting an "efficient and effective system of local government in Tasmania". The impact of the proposed amendment would be to enable Councillors who may otherwise not be able to attend a scheduled meeting in person to participate in local government decision making.

This motion is supported by Flinders Council and while the capacity to attend Council meetings by audio visual link is a matter of concern to both King Island Council and Flinders Council specifically, the introduction of such an option is a matter relevant to all Councils in

Tasmania regardless of remoteness and would assist all Tasmanian Councillors to fulfil their responsibilities.

LGAT Comment

There have been no recent motions related to this matter. However, in December 2020 and then again in early 2023, the Office of Local Government informally consulted with council GMs/CEOs on options for online meeting attendance. On both occasions the feedback favoured amending the Meeting Regs to allow for remote participation in meetings for 'emergency or exceptional circumstances' only. As noted above, this matter will be addressed as part of the work to remake the Meeting Regulations next year.

RESOLUTION 35/11.2024/C

Moved: Cr R Cassidy

Seconded: Deputy Mayor J Allwright

That Council does not support this motion.

CARRIED 7/2

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall and Cr J Honner

Against the Motion

Cr Y Miller and Cr D Meacheam

Motion – Review of Cat Management Legislation Council – Clarence City Council

Decision Sought

That LGAT establishes a review to determine whether or not to develop a sector wide position on cat management and that the determination of any such position be presented to the State Government addressing issues including, but not limited to:

- 1. The recognition that cat management is a shared responsibility across all levels of government, business and the community;**
- 2. Avenues to increase community awareness, participation and commitment by pet cat owners to manage cats responsibly;**
- 3. Assessment of best practice techniques in relation to the planning, management and control of stray and feral cats;**
- 4. Improved knowledge about feral, stray and domestic cats to better inform management;**
- 5. Minimising the impacts of cats in areas with important conservation values and agricultural assets;**

6. **Undertake legislative change and the provision of resources to create an effective framework for managing cats, including resourcing for cat management facilities;**
7. **Review the roles and responsibilities of local and state governments in relation to cat management and resource allocation”.**

Background

The growth in cat management issues across Clarence (and Tasmania as a whole) has seen increasing pressure placed on Councils and the community in the absence of consistent legislative provisions or resourcing from the Tasmanian Government.

This shift has not been without controversy with many recent media articles highlighting the difficulties faced by local councils and the community to address cat management issues. Links to some recent articles as follows:

- [80+ stray cats: Rescue operation underway after animals killed in Rokeby - Pulse Tasmania](#)
- [Broken teeth, missing ear: rescue finds population boom in Rokeby after animals killed | The Mercury](#)

The proposed motion is entirely consistent with Clarence City Council’s “Cats in Clarence” consultation process and if adopted by LGAT, would provide an opportunity to utilise that information in any future submission put forward by Clarence City Council.

It is clear the response to cat management requires a state-wide approach that facilitates greater consistency across local government boundaries and agreed resourcing from all levels of government.

LGAT has provided a briefing note that provides background and an update in relation to Cat Management in Tasmania. With NRE currently developing a new cat management plan for 2024 – 2029, it is timely to raise key issues for consideration, via LGAT, to be discussed and included in any sector wide response to the new plan.

LGAT Comment

Cat management has been a concern of the local government sector for a number of years. Most recently, LGAT and councils were key stakeholders in the development of amendments to the *Cat Management Act 2009* and Cat Management Plan 2017 - 2022. As part of this work a Cat Management Reference Group was formed including key State Government agencies, animal and wildlife organisations and LGAT. This group, and local government advocacy, informed the 2022 amendment that responded to most issues raised in previous LGAT General Meeting resolutions (see below).

As noted in the background, work is underway to develop a new Tasmanian Cat Management Strategy 2024-29, with a meeting of the State Government / local government working group scheduled for 27 November. LGAT is participating in the working group and will engage more broadly with councils outside the working group when discussion materials are available. The State Government will also be direct consulting with councils to understand their priority issues and needs.

Recent relevant resolution are:

2006 - Impoundment and Disposal of Feral Cats

That the LGAT initiate discussions with the State Government to address the issue of efficient and humane impoundment and disposal of feral and unwanted cats

2007 - Cat Control Legislation

The Local Government Association of Tasmania request the State Government, as a matter of urgency, to introduce statewide legislation for the compulsory de-sexing and micro-chipping of non-breeding registered cats that can be administered by public non-government organization partnerships between the State Government and competent animal welfare organizations, rather than individual Local Government by-laws.

2016 – Cat Management Plan

That Members note the staged approach LGAT is pursuing in relation to the Cat Management Plan that:

- Allows the State Government and animal welfare organisations to raise awareness about the need for Tasmanians to manage cats through desexing and microchipping; and
- Any changes to legislation requiring Councils to take action on cat management particularly related to containment of cats only be supported once resources have been allocated.

2019 – cat control

That LGAT calls on the State Government as matter of urgency to set up, resource, and authorise a program within the relevant State agency of a kind equivalent to the former Fox Eradication Taskforce with a specific purpose of taking and coordinating immediate and continuing long-term direct action to control and reduce the population of stray and feral cats in all parts of Tasmania.

RESOLUTION 36/11.2024/C**Moved:** Deputy Mayor J Allwright**Seconded:** Cr J Honner**That** Council support this motion**CARRIED****For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Motion – Creation of Statutory Rights of Carriageway over Crown Road**Reserves *****Council – Huon Valley Council****Decision Sought**

That the Local Government Association of Tasmania (LGAT) request the State Government to urgently amend the *Crown Lands Act 1976* to establish automatic statutory rights of access over Crown Reserved Road for all landowners to access their adjoining properties that have Reserved Roads accessing their properties as proposed in the ‘Crown Lands – Reserved Road, Position Paper, July 2009’ to provide certainty of access to landowners generally and for the purposes of meeting access requirements under the Tasmanian Planning Scheme.

Background

Not all land in Tasmania has a legal frontage to a public road, whether this is maintained by a Council or by the State Government. A significant amount of land relies upon Crown “Road Reserves” for access to and from a public road.

In accordance with the provisions of the *Crown Land Act 1976* the Crown undertakes a practice of issuing licences to use Crown Land to landowners that rely upon a Road Reserve for access. Increasingly the Crown have been agreeing to Right of Way Easements over Road Reserves as an alternative.

The process for obtaining a licence or an easement is time consuming and is at cost of each landowner including survey costs, valuation costs, the purchase price and associated legal costs. All this to guarantee an access to their land that the Crown has allowed to be created in the first place without any public road frontage.

To some extent the licence system has worked effectively however with the Tasmanian Planning Scheme (TPS) coming into force across most Council’s there is a significant impact on the ability of a person to undertake development on a property that relies upon a licence.

Under the TPS, land that is within the Rural, Agricultural and Landscape Conservation zones (See Clauses 20.4.3, 21.4.3, 22.4.3) require new dwelling to be either located on lots that have frontage to a public road or, “must have legal access, by right of carriageway ...” to a public road.

Much of this land relies upon Road Reserves to provide for access so in any given application it will be necessary for the applicant to have applied to the Crown for a right of way easement in their favour before they can meet the planning scheme requirement for access. This will subsequently delay development and increase cost to the landowner who relies upon the Road Reserve.

This is also considered to be an unnecessary administrative burden on the Crown that can be addressed by other means.

In 2009 the Government undertook a review of the *Crown Lands Act*. As a result of that review the proposal was to amend the Act to establish automatic statutory rights of access over reserved roads for those that need it to access their property.

The review considered that a right be provided over land that did not otherwise have frontage to a road however there are many historic circumstances where road reserves were used irrespective of public access. There is no reason why any statutory right should be limited.

The proposed amendment would define landowner responsibilities and dispute resolution for shared accesses.

No amendments were made to the Act at the time and the reason for this is not known.

Given the changes made by the TPS there is now the opportunity to provide certainty to all landowners relying on a Reserved Road for access, to ensure easy compliance with the TPS and to reduce an unnecessary administrative burden for the Crown.

The proposal is to support amendments to the Act to address this issue.

As at **Attachment to item 2.8** Issues Paper, Consultation Report and Position Paper as background.

LGAT Comment

LGAT has no similar historical motions on record.

There are currently two reviews underway relevant to this matter: the [State Planning Provisions Review](#), for any required amendments to the Tasmanian Planning Scheme, and especially the [Road Legislation Management Review](#), which touches on the issue of reserved roads.

RESOLUTION 37/11.2024/C**Moved:** Cr R Cassidy**Seconded:** Deputy Mayor J Allwright**That** Council support motions 1 and 2 as detailed below**CARRIED****For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Motion – Development Assessment Panels update**Council – Local Government Association of Tasmania****Decisions sought****Motion 1**

That LGAT informs the State Government that local government supports the Government's Development Assessment Panels legislation, only if the eligible development applications are limited to social and affordable housing and applications for over \$1M if the council is the applicant and the planning authority

If this motion is supported, then the second motion does not need to be put. If the motion is lost, then we will put the following motion:

Motion 2

That LGAT informs the State Government that local government rejects the Government's Development Assessment Panels legislation but remains open to a well-designed Development Assessment Panels proposal in concept as a potential tool to resolve specific assessment problems.

Background

These two motions are raised by LGAT to gauge members position to the Tasmanian Government's proposed format and design for development assessment panels, as described in the [draft Land Use Planning and Approvals Amendment \(Development Assessment Panels\) Bill 2024](#) (the draft Bill). Member responses to these motions will determine LGAT's advocacy actions and their intensity. LGAT is to looking to establish whether the majority of members:

1. Support DAPs with the amended eligibility criteria specified above; or
2. Are open to a proper exploration of the case for DAPs and potentially a well-designed format that meets the needs of councils, communities and proponents; or
3. Wholesale reject any case for DAPs in Tasmania.

LGAT has received two related motions from members, relating to the planning authority role. These are:

Title: **“Council as a Planning Authority”**

Date: March 2021

Mover: Burnie City Council

Outcome: Lost

Decision Sought:

That LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the Land Use Planning and Approvals Act 1993 to -

- a) Delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and*
- b) Provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.*

Title: **“LUPAA Amendment Conflicts of Interest”**

Date: December 2021

Mover: Clarence City Council

Outcome: Carried

Decision Sought:

That LGAT lobby the State Government to investigate amending the Land Use Planning and Approvals Act 1993 to provide alternative mechanisms for consideration of the development applications submitted by elected members as a means to removing any perception of bias or conflict of interest. The investigation shall provide the pros and cons of any (alternative) solutions”.

During the Future of Local Government Review (FoLGR), the Local Government Board raised the issue of deconflicting councils’ role as both community elected representatives and planning authorities with a legal development control role. When this became contentious for the Government, it announced that it would not deal with this matter within the FoLGR.

Soon after in mid 2023, it announced that it would pursue development assessment panels. In late 2023 it released a Development Assessment Panel (DAP) Framework Position Paper.

At that time, 23 of 29 councils made submissions (available on the [State Planning website](#)). LGAT analysed these submissions qualitatively and found that:

1. No councils supported the DAPs proposal as designed at that time.

2. Only once council outright rejected DAPs under any circumstances in Tasmania.
3. Fourteen councils were open to DAPs in some form, but not as proposed.
4. At least nine councils found that the Government had not sufficiently made the case for DAPs in the Position Paper.
5. At least fourteen councils advised using the plentiful existing DAPs-like assessment pathways, including planning scheme amendments², major projects³, planning tribunal appeals⁴, major infrastructure projects⁵, and projects of state significance⁶.

The 2024 draft Bill closely resembles the format proposed in the 2023 Position Paper. None of the recommendations LGAT made in [its submission](#) have been adopted. Some small changes have been made that take the proposal further away from LGAT's recommendations.

Initial feedback from some councils and also informally from council officers indicate that the current proposal could be supported if the eligibility criteria was amended to only include social and affordable housing and applications for over \$1M if the council is the applicant and the planning authority.

RESOLUTION 38/11.2024/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT Council endorse the LGAT Strategic Plan 2025-2030 and note the LGAT Annual Plan 2025.

CARRIED 8/1

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Against the Motion

Cr A Archer

Draft LGAT Strategic Plan 2025-2030 and Annual Plan 2025*

<p>That Members:</p> <ul style="list-style-type: none">• Endorse the LGAT Strategic Plan 2025-2030• Note the LGAT Annual Plan 2025
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² *Land Use Planning and Approvals Act 1993* (LUPAA), [Part 3B, Division 4](#)

³ LUPAA, Part 4, [Division 2A](#)

⁴ LUPAA, Part 4, [Division 3](#)

⁵ *Major Infrastructure Development Approvals Act 1999*

⁶ *State Policies and Projects Act 1993*

Background

The LGAT General Management Committee at their 26 July 2024 meeting endorsed a six-year period for the Strategic Plan and discussed the key priorities for the Annual Plan 2025.

LGAT's uses a two-tier strategic planning framework, our Strategic and Annual plans, which has been in place since 2012.

The Strategic Plan sets the core areas that remain the same year on year, reflecting our functions under the *Local Government Act 1993*:

- Protect and represent the interests and rights of councils in Tasmania.
- Promote an efficient and effective system of local government in Tasmania.
- Provide services to member councils, councillors and employees of councils.

The Annual Plan details the specific focus areas for the year, providing key performance indicators across the priorities. The current plan is available on our [website](#)⁷.

LGAT Strategic Plan 2025-2030

The new Strategic Plan is for a six-year period, noting the yearly priorities are set in the Annual Plan. The Strategic Plan has three work areas:

- Advocate - working closely with our members, we provide advocacy and policy support on important issues affecting councils and the communities they serve.
- Sector services - we provide resources, services and advice that assist councils, so they are able to achieve better outcomes for their communities.
- Governance and operations - agile and efficient governance and operations to enable us to provide value to members.

The draft LGAT Strategic Plan 2025-2030 is provided as at **Attachment 2.10 A** for member approval.

LGAT Annual Plan 2025

The 2025 Annual Plan has been structured to better reflect the different roles that LGAT performs to support the local government sector and the relative priorities of these.

The previous Annual Plan was aligned with our business units – policy and advocacy, sector services and governance and operations, whereas our 2025 Annual Plan priority areas are:

- **Advocate** - to protect and represent the interests and rights of councils.
- **Member services** – to provide services to member councils that promote an efficient and effective system of local government in Tasmania

⁷ https://www.lgat.tas.gov.au/_data/assets/pdf_file/0023/1084073/Strategic-Plan-21-24.pdf

- **Sector support** - to deliver a range of projects and programs that support member councils.
- **Governance and Operations** - we will embed agile and efficient governance and operations to enable the Association to provide value to members.

Advocate

The Advocate domain is separated into two areas to highlight the work LGAT is doing for members. They are:

- Everyday support – delivering on members' General Meeting resolutions and representing the sector across a range of consultative groups.
- Focus issues – the key issues we work on for the local government sector with accompanying process and outcome KPIs.

Member services

This area was formerly 'Sector Services', but has changed name to differentiate from sector support. It includes the important areas of:

- **LGAT Procurement** - delivering the multi-year business plan with a focus on civil works and training.
- **Networks, learning and development** - this includes our annual events as well as specific learning and development opportunities.

Sector Support

The area covers the range of internally and externally funded activities we undertake to support councils. Like the Advocate domain it separates everyday support from focus issues and includes programs that we deliver that are funded by the State Government to support the local government sector.

Governance and operations

We continue to modernise our systems to support timely and high-quality member services.

We will build on the investments to date, such as in our Customer Relationship Management system and Microsoft SharePoint and Teams. We will maintain our ongoing focus on risk management and the strong workplace culture.

The LGAT Annual Plan 2025 was considered and approved by the GMC at their 15 October 2024 meeting and is provided as at **Attachment 2.10 B** for member's to note.

Budget Impact

Being undertaken within current resources and with external funding from the State Government to deliver specific programs.

Current Policy

Strategic Plan

- Advocate
 - Sector services
 - Governance and operations
-

20.10 CODE OF CONDUCT PANEL DETERMINATION REPORT**RESOLUTION 39/11.2024/C****Moved:** Cr J Honner**Seconded:** Cr R Cassidy**THAT** the Code of Conduct Panel Determination Report be received.**CARRIED****For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Local Government Act 1993
CODE OF CONDUCT PANEL DETERMINATION REPORT
CENTRAL HIGHLANDS COUNCIL CODE OF CONDUCT

Joint Investigation of complaints brought by:

Councillor Robert Cassidy, Councillor Jim Allwright, Councillor Yvonne Miller, Councillor John Hall and Councillor David Meacheam

Against Mayor Loueen Triffitt

Code of Conduct Panel

- Rob Winter (Chairperson),
- Roseanne Heyward (Local Government Member)
- Frank Neasey (Legal Member)

Date of Determination: [INSERT date]

Content Manager Reference: C33840, C34069, C34181, C33854 & C33853

Summary of the complaint

This is the Panel's determination report concerning its joint investigation into the alleged conduct of Central Highlands Council ("the Council") Mayor, Ms Loueen Triffitt.

The history leading to the initiation and conduct of this joint investigation is detailed below:

Initial Assessments:

Between 2nd May 2024 and 2nd June 2024, the Executive Officer of the Local Government Code of Conduct Panel appointed the Chairperson to conduct initial assessments of complaints made by the following Councillors of the Council on the following dates:

1. Councillor Cassidy – 22nd April 2024 (C33840)
2. Councillor Hall – 2nd May 2024 (C33854)
3. Councillor Meacheam – 23rd April 2024 (33853)
4. Councillor Allwright – 29th May 2024, (C34069) and
5. Councillor Miller – 27th April 2024

All complaints were assessed by the Chairperson as requiring further investigation, and a panel was appointed to conduct these investigations. ("the Panel")

During the initial assessment process, on 30th May 2024 the Chairperson determined that pursuant to s28ZA(1)(d) of the *Local Government Act 1993* ("The Act"), and referencing s28ZC(1)(b) of the Act, part of Councillor Cassidy's complaint should be referred to the Director of the Local Government Division ("the Director"), as it was considered that that part of Councillor Cassidy's complaint would be more appropriately dealt with by the Director.

On the 19th June, the Chairperson determined pursuant to s28ZA (1)(d) of the Act, and referencing s28ZC(1)(b) of the Act, that part of Councillor Allwright's complaint should be referred to the Director as it was considered that that part of Councillor Allwright's complaint would be more appropriately dealt with by the Director.

Respectively, on the 11th June 2024, and 12th July 2024, pursuant to s28ZC(2)(a) of the Act, the Director accepted the Chairperson's referral of these parts of both Councillors Cassidy and Allwright's complaints.

Following these initial assessment processes, and after the Director had accepted the referrals referred to above, the Panel met.

As it was considered that the complaints by Councillors Cassidy, Hall, Meacheam, Allwright and Miller were in relation to the same contravention of the Council's Code of Conduct, as adopted by the Council on the 16th December 2022 ("the Code"), the Panel's attention was drawn to s28ZF(1), as a consequence of which it determined pursuant to s28ZF (2) of the Act that it would seek to ascertain the wishes of all complainant councillors and Mayor Triffitt regarding the conducting of a joint investigation.

Correspondence to this effect was forwarded to all complainant councillors and Mayor Triffitt. All subsequently indicated that they had no objection to the Panel conducting a joint investigation.

On 9th July during a Panel meeting, it determined to conduct a joint investigation of all complaints pursuant to s28ZF (1) of the Act.

During this meeting the Panel also considered that as the total number of councillors involved in the joint investigation was six, the total number was more than half of the Council's councillors (six out of nine).

Because of this, with the total number of councillors involved being more than half of the Council, pursuant to s28ZF (3) of the Act, on the 17th July 2024, the complaints were referred to the Director.

By letter dated 13th August 2024 the Director advised the Panel that he had determined to refuse to accept the referral of the complaints pursuant to s28ZF (4) of the Act, citing the following as his reasons.

- Without forming a view on the veracity of the allegations being made in the Code of Conduct complaints, this office has already been involved in this matter and explored the extent to which the Mayor's recent conduct amounts to clear breaches of the provisions of the Act under my jurisdiction.
- In other respects, the conduct related concerns being raised by the complainants are matters outside my, or the Minister's primary jurisdiction. That is, the alleged breaches of a code can be more appropriately dealt with by the code of conduct framework. I note Complainant/s who raised issues with the panel are also seeking sanctions such as an apology (should any sanctions be appropriate after objective determination), which are within the Code of Conduct framework only.
- There are a range of historical issues raised in the documentation provided in the complainants' associated response, such as the failed General Manager recruitment process. I am aware of many of these issues, and the Office of Local Government has spent considerable time exploring how the Council can move forward and function effectively to resolve current issues collectively and develop more effective relationships. On 18th June I provided a letter of recommendations to the Council to support the resolution of several historical issues. These recommendations included immediate mediation, the development of a respectful relationships policy, an independent WHS review to respond to alleged bullying and harassment, and the appointment of an independent monitor/advisor to attend and objectively support council in improving meeting procedures, council processes,, and implement the other recommendations. (Council has since undertaken to implement

these recommendations and for this reason it may be that many matters extraneous to the core complaint but provided in associated materials all the same). Productivity being addressed by Council.

Upon the receipt of this advice, the Panel met on the 19th September to determine its next course of action.

During this meeting, the Panel reviewed all of the evidence before it (discussed subsequently in this Determination Report), and determined that it considered, pursuant to s28ZG(2)(a) and/or (b) of the Act that it may be able to jointly investigate the complaints without a hearing as it considered that neither the complainants nor Mayor Triffitt, would be disadvantaged if a hearing was not held and it was appropriate in the circumstances not to hold a hearing, and a hearing was unnecessary in the circumstances because the joint investigation could be adequately conducted by means of written submissions or examination of documentary evidence, or both.

To accord with its procedural fairness obligations, the Panel instructed the Executive Officer to forward a letter seeking each of the councillors' attitudes to the resolution of the joint investigation without the need for a hearing. This did not occur until the 1st October, 2024.

At this time, the Panel also instructed the Executive Officer to send a letter to Mayor Triffitt seeking her attitude to the conduct of the joint investigation without a hearing, and also seeking her submissions as to what she considered would be an appropriate sanction pursuant to s28ZI of the Act if, after determining the complaints, the Panel upheld any one or more complaint (or part thereof).

Having not heard from the Executive Officer as to any response received from any of the complainant councillors, nor Mayor Triffitt, follow-up correspondence was forwarded to all Councillors and Mayor Triffitt on the 10th October. Between the 16th October and the 18th October, all councillors bar Councillor Miller indicated that they were generally in agreement with the Panel proceeding to determine the complaints under joint investigation on the documentary evidence provided to it.

On the 19th October Councillor Millar emailed the Executive Officer to advise that she also was content for the complaints to be investigated without a hearing.

On the 21st October the Panel made a formal determination pursuant to s28ZG (2) that the complaints be investigated without a hearing, having no reason to change its preliminary views on this issue after receipt of submissions from all relevant councillors.

To ensure an expeditious resolution of the joint investigation, and without having made any determination in accordance with s28ZI of the Act, on the 28th October the Panel requested that the Director provide the Panel with a summary of all action taken by the Office of Local Government in relation to the Council, particularly in relation to Mayor Triffitt, on the basis that these actions may have some relevance to any action the Panel might take if it upheld any one or more complaint, or any part thereof.

On the 31st October the Director responded to the Panel's request, providing copies of the following documents:

- Performance Improvement Direction issued by Minister Street to Mayor Triffitt
- Covering letter from Minister Street to Mayor Triffitt
- Email from the Director to all CHC councillors summarising discussions held regarding governance issues and Mayor Triffitt's public comments.
- Letter from the Director to all CHC councillors providing broad governance advice.
- Letter from the Director to Mayor Triffitt responding to some concerns she had raised in conversation.

This documentation is discussed subsequently in this Determination Report.

Investigation

In accordance with section 28ZF (1) of the Act, the Panel investigated the complaints. The following documents have been presented to the Panel to consider as evidence in this matter.

1. Councillor Cassidy: Complaint dated 22nd April 2024, Mayor Triffitt's response to this complaint dated 14th June 2024 and Councillor Cassidy's response to Mayor Triffitt's response dated 2nd September 2024.
2. Councillor Allwright: Complaint dated 29th May 2024; Mayor Triffitt's response dated 6th July 2024 and Councillor Allwright's response to Mayor Triffitt's response dated 11th September 2024.
3. Councillor Hall: Complaint dated 2nd May 2024. Mayor Triffitt's response dated 27th June 2024 and Councillor Hall's response to Mayor Triffitt's response dated 3rd September 2024.
4. Councillor Meacheam: Complaint dated 23rd April 2024, Mayor Triffitt's response dated 28th June 2024 and Councillor Meacheam's response to Mayor Triffitt's response dated 10th September 2024.
5. Councillor Miller: Complaint dated 27th April 2024. Mayor Triffitt's response dated 27th June 2024 and Councillor Hall's response to Mayor Triffitt's response dated 10th September 2024

The Panel also had access to, and listened to, the audio recording of the Special Council Meeting of the Council, held at Bothwell on Friday 5th April 2024.

Determination

As per s28ZI (1) of the Act the Code of Conduct Panel determines the complaints against Mayor Triffitt by, in the case of each of the 5 complaints, upholding part of the complaint and dismissing the remainder of the complaint.

Reasons for determination

1. Summary of Complaints

The Complainants' complaints of alleged breaches of the Code.

1. Councillor Robert Cassidy alleged that Mayor Triffitt had breached Part 1 - Decision Making, clauses 1, 2, 3, and 4; Part 2 – Conflicts of Interest that are not Pecuniary, clauses 1,2,3,4 and 6; Part 3 – Use of Office, clause 1; Part 7- Relationships with Community, Councillors and Council Employees, clauses 1(a) and (b) and 2 and Part 8 - Representation, clauses 5 and 7 of the Code. This complaint related to Mayor Triffitt's involvement with the Performance Review of the Council's General Manager, Ms Kim Hossack in the period January 2024 to April 2024, and particularly her alleged behaviour in the Special Council meeting of the 5th April 2024, and the Council meeting on 16th April 2024.
2. Councillor David Meacheam alleged that Mayor Triffitt had breached Part 3 – Use of Office, clause 1; Part 7 - Relationships with Community, Councillors and Council Employees, clauses 7(1)(a) and (b) and Part 8 - Representation, clauses 5 and 7 of the Code. The complaint related to Mayor Triffitt's involvement with the Performance Review of the Council's General Manager, Ms Kim Hossack in the period January 2024 to April 2024, and particularly her alleged behaviour in the Special Council meeting of the 5th April 2024, and the Council meeting on 16th April 2024.
3. Councillor John Hall alleged that Mayor Triffitt had breached Part 1 - Decision Making, clauses 1, 2, 3 and 4; Part 2 – Conflicts of Interest that are not Pecuniary, clauses 1, 2 and 3; Part 3 – Use of Office, clause 1 and Part 8 - Representation, clauses 5 and 7 of the Code. The complaint related to Mayor Triffitt's involvement with the Performance Review of the Council's General Manager, Ms Kim Hossack in the period January 2024 to April 2024, and

particularly her alleged behaviour in the Special Council meeting of the 5th April 2024, and the Council meeting on the 16th April 2024.

4. Councillor James Allwright alleged that Mayor Triffitt had breached Part 3 – Use of Office, clauses 1 and 2 Part 7- Relationships with Community, Councillors and Council Employees, clauses 1(a), (b) and (c) and Part 8 - Representation, clause 2 of the Code. The complaint related to Mayor Triffitt's involvement with the Performance Review of the Council's General Manager, Ms Kim Hossack in the period November 2023 to April 2024, and particularly her alleged behaviour in the Council meeting of the 19th March 2024, the Special Council meeting of the 5th April 2024, and the Council meeting on 16th April 2024.
5. Councillor Yvonne Miller alleged that Mayor Triffitt had breached Part 7-Relationships with Community, Councillors and Council Employees, clauses 1(a), (b) and (c) of the Code. The complaint relates to Mayor Triffitt's involvement with the Performance Review of the Council's General Manager, Ms Kim Hossack in the period January 2024 to April 2024, and particularly her alleged behaviour in the Council meeting of the 19th March 2024 and in the Special Council meeting of the 5th April 2024.

Findings of Fact

Having considered all of the evidentiary material provided to it during this joint investigation, the Panel is satisfied of the following facts to the requisite standard:

- The background to all complaints relates to issues concerning the handling of the performance review process for the Council's General Manager (Kim Hossack).
- At the conclusion of the Council meeting on the 19th March 2024 and despite her denials, accepting the evidence of Councillors Miller and Allwright, the Panel is satisfied that Mayor Triffitt did say to the General Manager "you're the problem", causing her to become upset.
- The facts relating to Councillor Allwright's allegations arising out of the 19th March 2024 Council Meeting are set out in the addendum to this Determination Report.
- It was appropriate given the difficulties with the General Manager performance review process, for the Council to retain the services of Mrs Lynne Mason, an expert in local government and an individual who had previously undertaken similar type work for the council, to conciliate in this process.
- The Panel finds that the special meeting of the 5th April 2024 was a lawfully convened and constituted meeting of the Council.
- On all the evidence before it, and despite Mayor Triffitt's concerns regarding the way the special meeting of the Council on the 5th April 2024 was requested, and the extent to which there was strict compliance with the *Local Government (Meeting Procedures) Regulations 2015*, in relation to Motions before the meeting, the Panel is satisfied, having closely listened to the audio recording of this meeting, that the legal advice Mayor Triffitt had sought from the Council's solicitor, Mr David Morris of Simmons Wolfhagen, prior to this meeting (and who was present at the meeting), was misrepresented by Mayor Triffitt – something Mr Morris felt compelled to, and in fact did – verbally challenge in the meeting. Further, having closely listened to the audio recording of this meeting, the Panel is satisfied that Mayor Triffitt made the following comments:
 - That the meeting was "an abuse of power of every single Councillor at this meeting"
 - "Allwright and Cassidy and others behave in a manner which to me seems like a personal and emotional attachment to the General Manager".
 - "...and I have no faith in your ability to participate on a professional level"

- "...reeks of collusion and possible corruption"
- 'perceived collusion of councillors'
- Reiterates her "concerns for collusion and corruption."
- With regard to the meeting of 16th April:
 - The council meeting of 16th April was conducted in public.
 - Motion 15.1 – Notice of Motion – Deputy Mayor J Allwright sought the following:
 1. That the Mayor formally retracts her allegations of collusion, corruption by all councillors, the general manager and Ms Lyn Mason and a personal or emotional attachment to the general manager by some councillors which was made at the special meeting of Council held on Friday 5th April, 2024
 2. That at her own expense and forthwith, the Mayor has published in the Highlands Digest and the New Norfolk and Derwent Valley News, a Notice of her retraction in relation to the same matters.
 -
 - When this Motion was proposed Mayor Triffitt commenced reading from a prepared statement, which the Panel finds did not accurately represent all of which was said in the meeting of the 5th April 2024.
 - With some amendments this Motion was carried seven votes to two with Mayor Triffitt voting against it and Councillor Honnor abstaining.

There was no evidence before the Panel that the allegations were specifically retracted by Mayor Triffitt

3. Findings re alleged breaches of the Code.

Upon all the material before the Panel, and having regard to the Panel's findings of fact, set out below are the Panel's findings regarding the breaches of the Code as alleged by each of the complainants.

19th March 2024 Meeting.

Councillor Miller – alleged breach of Part 7(1)(a) of the Code.

The Panel is satisfied on the evidence before it that Mayor Triffitt breached this provision of the Code in her dealings with the General Manager after this meeting by not treating Ms Hossack fairly by saying to her 'you're the problem'. This alleged breach of the Code is substantiated. There is clear evidence from Crs Miller and Allwright of Cr Triffitt's use of these words, which the Panel accepts despite Mayor Triffitt's denial of their use.

Councillor Allwright – re alleged breach of Part 3 (1) and (2) and Part 8 (2) – refer to addendum to this Determination Report.

5th April 2024 Meeting

Councillors Cassidy and Hall – alleged breach of Part 1 (1)(2),(3) and (4) of the Code – decision-making.

On the evidence before it the Panel finds that Mayor Triffitt came to the Special Meeting on the 5th April 2024 without an open and unprejudiced mind on all matters to be discussed and decided upon during this meeting, being in the course of her duties. The Panel is satisfied of this in particular as it was clear from the audio recording that Mayor Triffitt was reading from a pre-prepared script whereby, she not only mis-represented the legal advice she had been provided with by Mr Morris, but used accusatory words and phrases in respect of other councillors clearly indicative of the views she had already formed. The Panel finds that a breach of Part 1 (1) is substantiated.

There being no evidence of any actual decision being made at this meeting, the tenor of all the complaints by all complainants against Mayor Triffitt relating to her conduct in this meeting, the Panel is unable to find as substantiated any breaches of Part 1 (2), (3) and (4).

Councillors Cassidy and Hall –(collectively) alleged breaches of Part 2(1), (2), (3), (4) and (6) of the Code – Conflicts of interest which are not pecuniary.

There was no evidence put before the Panel by either of these complainants, and in the Panel's view there isn't any, that at the time of the meeting on the 5th April 2024 (nor at any other time), Mayor Triffitt had any relevant non-pecuniary conflict of interest.

The Panel finds that the alleged breaches of Part 2 of the Code by these complainants are unsubstantiated.

Councillors Cassidy, Meacheam, Allwright and Hall – collectively alleged breaches of Part 3(1) and (2) of the Code – use of office.

Based on the clear content of the audio recording of the meeting of the 5th April 2024 and given that they occurred in the part of the meeting that was open to the public, the Panel is satisfied that Mayor Triffitt's actions in this meeting did bring the Council and/or the Office of Councillor into disrepute. The actions to which the Panel refers are the making of the derogatory comments in respect of other councillors present at the meeting as set out above under the heading 'Findings of Fact', comments the Panel is satisfied had no proper basis to be made.

The Panel finds the alleged breach of Part 3 (1) of the Code to be substantiated.

As to the alleged breach of Part 3(2) of the Code, the Panel is not satisfied that there is any evidence in Cr Triffitt's conduct at the meeting of 5th April 2024 of any improper influence of others in the manner described in that clause and accordingly does not find this alleged breach to be substantiated.

Councillors Cassidy, Meacheam, Allwright, Miller (not Councillor Hall) – collectively alleged breaches of Part 7 (1) (a), (b) and (c) and (2) of the Code – relationships with Community Councillors and Council employees.

The Panel finds on all the available evidence, that Mayor Triffitt did not treat the Councillors present at the meeting of the 5th April (the subject of her comments as referred to above), Ms Mason and Mr Morris, fairly. The audio recording clearly indicates her talking over other people and preventing them from speaking. The Panel notes the clear and emphatic contradiction of Mayor Triffitt's assertions about Ms Mason by that person at the meeting and the clarification of his legal advice by Mr Morris following Mayor Triffitt's misrepresentation of it.

The Panel finds the alleged breach of Part 7 (1)(a) is substantiated.

For the reasons indicated above, the Panel also finds that Mayor Triffitt's conduct did cause the same persons offence or embarrassment, such persons the Panel finds as reasonable.

The Panel finds the alleged breach of Part 7 (1)(b) is substantiated.

Although there is evidence of Mayor Triffitt seeking to excessively control the meeting/debate which limited opportunities for those present to speak, the Panel is not satisfied that her conduct amounted to bullying and harassing behaviour.

The Panel does not find the alleged breach of Part 7 (1)(c) to be substantiated.

Regarding the alleged breaches of Part 7 (2), on all the available evidence, particularly the audio recording of the meeting of the 5th April 2024, it is clear that during a properly constituted council meeting, Mayor Triffitt did not listen to or respect the views of other councillors who were participating.

The Panel finds the alleged breach of Part 7 (2) is substantiated.

Councillors Cassidy, Meacheam, Hall – Part 8 (5) and (7) of the Code – Representation.

With regard to Part 8 (5), on the available evidence the Panel was not satisfied that Mayor Triffitt's personal views were being expressed publicly in such a way as to undermine the decisions of the Council. The Panel does however refer to its previous finding that by her conduct in this meeting Mayor Triffitt was in breach of Part 3 (1) and for the reasons expressed in relation to that finding, the Panel also finds that Mayor Triffitt expressed her personal views publicly at the meeting of 5th April in such a way as to bring the Council into disrepute.

The Panel finds the alleged breach of Part 8 (5) is substantiated.

Regarding Part 8 (7), the Panel finds on all the available evidence, particularly the evidence discussed in respect of the breach of Part 3(1), that the personal conduct of Mayor Triffitt at the meeting of 5th April did reflect, or at least had the potential to reflect adversely on the reputation of the Council.

The Panel finds the alleged breach of Part 8 (7) is substantiated.

16th April 2024 Meeting:

Councillors Cassidy and Hall – alleged breach of Part 1 (1), (2), (3) and (4) of the Code – Decision Making.

On all available evidence, the Panel finds that Mayor Triffitt came to the meeting on 16th April without an open and unprejudiced mind, particularly in relation to Motion 15.1 (referred to previously in this Determination Report). The Panel is satisfied of this in particular as it was clear from the audio recording that Mayor Triffitt was again reading from a pre-prepared script in which she refuted or attempted to ameliorate the comments she made in the meeting of 5th April, which the Panel has found to be inaccurate. The Panel finds that a breach of Part 1 (1) is substantiated.

The decision of Mayor Triffitt to vote against the motions was not unexpected, in all of the circumstances confronting her during this meeting. Mayor Triffitt voted as one would have expected, in accordance with her own position and as she was entitled to do. Given that the motions were concerned with her own prior conduct, and therefore an element of bias was inevitably involved in her voting, in the Panel's view simply voting against them cannot comprise a breach of Part 1(2) of the Code.

Although a decision (i.e. the passing of the Motion) was made at this time, and in that respect this situation differs from the events of the 5th April 2024 meeting, the Panel finds the allegation of a breach of Part 1 (2) unsubstantiated.

For the reasons indicated regarding Part 1 (2), the Panel finds the alleged breaches of Part 1 (3) and (4) are unsubstantiated.

Councillors Cassidy and Hall (collectively): - alleged breaches of Part 2 (1)(2)(3) (4) and (6) of the Code – Conflicts of Interest which are not pecuniary.

For the same reasons for its finding in relation to these alleged breaches of the Code relating to the events of the meeting of 5th April 2024, the Panel finds that there is no evidence before it from any of these complainants that, at the time of this meeting, Mayor Triffitt had any relevant non-pecuniary conflict of interest.

The Panel finds that none of the alleged breaches of Part 2 are substantiated.

Councillors Cassidy, Meacheam and Hall (collectively) alleged breaches of Part 3(1) and (2) of the Code- Use of Office.

As the meeting of the 16th April occurred with members of the public and council staff present and as the Panel has found that Mayor Triffitt repeated and misrepresented what was said in the meeting of the 5th April 2024 (which was clearly recorded), even with her attempts to ameliorate her comments by referencing her use of the words "possible" or "perceived" "corruption/collusion", the Panel is satisfied that her actions during this meeting did bring the Council and/or the office of councillor into disrepute. This allegation is substantiated.

As with its findings in relation to this allegation concerning the meeting of the 5th April 2024, in relation to the alleged breach of Part 3 (2) of the Code, the Panel is not satisfied that there is any evidence in Mayor Triffitt's conduct at the meeting of the 16th April 2024 of any improper influence of others in the manner described in that clause and accordingly finds this alleged breach unsubstantiated.

Councillors Cassidy, Meacheam, Allwright, Miller (not Councillor Hall) – collectively alleged breaches of Part 7 (1) (a) (b) (c) and (2) of the Code – relationships with community, councillors and council employees.

As with its findings in relation to Mayor Triffitt's behaviours in the meeting of the 5th April 2024, on all of the evidence available to it, the Panel finds that Mayor Triffitt did not treat the councillors present at the meeting of the 16th April fairly. The audio recording clearly indicates Mayor Triffitt talking over councillors and preventing them from speaking as she read from a clearly pre-prepared script.

The Panel finds the alleged breach of Part 7 (1) (a) is substantiated.

For the reasons indicated above, the Panel also finds that Mayor Triffitt's conduct did cause those persons offence or embarrassment, such persons the Panel finds as reasonable.

The Panel thus finds the alleged breach of Part 7 (1) (b) is substantiated.

As with the findings regarding the meeting of the 5th April 2024, the Panel is not satisfied that Mayor Triffitt's conduct during this meeting amounted to bullying and embarrassing behaviour.

The Panel does not find the alleged breach of Part 7 (1) (c) to be substantiated.

With regard to the alleged breach of Part 7 (2) on all of the available evidence, particularly the audio recording of the meeting of the 16th April 2024, it is clear to the Panel that Mayor Triffitt did not listen to, nor respect the views of the other councillors who were participating in the debate relating to Motion 15.1.

The Panel finds the alleged breach of Part 7 (2) substantiated.

Councillors Cassidy, Meacheam, Hall – Part 8 (5) and (7) of the Code – Representation.

With regard to Part 8 (5), on the available evidence the Panel was not satisfied that Mayor Triffitt's personal views were being expressed publicly in such a way as to undermine the decisions of the Council. The Panel does however refer to its previous finding that by her conduct in this meeting Mayor Triffitt was in breach of Part 3 (1) and for the reasons expressed in relation to that finding,

the Panel also finds that Mayor Triffitt expressed her personal views publicly at the meeting of the 16th April in such a way as to bring the Council into disrepute.

The Panel finds the alleged breach of Part 8 (5) is substantiated.

Regarding Part 8 (7), the Panel finds on all the available evidence, particularly the evidence discussed in respect of the breach of Part 3(1), that the personal conduct of Mayor Triffitt at the meeting of the 16th April did reflect, or at least had the potential to reflect adversely on the reputation of the Council.

The Panel finds the alleged breach of Part 8 (7) is substantiated.

Sanction

Section 28ZI (2) states that

(1) After completing its investigation of a code of conduct complaint, the Code of Conduct Panel is to determine the complaint by –

(a) upholding the complaint; or

(b) dismissing the complaint; or

(c) upholding part of the complaint and dismissing the remainder of the complaint.

(2) If the code of conduct complaint or part of it is upheld, the Code of Conduct Panel may impose one or more of the following sanctions on the councillor against whom the complaint is made:

(a) a caution;

(b) a reprimand;

(c) a requirement to apologise to the complainant or other person affected by the contravention of the code of conduct;

(d) a requirement to attend counselling or a training course;

(e) a suspension from performing and exercising the functions and powers of his or her office as a councillor for a period not exceeding 3 months.

(3) If the code of conduct complaint or part of it is dismissed, the Code of Conduct Panel may determine that the complainant may not make a further complaint in relation to the same matter for a period not exceeding 12 months unless the complainant provides substantive new information in the further complaint.

In their initial complaints, the complainants have indicated the following desired outcomes.

1. Cr Cassidy - that Mayor Triffitt recants her assertions of abuse of power, corruption and collusion and resigns, but that if she refuses to, she be subject to specified targeted training to improve her behaviour as a Mayor.
2. Cr Hall seeks a withdrawal or retraction of the words used by Mayor Triffitt in the 5th April 2024 meeting, in addition to her undertaking further training as a Mayor and acting in a more appropriate manner to Councillors and staff, especially the General Manager.
3. Cr Meacheam seeks a retraction of the words used by Mayor Triffitt in the 5th April 2024 meeting, published in the media, along with appropriate corrective action and a Performance Improvement Direction, or a suspension of up to three months.
4. Cr Allwright seeks a three-month suspension.
5. Cr Miller seeks a public apology, and a retraction of what Mayor Triffitt said in the meeting of the 5th April 2024, in the New Norfolk News, and Mercury.

In the Panel's consideration of the material provided by the Director under cover of his email of 3rd October 2024, particularly the Performance Improvement Direction ("PID") given to Mayor Triffitt pursuant to s214M of the Act by the then Minister for Local Government, the Honourable Nick Street MP, dated 2nd August 2024, and the content of Schedule 2 to the PID entitled "Actions Required for Improved Performance (S214M) (3)(a) of the Act", the Panel sought clarification from the Director as to whether or not Mayor Triffitt had complied with the four directed actions within the timeframe specified in the PID.

Subsequent advice from the Director was that both actions 1 and 2 (relating to Mayor Triffitt being required within 30 days of the PID to undertake specific Mayoral training), had been complied with.

In this advice the Director also confirmed that actions 3 and 4 – directing Mayor Triffitt to refrain from making unfounded public statements alleging any abuse of power, collusion or possible corruption (or words to that effect) by Councillors and/or Council staff and to refrain from making public statements that are contrary to qualified legal advice given to council, were binding and remained in place for the entirety of the Mayor Triffitt's current term in office.

As a consequence, should Mayor Triffitt fail to comply with either of these remaining two requirements of the PID, the Minister may exercise the power to suspend the councillor from office of councillor for a period not exceeding six months, pursuant to s214O (1)(a) of the Act (see Schedule 4 to the PID.)

In the Panel's view, this "Sword of Damocles" provides significant motivation for Mayor Triffitt to behave in an appropriate way, and not contrary to these directions of the PID, and in particular to not repeat the conduct that the Panel has found amounted to the substantiated breaches of the Code.

In light of this, the Panel has determined that the most appropriate sanction for Mayor Triffitt as a result of the substantiated breaches of the Code, is that she be reprimanded.

The Panel gave careful consideration to imposing on Mayor Triffitt a requirement to apologise to the complainants but decided that there would be little utility in all the circumstances in imposing this sanction.

There is evidence before the Panel of Mayor Triffitt asserting that she had apologised. There is also evidence from the complainants that this is disputed, or of any such apology not being accepted by the complainants.

Additionally, there is no evidence of Mayor Triffitt retracting the allegations she had made in the meeting of 5th April 2024.

In any event, even if the Panel had determined to impose a requirement to apologise, the Panel considered that it did not have the power to prescribe the words/form of any such apology, nor did it have the power to order the comments made by Mayor Triffitt in the meeting of 5th April 2024 to be retracted.

The Panel also wishes to make it clear that but for the PID issued by the Minister for Local Government on 2nd August 2024, with potential sanctions remaining in place for the entirety of Mayor Triffitt's current term in office as discussed, (i.e. the potential for her to be suspended for up to six months in the event of non-compliance with the remaining directions), the Panel would have in all the circumstances imposed a period of suspension on Mayor Triffitt as an appropriate sanction for the substantiated breaches of the Code.

Timing of the Determination

In accordance with section 28ZD (1)(a) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's

determination that the whole complaint is to be investigated and determined. This applies in the case of the complaints by Councillors Hall, Meacheam and Miller.

In accordance with section 28ZD (1)(b) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 120 days of the chairperson's determination that part of the complaint is to be investigated and determined, but to refer to a person or other authority another part of the complaint. This applies in the case of the complaints by Councillors Cassidy and Allwright.

The Panel has been unable to investigate and determine any of the complaints within the required time, because of the number of complainants, the determination to undertake a joint investigation of all complaints, delay receiving a response to the Panel's referral of the complaints to the Director pursuant to s28ZF (3) of the Act and the volume of material to be considered by the Panel.

Right to Review

A person aggrieved by the determination of a complaint by the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination on that ground.



Robert Winter
Chairperson



Frank Neasey
Member



Roseanne Heyward
Member

DATE 12 November 2024

21. CONSIDERATION OF SUPPLEMENTARY AGENDA ITEMS TO THE AGENDA

Nil

22. CLOSURE

Mayor Triffitt thanked everyone for their contribution and declared the meeting closed at **12.10 pm**.

Mayor L Triffitt

Dated: 10 December 2024