



dorset
C O U N C I L

Ordinary Minutes

Council Meeting

15 April 2019

it's in the making

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**Council Meeting
Minutes
15 April 2019**

Meeting Opened: 6.00 pm

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Wendy McLennan, Edwina Powell, Jerrod Nichols, Jan Hughes, Leonie Stein, Mervyn Chilcott, Murray Lade

General Manager Tim Watson, Director – Works & Infrastructure Dwaine Griffin, Director – Community & Development Rohan Willis, Director – Corporate Services John Marik, Town Planner Thomas Wagenknecht, Customer Service & Community Liaison Officer Elizabeth Hadley, Administration Supervisor Lauren Tolputt

Apologies: Nil

Item 47/19 **Confirmation of Ordinary Council Meeting Minutes – 18 March 2019**
Ref: DOC/19/1718

The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting held on Monday, 18 March 2019, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Decision

MOVED: Cr Chilcott | **SECONDED:** Cr Stein

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 18 March 2019 having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

Item 48/19 **Confirmation of Agenda**

Decision

MOVED: Cr Jessup | SECONDED: Cr Nichols

That Council confirm the Agenda and order of business for the 15 April 2019 Council Meeting.

Carried Unanimously

Item 49/19 **Declaration of an Interest of a Councillor or Close Associate**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Nil

Item 50/19 **Management Team Briefing Report**

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 Management Team Briefing Report be received and noted.

Decision

MOVED: Cr Hughes | SECONDED: Cr Stein

That the Management Team Briefing Report be received and noted.

Carried Unanimously

Item 51/19 **Council Workshops Held Since Last Council Meeting**

2 April 2019 – Briefing Workshop

Item 52/19 **Councillor Applications for Leave of Absence**

Nil

The following question was taken on notice at the **18 February 2019** Council Meeting, with further information now available after investigation.

Sally Warren:

We have a problem with greywater coming from the top side of the road, comes underneath the road, down open drains, down between my property (57 Main Road) and the Fire Station and then it just lays in a big open drain. It creates mosquitos, grows rushes, it smells, you name it. I would like the Council to consider putting pipes in and covering it over, so it's not open?

Response from Director – Community & Development, Rohan Willis:

Council's Environmental Health Officers investigated the stormwater infrastructure at 55 Main Road and 57 Main Road Pioneer during March. The open stormwater drain that runs through 55 Main Road (extending from Main Road through to an open drainage area upon Crown Land at the rear of the property) was found to be in good condition with no apparent issues. In addition, no environmental health nuisances or concerns were identified as originating from the open drainage area located at the rear of the properties. The odour issue has been advised as occurring subsequent to periods of sustained wet weather, therefore officers will reinvestigate the site and surrounding areas following a period of sustained rainfall to establish whether any further actions are necessary. The owner of 57 Main Road has been contacted and relayed this information.

The following question was taken on notice at the **18 March 2019** Council Meeting:

Mary Schramm:

Following a detailed inspection in and outside of the Ringarooma Memorial Hall, I noticed many building and maintenance issues that need addressing. I believe it needs a full review from a qualified person to look at the deterioration of the Hall and schedule upgrades. Could Council schedule a professional clean twice a year to the exterior of the Hall and complete a full review of its required maintenance in relation to WH&S compliance?

Response from Director – Works & Infrastructure, Dwaine Griffin:

Council conducts periodic inspections of all Council owned buildings to ensure compliance with its statutory obligations to obtain an annual maintenance statement. The Ringarooma Hall is included in Council's annual inspection schedules.

Lawrence Archer:

Last meeting in answer to my first question, you said that the second determination report had been appealed. When and how did you find out that the determination report had not been appealed?

Response from Mayor, Greg Howard:

It had been appealed and, as it appears later on in the Agenda Item, the Crown Solicitor and the DPP had a discussion with the General Manager and their view was that the appeal couldn't be held by a Magistrate as you were no longer a Councillor. At that point the General Manager dropped the appeal. We are unsure if that advice was correct given that the Code of Conduct against former Councillor Hall went ahead when he was no longer a Councillor either. It was appealed, however, it was dropped after those discussion with the Crown Solicitor.

Response from the General Manager, Tim Watson:

The mitigating factor for me to withdraw the appeal was whoever was representing the DPP, as mentioned by the Mayor, said that a Magistrate didn't have jurisdiction as you weren't a Councillor and then they threatened me with costs if I proceeded with the appeal. As listed in my report in this Agenda, whether that advice is correct or not I am not sure, but I certainly wasn't going to burn my own money having a legal fight over what I now consider to be something that is academic given that you are no longer a Councillor.

Would you expect Mr Mayor, that the General Manager, being your Chief Executive Officer and was sitting beside you at the last Council Meeting should have advised you then that your answer was not correct, rather than knowingly allow you to give a wrong and misleading answer?

Response from Mayor, Greg Howard:

My answer was correct, it had been appealed.

Allan Barnett:

Firstly I would like to congratulate Council on the wonderful job it has been doing not only over the past few months but over the last few years in Bridport, particularly around the Surf Life Saving Club and playground areas. My question is, the clean up along the Bridport Foreshore came to a sudden halt a week or so ago and I'd like to ask why?

Response from the General Manager, Tim Watson:

Council Officers considered that the fire hazard was unacceptable. Our discussions with Crown Land Services and Parks and Wildlife Officers over a significant period of time proved fruitless in terms of conducting a clean-up of the area. So Officers made the decision, given the fire risk particularly in the context to the really dry season we've had, that we should issue a fire abatement notice on Crown Land Services. Crown Land Services conducted a 6-8 day clean-up prior to Christmas and it was difficult to see that they had even been on site and hadn't addressed the fundamental issues. Council then advised Crown Land Services that we would use our powers under the *Local Government Act 1993* to finish the works to satisfy the fire abatement

notice. Around a week ago Crown Land Services issued Council with a stop work notice – their view is Council does not have authority to issue a fire abatement notice on their department, Council's view is we do - we have no legal advice to the contrary. I am pleased to advise that we had a successful meeting with the Department Secretary, John Whittington, on site Friday week ago and the Department Secretary has given us subsequent approval on Saturday morning to continue the works, and they've recommenced today.

Will the clean-up go right through to the fish factory?

Response from the General Manager, Tim Watson:

The clean-up will be conducted in two stages. Council will continue the clean up to the Surf Life Saving Club and then, as part of that on-site meeting, Council explained that we wanted to clean up along the rest of the foreshore area towards the industrial port area. Council particularly want to remove the blackberries near the fish farm area. I will meet with John Whittington in the next 2-3 weeks to further that process.

Now I understand as part of this action and works being stopped there were a couple of our local Councillors who were against the clean-up and pushed for the clean up to be stopped. Is that correct?

Response from the General Manager, Tim Watson:

I can't comment on that Allan.

So at your meetings, have Councillors spoken against the clean up?

Response from Mayor, Greg Howard:

It hasn't actually come to a meeting, so the only discussions we've had have been in Briefing Workshops which are confidential and information and discussions held in Workshops can't be disclosed.

Terry Smith:

The amount of traffic on the Cascade Dam Road, Derby has increased dramatically in the past twelve months due to the extra traffic movements associated with the Blue Derby Mountain Bike Trails. It is such a narrow, steep road with deteriorating road edges and the dangers are very real. After a traffic incident around this time last year, a traffic counter was belatedly installed across the road for the first time on the lower asphalt section. The counter was in place until recently when the dangerous and deteriorating condition of the road edges was brought to Council's notice and the traffic counter was removed to allow for repairs.

- 1. Why were traffic counters not reinstalled for the Enduro – a crucial peak time to add to the previous twelve months data of traffic movements?*
- 2. Has the Cascade Dam Road had a road safety audit or traffic impact assessment done to identify the many safety issues?*

- a. *If not, why not?*
3. *Has the Cascade Dam Road had either a safe intersection site distance or speed limit assessment done?*
 - a. *If not, why not?*

Questions Taken on Notice

Mary Schramm:

I understand Council are meeting their legal obligations regarding advertising planning applications in a daily newspaper. However, could Council look at also advertising them in the North Eastern Advertiser on a weekly basis to make it easier for people to know where to look for them?

Question Taken on Notice

In relation to the Snake Track, Legerwood. I understand that it is Council's policy to urge us not to use it but it is the access road for approximately four farms, a gravel quarry and an abattoir. Can I request that the Snake Track be sealed at least to the entrance to the upper farm whose driveway comes out onto the Snake Track as these properties have no other access?

Response from Mayor, Greg Howard:

This is unlikely to happen. The more work Council does to the Snake Track and the better the condition of it is, the more accidents occur on it. This is why Council are using a level of maintenance that still allows access but it deters motorists from using it as a speedway and a shortcut to the Tasman Highway, especially when there is access via a sealed road (Carisbrook Lane) onto the Tasman Highway.

Steve Arnold:

In relation to an earlier statement made here tonight (by Allan Barnett), I was under the impression that once you declare or come out in the open and speak either for or against an issue, that you must declare an interest and refrain from voting?

Response from Mayor, Greg Howard:

You are entitled as a Councillor to make a public statement on an issue, however, if that issue comes to Council for a decision it would be hard for a Councillor to argue that they are assessing the issue with an open mind on the matter.

Lawrence Archer:

Firstly, congratulations to Derby on another successful round of the Enduro World Series. I ask the following questions:

1. *How many work hours were spent by Council staff and employees during the weeks prior to and the days following the event in preparation and clean up?*
2. *Can you please provide details of all Council's revenue directly related to the event?*

Questions Taken on Notice

Item 54/19 Deputations

Louise Brooker – Bridport Foreshore
(Ref DOC/19/3812 attached)

Item 55/19 Councillor Question Time

The following questions were taken on notice at the **18 March 2019** Council Meeting:

Councillor Wendy McLennan:

Aged people are having trouble with the sloping footpath outside the Commonwealth Bank in Scottsdale with their walkers and wheelchairs. There is also nowhere on that side of the street to park a bus and no disabled parking spots on that side of the street. Is there a possibility of making the area in Charles Street a disabled area for people to park?

Response from Director – Works & Infrastructure, Dwaine Griffin:

Council Officers have assessed the disabled parking available in and around the main shopping precinct in Scottsdale and consider it to be adequate but will consider more disabled parking with future development of these areas.

Older residents in Bridport are concerned about the inconsistency of the speed signs in the Main Street as they go from 40 km/hr near the School to 50, then to 60 km/hr. Could there be some consistency with the speed going all the way through?

Response from Director – Works & Infrastructure, Dwaine Griffin:

Bridport speed limit zones comply with all road standards and Department of State Growth requirements. Speed limits will be considered when Council receives advice on the crossing in the Main Street.

Nil

Item 56/19 Notices of Motion by Councillors

Nil

Purpose

The purpose of this agenda item is to consider a notice of motion proposed by Councillor L C Stein.

Recommendation – Cr Stein

That Dorset Council support the resumption of the vegetation maintenance works on the Bridport foreshore and extend the works all the way to the beginning of the industrial precinct at the Brid River Bridge.

MOVED: Cr Stein | SECONDED: Cr Lade

That Dorset Council support the resumption of the vegetation maintenance works on the Bridport foreshore and extend the works all the way to the beginning of the industrial precinct at the Brid River Bridge.

Amendment

MOVED: Cr Powell | SECONDED: Cr McLennan

That Dorset Council support the resumption of the vegetation maintenance works on the Bridport foreshore and extend the works all the way to the beginning of the industrial precinct at the Brid River Bridge, adhering to the Dorset Council’s Strategic Plan Section 2 ‘to work with stakeholders and agencies to provide action on an integrated collaborative approach to natural resource management’, and abiding by the 2014 Crown Land Lease Agreement.

Voting For the Amendment: Crs McLennan, Powell

Voting Against the Amendment: Mayor Howard, Deputy Mayor Jessup, Crs Lade, Hughes, Nichols, Stein, Chilcott

Amendment Lost

The mover of the Motion requested that the words ‘where necessary’ be included in the original Motion, the Seconder agreed to this minor change.

Decision

MOVED: Cr Stein | SECONDED: Cr Lade

That Dorset Council support the resumption of the vegetation maintenance works on the Bridport foreshore and extend the works, where necessary, all the way to the beginning of the industrial precinct at the Brid River Bridge.

Voting for the Motion: Mayor Howard, Deputy Mayor Jessup, Crs Lade, Hughes, Nichols, Stein, Chilcott

Voting Against the Motion: Crs McLennan, Powell

Carried

Item 58/19 Annual Plan 2018/2019 – March Quarterly Report

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/19/3364 | Plan: DOC/19/693

Purpose

The purpose of this agenda item is to update Council and the community on progress of the Dorset Council Annual Plan 2018/2019 as at 31 March 2019.

Recommendation

That the attached Dorset Council Annual Plan 2018/2019 March Quarterly Report be received and noted.

Decision

MOVED: Cr Lade | SECONDED: Cr Nichols

That the attached Dorset Council Annual Plan 2018/2019 March Quarterly Report be received and noted.

Carried Unanimously

Item 59/19 Corrected Model Code of Conduct 2019 Adoption

Reporting Officer: General Manager, Tim Watson

Ref: DOC/19/3370 | Corrected Model Code of Conduct: DOC/19/3372

Purpose

The purpose of this agenda item is to adopt the corrected Dorset Council Model Code of Conduct 2019.

Recommendation

That Council adopt the corrected Dorset Council Councillor Code of Conduct – March 2019.

Decision

MOVED: Cr Jessup | SECONDED: Cr Hughes

That Council adopt the corrected Dorset Council Councillor Code of Conduct – March 2019.

Carried Unanimously

Item 60/19 **Code of Conduct – Tabling of Determination Reports – Former Councillors Lawrence Archer and Max Hall**
 Reporting Officer: General Manager, Tim Watson
 Ref: DOC/19/3367 | Report (Archer): DOC/18/4866 | Report (Hall): DOC/19/3307

Purpose

The purpose of this agenda item is to table two Code of Conduct Panel determination reports in response to a complaint made against former Councillor Lawrence Archer submitted by General Manager, Tim Watson and former Councillor Max Hall submitted by Mr Terry Smith.

Recommendation

That Council receive the Code of Conduct Panel determination reports in relation to separate complaints made against former Councillors Lawrence Archer and Max Hall.

Decision

MOVED: Cr Powell | SECONDED: Cr Jessup

That Council receive the Code of Conduct Panel determination reports in relation to separate complaints made against former Councillors Lawrence Archer and Max Hall.

Carried Unanimously

Item 61/19 **Community Matching Funds Grants and Small Grants Application Assessments – Round 2**
 Reporting Officer: Customer Service & Community Liaison Officer, Elizabeth Hadley
 Ref: DOC/19/3523

Purpose

The purpose of this report is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
COMMUNITY MATCHING FUNDS GRANTS				
North Eastern Basketball Union	Scoring Update – Supply and Installation of New Electronic Scoreboard System	\$15,422	\$7,010	Recommended
Lions Club – North East	Men’s Shed Development	\$15,987	\$9,787	Not Recommended

Organisation	Project	Project Cost	Grant Requested	Grant
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		(Incl. GST)	(Excl. GST)	Recommendation
SMALL GRANTS				
Lions Club Scottsdale	Dog Agility Equipment	\$4,413.54	\$1,785.96	Recommended from Matching Funds Stream
Dorset Tasmania History Group	Dorset Historical Images Preservation Project	\$1,601.37	\$1,455.79	Recommended
Friends of St. Pauls Springfield Association Inc.	Purchase John Deere Lawn Mower	\$4,250	\$1,931.82	Recommended from Matching Funds Stream
Bridport Girl Guides	Supply & Install Heat Pump	\$2,920	\$2,000	Recommended
Community Based Care- Bridport Social Group	Chair Yoga Chairs	\$1,099.95	\$999.95	Not Recommended
Events at Bridport	Tables and Chairs	\$2,045	\$1,859.09	Not Recommended
Legerwood Catering Group	Tables and Chairs	\$639	\$580.91	Recommended
Bridport Innovations Inc.	Lap Top Computer	\$1,525	\$1,045.45	Recommended
North Eastern Pony Club	Ground Spirals and Brackets for Cross Country Jumps	\$2,178	\$1,530	Recommended
Lietinna Community Hall and Recreation Committee	Gas Cooker and Kitchen Upgrade	\$5,278	\$2,000	Recommended from Matching Funds Stream
Bridport Surf Life Saving Club	Motor for Inflatable Rescue Boat	\$3,895	\$2,000	Not Recommended

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$7,010 to North Eastern Basketball Union;
- \$1,785.96 to Lions Club Scottsdale;
- \$1,455.79 to Dorset Tasmania History Group;
- \$1,931.82 to Friends of St. Pauls Springfield Association Inc.;

- \$2,000 to Bridport Girl Guides;
- \$580.91 to Legerwood Catering Group;
- \$1,045.45 to Bridport Innovations Inc.;
- \$1,530 to North Eastern Pony Club; and
- \$2,000 to Lietinna Community Hall and Recreation Committee.

MOVED: Cr Chilcott | SECONDED: Cr Lade

That Council approve the following funding contributions under the Community Grants Program:

- \$7,010 to North Eastern Basketball Union;
- \$1,785.96 to Lions Club Scottsdale;
- \$1,455.79 to Dorset Tasmania History Group;
- \$1,931.82 to Friends of St. Pauls Springfield Association Inc.;
- \$2,000 to Bridport Girl Guides;
- \$580.91 to Legerwood Catering Group;
- \$1,045.45 to Bridport Innovations Inc.;
- \$1,530 to North Eastern Pony Club; and
- \$2,000 to Lietinna Community Hall and Recreation Committee.

Amendment

MOVED: Cr Stein | SECONDED:

- \$1,859.09 to Events at Bridport

Lapsed, No Seconder

Decision

MOVED: Cr Chilcott | SECONDED: Cr Lade

That Council approve the following funding contributions under the Community Grants Program:

- \$7,010 to North Eastern Basketball Union;
- \$1,785.96 to Lions Club Scottsdale;
- \$1,455.79 to Dorset Tasmania History Group;
- \$1,931.82 to Friends of St. Pauls Springfield Association Inc.;
- \$2,000 to Bridport Girl Guides;

- \$580.91 to Legerwood Catering Group;
- \$1,045.45 to Bridport Innovations Inc.;
- \$1,530 to North Eastern Pony Club; and
- \$2,000 to Lietinna Community Hall and Recreation Committee.

Carried Unanimously

Item 62/19

Rates and Charges Policy Review

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/19/3344 | Reviewed Policy: DOC/19/3481 & DOC/19/3482

Purpose

The purpose of this report is to review the Rates and Charges Policy.

Recommendation

That Council adopt the attached revised Policy No. 42 – Rates and Charges.

Decision

MOVED: Cr Hughes | SECONDED: Cr Stein

That Council adopt the attached revised Policy No. 42 – Rates and Charges.

Carried Unanimously

Meeting Adjourned: 7.27pm

Reason: For tea break with members of the public

Meeting Resumed: 7.43 pm

Item 63/19

Budget Variation 2 of 2018/2019 – Waste Management

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/19/3589

Purpose

The purpose of this item is to seek a budget variation to the Budget Estimates for 2018/2019.

Recommendation

That Council approve the following budget variation:

1. That Council approve a variation to the 2018/2019 budget estimates of \$114,000 to bring forward the Waste Management Strategy capital purchases, including cartage containers, cartage container covers and waste and recycling MGBs.

Decision

MOVED: Cr Nichols | SECONDED: Cr Jessup

That Council approve the following budget variation:

1. That Council approve a variation to the 2018/2019 budget estimates of \$114,000 to bring forward the Waste Management Strategy capital purchases, including cartage containers, cartage container covers and waste and recycling MGBs.

Carried Unanimously

Item 64/19

Quarterly Financial Report – 31 March 2019

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/19/3409

Purpose

The purpose of this agenda item is to present to Councillors and the community the financial performance for the nine months ended 31 March 2019.

Recommendation

That Council receive the Financial Report for the period ended 31 March 2019.

Decision

MOVED: Cr Lade | SECONDED: Cr Chilcott

That Council receive the Financial Report for the period ended 31 March 2019.

Carried Unanimously

***** Councillors are reminded that they are acting as a Planning Authority for Item 65/19.*

Item 65/19

Planning Application – Visitor Accommodation (31 Units) and Associated Development | 293 Gillespies Road, Crown Land and Gillespies Road (Road Reserve) NABOWLA

Reporting Officer: Town Planner, Thomas Wagenknecht

Ref: DOC/19/3597 | PLA2019/22

Purpose

The purpose of this report is for Council to consider a proposal for visitor accommodation (31 units) and associated development at: i) 293 Gillespies Road NABOWLA; ii) Gillespies Road Reserve NABOWLA; and iii) Crown Land, NABOWLA.

Recommendation

It is recommended that the proposal for visitor accommodation (31 units) and associated development at 293 Gillespies Road Nabowla, Gillespies Road (road reserve), and Crown Land, Nabowla be approved subject to the following conditions:

Decision

MOVED: Cr Jessup | SECONDED: Cr Nichols

It is recommended that the proposal for visitor accommodation (31 units) and associated development at 293 Gillespies Road Nabowla, Gillespies Road (road reserve), and Crown Land, 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 Signed Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA No. 2019/22). Any substantial variation from this application will require the further planning consent of the Council.

2. Part 5 (Section 71) Agreement

Prior to the commencement of the use, a Section 71 agreement must be executed, to the satisfaction of the Council's Town Planner, which provides for an appropriate financial contribution to Dorset Council, by the person responsible and to the satisfaction of the Council's Director of Infrastructure, for the:

- a) commissioning of an independent traffic assessment, conducted by a suitably qualified traffic engineer, of the condition of the junction of Gillespies Road and Golconda Road that would identify any works or upgrading required to ensure the road is constructed, designed and maintained in a condition suitable to maintaining the safety of the mix of users of the local road network;
- b) provision of warning signs where Gillespies Road narrows from 6m to 5m about 0.8km north of the Golconda junction;
- c) repair of the pavement failure on Gillespies Road near the road narrowing;
- d) installation of curve warning and 15km/h advisory speed signs on both approaches to the bend on Gillespies Road at the Villas and Bridestowe Lavender Farm access;
- e) replacement of damaged and poor condition warning signs along Gillespies 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.

3. Traffic Management – Gillespies Road

- a) Prior to the commencement of the approved use, the following works must be undertaken, to the satisfaction of the Council's Town Planner, improvement of sight distances at the proposed main entrance by clearing roadside vegetation on the northern side of the bend in Gillespies Road before the access; and
- b) All 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 contractors 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 costs associated with works required in a) and b) above will be at the cost to the person responsible.

4. Construction of Access – Gillespies Road

- a) Prior to utilising Gillespies Road for the approved use authorised by this permit, the three (3) existing vehicle accesses, from the road verge of Gillespies Road and to the property boundary being relied upon for the approved use, must be constructed in accordance with Council's rural roads access requirements, to the satisfaction of Council's Town Planner.
- b) All 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 contractors 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) will be at cost to the person responsible.

5. Vehicle Parking and Internal Access Roads

- a) Prior to the commencement of the use, areas set aside for the parking of vehicles, together with internal access roads, must be constructed, drained and maintained in a condition suitable for use by the vehicles which will use the areas, to the satisfaction of Council's Town Planner.

6. Flood Inundation Mitigation

Prior to the commencement of works within areas identified as actually or potentially subject to flooding at a 1% annual exceedance probability, preliminary design plans prepared and certified by a suitably qualified wastewater designer must be submitted to Council's Town Planner, to the satisfaction of Council's Town Planner, for approval. The preliminary design plans must demonstrate that the development would:

- a) be able to mitigate risk to life, property and the environmental to a low risk level through structural methods or site works, where required; and
- b) not be likely to cause an environmental nuisance.

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.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

A planning appeal may be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

(vi) Blackberry Statutory Weed Management – Weed Management Act 1999

It is noted that the responsible person would have an obligation to address the identified declared blackberry in accordance under the *Weed Management Act 1999* and its regulations. For further information regarding blackberry weed management please contact the Department of Primary Industries, Parks, Water and Environment (DPIPWE) on 1300 368 550.

(vii) Road Contribution – Gillespies Road

Upgrades recommended by the submitted Traffic Impact Assessment in order to safely accommodate the traffic generated by the proposal have been integrated into Conditions 3 and 4 of this permit.

However it is noted that Gillespies Road requires additional upgrading as a result of the existing quantity and mix of roads users (such as the Bridestowe Lavender Farm and primary industry) to ensure that the safety and efficiency of the local road network is to an acceptable standard. As a result, a road contribution for the upgrade

of the road has not been pursued within this permit. Instead road contribution but will be pursued by Council with all relevant traffic generating uses under different legislation at a later date.

Note: Council has the ability to recovery of cost of repairs caused by excessive weight or extraordinary traffic over highways under Section 43 of the *Local Government Act (Highways) Act 1982*. This mechanism would enable Council to pursue expenses in proportion to the amount of damage caused to Gillespies Road from the applicable traffic generating uses.

(viii) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval
- (b) Plumbing approval
- (c) Carry Out Works in a Road Reservation approval (Dorset Council)
- (d) Works in a Crown Land Reserve approval (Crown Land Services)

Carried Unanimously

Time Meeting Closed: 8.11 pm

Minutes Confirmed: 20 May 2019

Minute No: 66/19

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Mayor