

Table of Contents

Item No	Item	Page
233/16	Confirmation of Minutes 21 November 2016	4
234/16	Confirmation of Closed Session Minutes 21 November 2016	4
235/16	Confirmation of Annual General Meeting Minutes 21 November 2016	4
236/16	Confirmation of Agenda	5
237/16	Declaration of an Interest by Councillors	5
238/16	Dorset Council Management Team Briefing Report	5
239/16	Council Workshops Held Since Last Council Meeting	5
240/16	Councillor Applications for Leave of Absence	5
241/16	Public Question Time	5-6
242/16	Deputations	6
243/16	Councillor Question Time	6-7
244/16	Notices of Motion by Councillors	7
245/16	Notice of Motion – Cr S D Moore – Bridport Recreation Ground Clubrooms Upgrade	7
246/16	Planning Application – Level 2 Activity – 100 Fullbrooks Road NABOWLA	8-13
247/16	Food Safety Policy Review	13-14
248/16	Electronic Communications Policy Review	14
249/16	Sale of Old Winnaleah Fire Station	14-15
250/16	Gifts & Benefits Policy	15
251/16	Variations to Annual Plan and Budget Estimates 2016/17	16
252/16	Barry Jarvis Education Scholarship Expansion – Associate Degree in Agribusiness	17
253/16	Move to Closed Session	17

Closed Session Agenda Items

254/16	Aminya/James Scott Update
255/16	Tebrakunna Conversion Update
256/16	Move to Open Council
Close	

Dorset Council Meeting

Minutes

19 December 2016

The Meeting Opened: 6.00 pm

Present: Crs G J Howard (Mayor), M A Hall (Deputy Mayor), S A Arnold, S D Moore, L S Quilliam, S Y Martin, L C Stein, D R Jessup

General Manager T J Watson, Director – Corporate Services G R Jetson, Director – Community & Development R Willis, Director – Infrastructure D Griffin

Apologies: Nil

233/16	Confirmation of Ordinary Council Meeting Minutes 21 November 2016 Ref 16/12105
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Crs Arnold/Stein

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 21 November 2016, having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

234/16	Confirmation of Ordinary Council Meeting Closed Session Minutes 21 November 2016 Ref 16/12104
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Crs Martin/Quilliam

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 21 November 2016, having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

235/16	Confirmation of Annual General Meeting Minutes 21 November 2016 Ref 15/12103
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Crs Quilliam/Arnold

That the Minutes of Proceedings of the Dorset Council Annual General Meeting held on 21 November 2016, having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

236/16	Confirmation of Agenda
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Crs Jesup/Martin

That Council confirm the Agenda and order of business for the 19 December 2016 Council Meeting.

Carried Unanimously

237/16	Declaration of an Interest of a Councillor or Close Associate
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Cr D R Jessup – Agenda Item 246/16 (Declared at 21 November 2016 Council Meeting)

238/16	Dorset Council Management Team Briefing Report
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Ref: 16/12929

The purpose of this agenda item is to provide Councillors and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

Recommendation

That the Dorset Council Management Team Briefing Report be received and noted.

Decision

Cr Hall/Moore

That the Dorset Council Management Team Briefing Report be received and noted.

Carried Unanimously

239/16	Council Workshops Held Since Last Council Meeting
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- **6 December 2016 – Briefing Workshop**

240/16	Applications for Leave of Absence
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Nil

241/16	Public Question Time
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Mr Simon a'Campo:

I am just wondering whether during this whole process, are the Councillors all aware that contrary to the Land Use Planning & Approval Act that the General Manager is and has refused to comply with that as per an email received by myself on Friday?

Response from Mayor, Greg Howard

Yes, we all received that email and are aware.

Mr Robert Ravens:

Is the Council aware of two impending and quite significant tourism developments around Bridestowe Estate are now under question pending the kind of responses we are going to get from the Council about the environmental protection and attitudes to conflicts in the neighbourhood?

Response by Mayor, Greg Howard:

Well I am, as I have had a discussion with you Robert, but I am unsure about the other Councillors.

Further, impending developments don't have any effect on the matter before us unless there is already a development application lodged, which there is not.

242/16	Deputations
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Mr Peter Riggall – Item 246/16 – Planning Application (attached)

243/16	Councillor Question Time
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Cr Leonie Stein:

I would like Council to approach State Growth to reconsider the placement of the proposed signage at the completed road works in Main Street, Bridport to be a pole on either side of the footpath with a sign above (not a pole in the middle of the footpath), because if it continues the way it is, people with motorised scooters/wheelchairs and prams will not be able to use the footpath and they will have to go out on the road which is dangerous and not acceptable

Response by Director – Infrastructure, Dwaine Griffin:

Council looked at the plans and have since sent a letter off to State Growth asking for them to revisit this issue, so we are waiting to hear back from them.

Cr Shaun Moore:

In regards to the road upgrade at Bridport, the new section there at Trent Water. The intersection itself, do you have any information on when this will be completed?

Response by Director – Infrastructure, Dwaine Griffin:

Scheduled to be sealed prior to Christmas.

Cr Lawrence Archer:

The North East Touring Map which has been produced, how come the Bridport Information Centre hasn't received any?

Question Taken on Notice

Cr Dale Jessup:

We spoke a couple of months ago about some improved signage on the exit road from Bridestowe Estate to guide tourists up into the North East. Have we done anything with this yet, as I was down there a few weeks ago and the signage is very limited.

Response by General Manager, Tim Watson:

No. Neil Grose and I haven't got to this yet, as we have to work out what we think will be effective to put on it. A sign, you wouldn't get much change out of \$10,000 - \$15,000 by the time you go through production costs, etc.

244/16	Notices of Motion by Councillors
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Nil

245/16	Notice of Motion – Cr S D Moore - Bridport Recreation Ground Clubrooms Upgrade
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Ref: 16/12948, Notice of Motion: 16/12958

Purpose

The purpose of this agenda item is to consider a Notice of Motion proposed by Councillor S D Moore.

Recommendation

That Council commit to providing up to \$250,000 toward the upgrade of the Bridport Recreation Ground Clubrooms. This financial commitment being subject to Council receiving matching funding from either a State or Federal Government funding program.

Decision

Crs Moore/Stein

That Council commit to providing up to \$250,000 toward the upgrade of the Bridport Recreation Ground Clubrooms. This financial commitment being subject to Council receiving matching funding from either a State or Federal Government funding program.

Voting For the Motion: Mayor Howard, Deputy Mayor Hall, Crs Moore, Jessup, Archer, Arnold, Stein, Martin

Voting Against the Motion: Cr Quilliam

Carried

Councillors were reminded that they acting as a Planning Authority for Item 246/16

Councillor D R Jessup declared at interest in Agenda Item 246/16 and left the meeting.

246/16	Planning Application – Level 2 Activity - 100 Fullbrooks Road NABOWLA Reporting Officer: Town Planner, Rohan Willis Ref: 16/11773 DEV 2016/71
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Purpose

The purpose of this report is for Council to consider a proposal for an increase in volume of gravel extraction at 100 Fullbrooks Road, Nabowla.

Recommendation

It is recommended that the proposal for extraction of up to 50,000 m³ of gravel annually (Level 2 activity) at 100 Fullbrooks Road, Nabowla be approved subject to the following conditions:

1. Basis of Approval

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (DEV No. 2016/71). Any substantial variation from this application will require the further planning consent of the Council.

2. Permit Conditions – Environment Protection Authority

The person responsible must comply with the conditions contained in Schedule 2 of Permit Part B (Permit Conditions – Environmental No. 8635), which the Board of the Environment Protection Authority has required the planning authority to include in this permit, pursuant to Section 25(5) of the *Environmental Management and Pollution Control Act 1994*, dated 8 November 2016.

3. Condition Report – Gillespies Road

- (a) Prior to the commencement of the approved use, a Condition Report of Gillespies Road, from the western-most access point onto Gillespies Road (approved by this permit) to the Gillespies Road / Golconda Road junction, must be prepared by a suitable qualified engineer and to the satisfaction of the Council’s Director of Infrastructure,
- (b) All costs associated with preparation of the Condition Report in (a) above will be at cost to the person responsible.

4. Annual Road Maintenance and Repair Contribution – Gillespies Road

The person responsible for the use authorised by this permit must pay annually a road maintenance and repair contribution in respect of Gillespies Road (the contribution). The contribution:

- a) is to be calculated:

- i. on the basis of a minimum 10,000 m³ of gravel cartage per annum being directed onto Gillespies Road via the cartage methods adopted by the person responsible; and
 - ii. at the rate of 10 cents per tonne of gravel identified in (i) above; and
- b) is payable annually in arrears calculated in accordance with production returns for relevant calendar year submitted to Mineral Resources Tasmania; and
- c) must be paid to the Dorset Council as the corporation responsible for maintenance of Gillespies Road, pursuant to the *Local Government (Highways) Act 1982*.

5. Part 5 (Section 71) Agreement

Prior to this permit becoming effective, a Section 71 agreement must be executed, to the satisfaction of the Council's Town Planner, which provides for the following:

- i. a financial contribution to Dorset Council, by the person responsible and to the satisfaction of the Council's Director of Infrastructure, to the upgrading of Gillespies Road (from the Golconda Road junction through to the section north of Knights Road where the pavement width widens from 5.1 metres to 6.2 metres, approximately 800 metres north of the Golconda Road junction) to increase both seal width and road shoulder width so as to ensure the road is constructed, designed and maintained in a condition suitable to the mix of users of the applicable section of road.

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All cost associated with preparing and registering the Agreement must be borne by the person responsible.

6. Construction of Access – Gillespies Road

- (a) Prior to utilising Gillespies Road for the cartage purposes of the use authorised by this permit, each of the two (2) existing vehicle accesses, from the road verge of Gillespies Road and to the property boundary of the Crown Land being relied upon for the approved use, must be fully sealed and constructed in accordance with Council's rural roads access requirements.
- (b) All minor works in the road reserve of Gillespies Road described in (a) must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with the Council as a "Registered Contractor" or a person who is otherwise approved by the Council's Director of Infrastructure to undertake the works. Prior to the commencement of any works the Council's Director of Infrastructure must be notified of the contractor's name and registration number. The Council's Director of Infrastructure must also be informed of the commencement date, duration and nature of the works.
- (c) All works and requirements identified in (a) and (b) will be at cost to the person responsible.

7. Warning Signage

- (a) Prior to utilising Gillespies Road for the cartage purposes of the use authorised by this permit:

- i. a W5-22 “B” size ‘Truck Turning’ warning sign must be installed within the road reserve of Gillespies Road and approximately 65 metres to the southeast of the truck entry access point for the use; and
 - ii. signage must be installed that clearly distinguishes cartage route entry/exit pathways to the two (2) existing accesses onto Gillespies Road for the use and in immediate proximity to each access.
- (b) Prior to utilising Bridport Back Road for the cartage purposes of the use authorised by this permit:
 - i. W5-22 “B” size ‘Truck Turning’ warning signs must be installed within the road reserve of Bridport Back Road and approximately 100 metres prior to the junction of Fullbrooks Road for both approaches (northward and southward).
- (c) Installation of signs identified in (a) and (b) above must be located and installed to the satisfaction of the Council’s Director of Infrastructure. The Council’s Director of Infrastructure must also be informed of the commencement date, duration and nature of the works.
- (d) All costs associated with signage required in (a) and (b) above will be at cost to the person responsible.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

Amendment

Cr Howard/Quilliam

8. Road Delineation – Gillespie’s Road

- a. Prior to utilising Gillespie’s Road for the cartage purposes of the approved use that a delineation line of 800m from Golconda Road must be line marked to the satisfaction of Dorset Council Director of Infrastructure.
- b. All works and requirements identified in (a) above will be at cost to the person responsible.

Voting For the Amendment: Mayor Howard, Crs Moore, Quilliam, Stein, Martin, Arnold

Voting Against the Amendment: Deputy Mayor Hall, Cr Archer

Carried

The Amendment was put to the Original Motion

Decision

Crs Moore/Arnold

It is recommended that the proposal for extraction of up to 50,000 m³ of gravel annually (Level 2 activity) at 100 Fullbrooks Road, Nabowla be approved subject to the following conditions:

1. Basis of Approval

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 - i. on the basis of a minimum 10,000 m³ of gravel cartage per annum being directed onto Gillespies Road via the cartage methods adopted by the person responsible; and
 - ii. at the rate of 10 cents per tonne of gravel identified in (i) above; and
- b) is payable annually in arrears calculated in accordance with production returns for relevant calendar year submitted to Mineral Resources Tasmania; and
- c) must be paid to the Dorset Council as the corporation responsible for maintenance of Gillespies Road, pursuant to the *Local Government (Highways) Act 1982*.

5. Part 5 (Section 71) Agreement

Prior to this permit becoming effective, a Section 71 agreement must be executed, to the satisfaction of the Council's Town Planner, which provides for the following:

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Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All cost associated with preparing and registering the Agreement must be borne by the person responsible.

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- (b) All minor works in the road reserve of Gillespies Road described in (a) must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with the Council as a "Registered Contractor" or a person who is otherwise approved by the Council's Director of Infrastructure to undertake the works. Prior to the commencement of any works the Council's Director of Infrastructure must be notified of the contractor's name and registration number. The Council's Director of Infrastructure must also be informed of the commencement date, duration and nature of the works.
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 - ii. signage must be installed that clearly distinguishes cartage route entry/exit pathways to the two (2) existing accesses onto Gillespies Road for the use and in immediate proximity to each access.
- (b) Prior to utilising Bridport Back Road for the cartage purposes of the use authorised by this permit:
 - iii. W5-22 "B" size 'Truck Turning' warning signs must be installed within the road reserve of Bridport Back Road and approximately 100 metres prior to

the junction of Fullbrooks Road for both approaches (northward and southward).

- (c) Installation of signs identified in (a) and (b) above must be located and installed to the satisfaction of the Council's Director of Infrastructure. The Council's Director of Infrastructure must also be informed of the commencement date, duration and nature of the works.
- (d) All costs associated with signage required in (a) and (b) above will be at cost to the person responsible.

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- a) Prior to utilising Gillespie's Road for the cartage purposes of the approved use that a delineation line of 800m from Golconda Road must be line marked to the satisfaction of Dorset Council Director of Infrastructure.
- b) All works and requirements identified in (a) above will be at cost to the person responsible.

NOTE: For the purpose of this permit "**the person responsible**", depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

Voting For the Motion: Mayor Howard, Crs Moore, Quilliam, Stein, Martin, Arnold

Voting Against the Motion: Deputy Mayor Hall, Cr Archer

Carried

Cr Jessup returned to the meeting

247/16	Food Safety Policy Review Reporting Officer: Director - Community & Development, Rohan Willis Ref: 16/12886, Policy: 14/3902
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Purpose

The purpose of this report is to consider the Food Safety Policy.

Recommendation

That Council rescind Policy No. 38 Food Safety.

Decision

Crs Archer/Quilliam

That Council rescind Policy No. 38 Food Safety.

Carried Unanimously

248/16	Electronic Communications Policy Review Reporting Officer: Director – Corporate Services, Guy Jetson Ref: 16/12849, Policy: 16/12885
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Purpose

The purpose of this item is to review Council's Electronic Communications Policy.

Recommendation

That Council note the Electronic Communications Policy and make no alterations.

Decision

Crs Jessup/Moore

That Council note the Electronic Communications Policy and make no alterations.

Carried Unanimously

249/16	Sale of Old Winnaleah Fire Station Reporting Officer: Director – Corporate Services, Guy Jetson Ref: 16/12850
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Purpose

The purpose of this agenda item is to authorise the General Manager to sell the old Winnaleah Fire Station located at 39 Main Street Winnaleah.





Recommendation

That pursuant to Section 177 of the *Local Government Act 1993* Council authorise the General Manager to proceed with sale of the old Winnaleah Fire Station at 39 Main Street Winnaleah by listing the property for sale through a real estate agent.

Decision

Crs Quilliam/Hall

That pursuant to Section 177 of the *Local Government Act 1993* Council authorise the General Manager to proceed with sale of the old Winnaleah Fire Station at 39 Main Street Winnaleah by listing the property for sale through a real estate agent.

Carried Unanimously

250/16

Gifts & Benefits Policy

Reporting Officer: Director – Corporate Services, Guy Jetson
Ref: 16/12871, Policy: 16/12894, Guidelines: 16/12898

Purpose

The purpose of this agenda item is to adopt a Gifts and Benefits Policy and Guidelines for Councillors, employees, volunteers and contractors of Dorset Council.

Recommendation

That Council adopt the Gifts and Benefits Policy and Gifts and Benefits Guidelines.

Decision

Crs Jessup/Archer

That Council adopt the Gifts and Benefits Policy and Gifts and Benefits Guidelines.

Carried Unanimously

Purpose

The purpose of this item is to present proposed variations to the Annual Plan and Budget Estimates for 2016/17.

Recommendation

1. That Council defer the following 2016/2017 Annual Plan items to the March 2017 quarter:
 - a. Bridport Seaside Caravan Park – Council to review Bridport Caravan Park Master Plan 2012
 - b. Bridport Cemetery – Recommend to Council preferred site
2. That Council approve the following variations to the 2016/2017 Budget Estimates:
 - a. Additional Capital item:
 - i. William Street School Crossing - \$20,000
 - b. Additional Operational item professional services
 - i. Property transfer and legal costs - \$20,526

Decision**Cr Martin/Quilliam**

1. That Council defer the following 2016/2017 Annual Plan items to the March 2017 quarter:
 - a. Bridport Seaside Caravan Park – Council to review Bridport Caravan Park Master Plan 2012
 - b. Bridport Cemetery – Recommend to Council preferred site
2. That Council approve the following variations to the 2016/2017 Budget Estimates:
 - a. Additional Capital item:
 - i. William Street School Crossing - \$20,000
 - b. Additional Operational item professional services
 - i. Property transfer and legal costs - \$20,526

Carried Unanimously

252/16

Barry Jarvis Education Scholarship Expansion – Associate Degree in Agribusiness

Reporting Officer: Director – Community & Development, Rohan Willis
Ref: 16/12912

Purpose

The purpose of this report is to consider the inclusion of an additional scholarship as part of the Barry Jarvis Education Scholarship programme.

Recommendation

That Council endorses the inclusion of the Barry Jarvis Agribusiness Scholarship as part of the Barry Jarvis Education Scholarship programme.

Decision

Crs Quilliam/Stein

That Council endorses the inclusion of the Barry Jarvis Agribusiness Scholarship as part of the Barry Jarvis Education Scholarship programme.

Carried Unanimously

253/16

Closure of Meeting

Decision

Crs Hall/Quilliam

That pursuant to Regulation 15 (2) (g) of the *Local Government (Meeting Procedures) Regulations 2015*, Council close the meeting to the public.

Carried Unanimously

Time: 7.24pm

Time Meeting Closed: 7.52pm

Minutes Confirmed: 16 January 2017

Minute No: 1/17

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Mayor

**Deputation to Dorset Council meeting 6pm Monday the 19th of December
2016 Re: SE &TM Fullbrook Increase in Production, Fairbanks Quarry
Nabowla Dev. 2016/71**

Stand

My name is Peter Riggall and I reside at 183 Bridport Back Rd. Nabowla.

I thank Councilors for taking this extra time to consider the vast amount of material on hand in relation to this matter.

I will not go over what I have already said in my initial Representation and the subsequent Deputation I submitted at the last Council meeting.

I would however like to re-iterate one point that I made on the last page of my initial Representation, that being:-

'As a resident and rate payer of Dorset I welcome the employment the quarry brings to the area. I also value better and safer roads and realise the quarry is a link in the chain to achieving this.'

I would now like to add the following:-

I have recently looked at a copy of the 'Quarry Code of Practice' (June 1999) that is referred too in the Environmental Assessment Report (EAR).

http://epa.tas.gov.au/documents/quarry_code_of_practice.pdf

This document is obviously prepared to give the quarry operator some guidance.

In the document there are many sections that the applicant is not complying with and others which in my view are not adequately addressed in the EAR. I quote the following from the 'Quarry Code of Practice':-

Introduction:- 'Construction materials are widely distributed and generally inexpensive to produce, with the prime cost to the consumer usually being transport. Hence, numerous extractive pits are now present throughout the State. The modern community demands that these premises be managed carefully with consideration of the needs of the environment, neighbours and employees.'

Page 6. 5.2.3 'Community consultation creates a relationship between the extractive operator and the community, which is designed to increase trust and awareness.

Consideration should be given to the location of the access to the quarry and haulage road. Access and haulage roads should be located and

constructed to provide safe passage by heavy vehicles and to reduce the disturbance caused to residents and the environment.'

Page 9. 5.8.2 'Limit the area disturbed to the minimum that is required for efficient operations. Surrounding vegetation is a valuable resource that can be needlessly destroyed by brief activities with heavy machinery at the pit boundary.'

(Page 14 of the EAR 'Evaluation' states, 'The EER states that the current disturbed area is 4.6 hectares.....This area is greater than the disturbance area permitted under the conditions of the mining lease and the current permit for the quarry.')

Page 10 6.1.1 'All personnel must be made aware of this code and its contents and be encouraged to develop a commitment to compliance with the environmental legislation and to being good neighbours.'

Page 11 6.2.2 'Access tracks and haul roads should be well maintained to prevent corrugation that contributes to truck noise, and truck drivers should be encourage, where possible, to use access roads which have the least impact on the community.'

Page 20 6.11.2 'Natural vegetation is a valuable resource that should be employed for screening purposes. Vegetation may needlessly be destroyed by brief activities with heavy machinery at the pit boundary. Clearing should be kept to the minimum absolutely necessary for efficient operations. Planting of vegetation will also provide additional screening.'

(The applicant in the last couple of months while this matter has been pending has cleared bush within the mining lease area that would otherwise have assisted in filtering noise between our property and the quarry. This is in spite of the fact that in the EAR the applicant stated on page 12 'Evaluation', 'No vegetation clearance is proposed.' This is the subject of a separate complaint by me to the authorities)

In summary:- In deciding this matter I ask that you take all the material on hand into consideration and in all the circumstances of this matter that you NOT allow the expansion of the quarry from 20,000 cubic metres to 50,000 cubic metres.

Thank you.

Peter Riggall

Ph. 0427 358289 Email: peterriggall@hotmail.com