



dorset
C O U N C I L

Ordinary Minutes

Council Meeting

20 May 2019

it's in the making

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Council Meeting Minutes 20 May 2019

Meeting Opened: 6.03 pm

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

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

Apologies: Crs Wendy McLennan, Murray Lade

Item 66/19 Confirmation of Ordinary Council Meeting Minutes – 15 April 2019
Ref: DOC/19/3813

The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting held on Monday, 15 April 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 Jessup | **SECONDED:** Cr Hughes

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 15 April 2019 having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

Item 67/19 Confirmation of Agenda

Decision

MOVED: Cr Chilcott | **SECONDED:** Cr Nichols

That Council confirm the Agenda and order of business for the 20 May 2019 Council Meeting.

Carried Unanimously

Item 68/19**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

Cr Stein Item 79

Cr Hughes Item 79

Item 69/19**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 Jessup | **SECONDED:** Cr Stein

That the Management Team Briefing Report be received and noted.

Carried Unanimously

Item 70/19**Council Workshops Held Since Last Council Meeting**

7 May 2019 – Briefing Workshop

Item 71/19**Councillor Applications for Leave of Absence**

Nil

Item 72/19**Public Question Time**

The following question was received on **13 May 2019**:

Anke Skrandies:

I would like to ask the Council why Gladstone Community and associated Stakeholders were not consulted of the future, as of July 1st 2019, Domestic Waste Kerbside Collection.

I bring to your notice that Domestic Waste Kerbside Collection will increase Residential Rates and is not cheaper, as stated by 30th April 2019 Dorset Council Correspondence.

Currently Gladstone Rate Payers receive 5 Free Credits and are charged a Waste Management Levy of \$91.15 to use annually to "dump" domestic waste. Separated waste of cans, paper, plastic and glass is accepted free of charge as is green waste.

Dorset Council must take into account that Gladstone Ratepayers and associated stakeholders are made up of low income earners, pensioners, and social security recipients and would be financially impacted by this 75% rate increase, owners would pass the increase onto tenants.

Response from Mayor Greg Howard:

Dorset Council is constantly under pressure from residents in the outlying towns to provide the same level of service as that provided to residents in Scottsdale and Bridport. While this is not always possible due to the additional costs of services the further you get from the main townships, rubbish is one service that Council can now afford to provide to all towns due to Council taking over the collection of domestic waste.

While it is true that Council did not consult formally with all residents there have been ongoing requests made informally to Councillors to extend this service to all unserved towns. To that end Council took the decision to extend waste collection to Port Hills at Bridport, all of Pioneer and Herrick, Gladstone and extend recycling to include Tomahawk. It is also important to understand that Council has a responsibility to ensure that all rubbish services are undertaken in the most economically and environmentally sustainable manner, and to achieve this, proper separation of recyclables is paramount. Council has already made considerable savings with our waste service by separating recyclables properly, therefore substantially reducing the amount of rubbish that goes to landfill. To make sure as much recyclable material is kept out of landfill as possible Council needs to collect and sort as much rubbish from as many residents as possible.

While I appreciate this decision will not please everyone I am confident that this decision is in the best interests of residents in general and the municipality as a whole.

The following questions were taken on notice at the **15 April 2019** Council Meeting:

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?*

Response from General Manager.

1. Cascade Dam Road was closed to the general public during the duration of the event, therefore it would have been a pointless exercise to install traffic counters.
2. Council staff are aware of the congestion issues on the Cascade Dam Road during peak visitation times, hence, a traffic impact assessment would be a waste of resources and community money. Council will work closely with the commercial shuttle operators during the winter period to identify further solutions to mitigate the congestion problems in peak periods.
3. The issues with Cascade Dam Road are typically confined to congestion towards “black stump” and the sheer volume of traffic on the upper sections of the road. These are both challenging issues which are not easily resolved and as per the previous answer will be addressed over the winter period.

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?

Response from Director – Community & Development, Rohan Willis:

Planning applications that require public advertising are not only advertised in a daily newspaper. Applications are also displayed at Council’s offices in Scottsdale and are uploaded to Council’s website, where they can be electronically accessed during the applicable advertisement period (typically extending 14 days). In addition, owners/occupiers of property which adjoins the land applicable to a planning application are notified in writing of the application, with further notification also being displayed on the actual land (as near as possible to public boundaries) which is subject to the application.

Council’s approach to public advertising of planning applications is compliant with all statutory requirements and ensures that those with a proper interest in a planning application are afforded the opportunity to consider the proposal and submit comments if desired.

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?*

Response from General Manager.

Council will not be wasting resources collating data on this question. Suffice to say, the Enduro World Series is the premier mountain bike event in the world and the North East and Tasmania should be justifiably proud that the event has been held in Derby for the second time. As General Manager, I am confident I speak for the majority of Tasmanians and residents of the North East when I say that I am extremely proud of the work Council staff performed during, prior and after the event, and given the clear economic benefit to the North East and Tasmania the allocation of Council resources to the event represents extraordinarily good value for money.

It is estimated that the event raised almost \$10,000 for Council as the manager of the trail network. The revenue was raised through merchandise sales, donations, use of the coin operated showers and raffles by Vertigo and Evolution Biking.

Louise Brooker:

I would like to know when were Councillors notified of the agenda item about the Crown Lands Transfer?

Response from Mayor, Greg Howard:

When the agenda was released last Wednesday evening.

Anke Skrandies:

Mr Howard, I would like to ask why you consider this not to be part of the rates when there is a \$91.15 waste collection fee on our rate notice? I would believe and I understand it to be a \$4.40 per fortnight, per annum would be on the rates notice. It is a 75% increase as I pay \$361 per annum in rates. 200 or something dollars which makes it a 75% increase. So I am at a loss as to why you say it's not a rate increase when it is on the rates notice.

Response from Mayor, Greg Howard:

Your rate notice is made up of two things. It is made up of the actually rates, which is the general rate you pay on your property and then there are charges, which this is and whilst it may make a difference to the overall total payable it is not an increase in rates, in your case, it will be an increase in the rubbish collection charge.

Further Response from General Manager, Tim Watson:

So the \$91.15 is a fixed portion that every property pays for waste management, not waste collection that is a separate issue, for the entire municipality. This is for the management of the Waste Transfer Stations, collection of town rubbish, etc. This charge is not changing. What happens when we do the domestic waste collection, which has now been extended to Gladstone, is each property gets charged for that new service.

Robyn Weal:

Over the last few months I've been gathering signatures (nearly 500+) in regards to a tidal pool being built at Bridport. What is Council's view on a tidal pool being built in Bridport?

Response from Mayor, Greg Howard:

It's not something we've ever considered.

What about the signatures gathered on this petition for a tidal pool at Bridport?

Response from Mayor, Greg Howard:

If you have a properly formed petition, examples of which are available on our website or Sarah Forsyth, Executive Assistant could assist, if it meets all of the requirements of the *Local Government Act*, then Council can formally receive it and discuss further.

Item 73/19 Deputations

Nil

Item 74/19 Councillor Question Time

Councillor Leonie Stein:

I've had a few people approach me in regards to the proposed waste management changes and one of the questions was do ratepayers have the opportunity to 'opt out' of a service?

Response from Mayor, Greg Howard:

Not if they are located within the service area, i.e. town boundaries. The only option is if your property is located along a route between towns that are being serviced that a resident could 'opt in' to waste collection.

Deputy Mayor Dale Jessup:

Has the final route for the new mountain bike link trail from Branxholm to Derby been decided? If it has, are we able to make that route public? I've had a few people in Branxholm ask about the starting point and the alignment.

Response from General Manager, Tim Watson:

I am meeting with a World Trail representative on Thursday and they are going to walk me through the alignment where it is proposed to be. Currently it is only conceptual and we need to confirm the alignment so we can arrange the necessary approvals. I don't see why we couldn't make the alignment public once confirmed. I can advise that the link trail will commence at the back of the Branxholm Recreation Ground.

Councillor Edwina Powell:

When we met at Legerwood last month there were a number people who talked about the development of the Legerwood Hall and they raised some issues. Do we have any feedback on those questions and requests?

Response from Mayor, Greg Howard:

Councillor Powell, you have a copy of the draft capital expenditure budget for the 2019/2020 financial year and as you would have seen some of those requests are listed, i.e. heating, fence. So some of those items have been included, but not all of them.

Will you be responding to them?

Response from Mayor, Greg Howard:

Yes

Councillor Mervyn Chilcott:

A ratepayer at Gladstone asked that when they receive domestic waste collection will they lose the five free tip tickets currently provided?

Response from Mayor, Greg Howard:

No, they will still receive the five free tip tickets as well as having domestic waste collection service

Regarding the recent election and money pledged towards the Sideling upgrade. Are there any plans out outlining the possible route that the Sideling might take?

Response from Mayor, Greg Howard:

So in our submission for the funding we engaged people to cost upgrading the current route from Minstone Road intersection to St Patricks River albeit being widened, corners cut and filled and passing lanes includes. So the costing in the submission are based on the current route. Council haven't investigated an alternative option such as down through Corkery's Road, which would have a significant problem of the steepness coming out of St Patrick's River and being on the southern side of the hill with frost it wouldn't be ideal for a B-Double route.

Item 75/19 Notices of Motion by Councillors

Nil

Item 76/19 Electronic Communications Policy Review Reporting Officer: Director – Corporate Services, John Marik Ref: DOC/19/3719 | Reviewed Policy: DOC/19/3692

Purpose

The purpose of this report is to review the Electronic Communications Policy.

Recommendation

That Council adopt the attached revised Policy No. 16 – Electronic Communications.

Decision

MOVED: Cr Hughes | SECONDED: Cr Stein

That Council adopt the attached revised Policy No. 16 – Electronic Communications.

Carried Unanimously

Item 77/19 Sponsorship of Sporting and Cultural Representatives Policy Review Reporting Officer: Director - Corporate Services, John Marik Ref: DOC/19/3715 | Reviewed Policy: DOC/19/3412

Purpose

The purpose of this report is to review the Sponsorship of Sporting and Cultural Representatives Policy.

Recommendation

That Council adopt the attached revised Policy No. 4 – Sponsorship of Sporting and Cultural Representatives.

Decision

MOVED: Cr Nichols | SECONDED: Cr Stein

That Council adopt the attached revised Policy No. 4 – Sponsorship of Sporting and Cultural Representatives.

Carried Unanimously

Item 78/19

Payment of Councillor Expenses and Provision of Facilities

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/19/4873 | Reviewed Policy: DOC/19/4678

Purpose

The purpose of this report is to review the Payment of Councillor's Expenses and Provision of Facilities Policy.

Recommendation

That Council adopt the attached revised Payment of Councillor's Expenses and Provision of Facilities Policy No. 2.

Decision

MOVED: Cr Jessup | SECONDED: Cr Hughes

That Council adopt the attached revised Payment of Councillor's Expenses and Provision of Facilities Policy No. 2.

Carried Unanimously

Cr Stein and Cr Hughes declared an interest in this matter and left the Meeting prior to discussion (6.39 pm)

Item 79/19

Food Registration Fees 2019/2020

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/19/4912

Purpose

The purpose of this report is for Council to consider the revised Food Registration Fees in the 2019/20 financial year.

Recommendation

That Council adopt the Schedule of Fees payable for food registrations for the 2019/2020 financial year.

Decision

MOVED: Cr Nichols | SECONDED: Cr Jessup

That Council adopt the Schedule of Fees payable for food registrations for the 2019/2020 financial year.

SCHEDULE OF FEES	2018/19 Fees	Proposed 2019/20 Fees
Food Business Registration – Non-Mobile Premises:		
New Food Business (12 Months Registration)	\$209	\$nil
Renewal of existing Food Business (Annual Registration)	\$157	\$nil
Temporary Registration	\$30	\$nil
Food Business Registration – Mobile Premises (Permanent Resident of Dorset):		
New Food Business (12 Months Registration)	\$130	\$nil
Renewal of existing Food Business (Annual Registration)	\$130	\$nil
Temporary Registration (Single Event)	\$30	\$nil
Food Business Registration – Mobile Premises (Non-Permanent Resident of Dorset):		
New Food Business (12 Months Registration)	\$130	\$130
Renewal of existing Food Business (Annual Registration)	\$130	\$130
Temporary Registration (Single Event)	\$30	\$30
Food Business Registration – charitable cause:		
Community Organisation or Charitable Event Applicants	\$nil	\$nil
Other:		
Food Business Inspection	\$52	\$75

Carried

Cr Stein and Cr Hughes returned to the Meeting (6.41 pm)

Item 80/19 Dog Management Fees 2019/2020

Reporting Officer: Administration Supervisor, Lauren Tolputt
Ref: DOC/19/4876

Purpose

The purpose of this report is to review Dog Registration Fees for 2019/20.

Recommendation

That Council adopt the Schedule of Fees payable for dog registrations for the 2019/2020 financial year.

Decision

MOVED: Cr Stein | SECONDED: Cr Chilcott

That Council adopt the Schedule of Fees payable for dog registrations for the 2019/2020 financial year.

Dog Type	Fee
Annual	
Non-Desexed Dog	\$54
Desexed, Working, Purebred or Greyhound	\$27
Pensioner-Owned Dog	\$20
Lifetime	
Non-Desexed Dog	\$130
Desexed, Working, Purebred or Greyhound	\$75
Pensioner-Owned Dog	\$50
Guide Dog	No Charge
Declared Dangerous Dog	\$400
Guard Dog	\$400

Carried Unanimously

**** Councillors are reminded that they are acting as a Planning Authority for Items 81/19 and 82/19

Item 81/19 **Planning Application – Visitor Accommodation (3 Units) 3 Hill Street, Derby**
Reporting Officer: Town Planner, Thomas Wagenknecht
Ref: DOC/19/4998 | PLA2019/28

Purpose

The purpose of this report is for Council to consider a proposal for visitor accommodation (3 units) at 3 Hill Street DERBY.

Recommendation

It is recommended that the proposal for the construction of three (3) visitor accommodation units and associated outbuilding at 3 Hill Street DERBY, be approved subject to the following conditions:

Decision

MOVED: Cr Jessup | SECONDED: Cr Stein

It is recommended that the proposal for the construction of three (3) visitor accommodation units and associated outbuilding at 3 Hill Street DERBY, 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 (PLA No. 2019/28). Any substantial variation from this application will require the further planning consent of the Council.

2. TasWater

The development must be in accordance with the four (4) conditions provided within the Submission to Planning Authority Notice issued by TasWater dated 28 March 2019 (Reference No. TWDA 2019/00370-DC, copy attached to this permit).

3. Demolition Works

All demolition works must ensure the protection of property and services which are to either remain on or adjacent to the site from interference or damage.

4. Native Vegetation Removal

a) The removal of native vegetation must be limited to occur within:

- i) the approved building footprint;
- ii) the adjacent curtilage of the approved buildings, only where it is directly incidental to the development approved in this permit; and
- iii) in accordance with a bushfire hazard management plan prepared by an accredited Bushfire Hazard Practitioner.

b) Other than that specified in a) above, no other native vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council's Town Planner.

5. Stormwater Management

Stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be managed within the boundaries of the property so as to ensure that flooding, erosion and nuisance are avoided to the satisfaction of the Council's Town Planner.

6. Schedule of External Finishes and Colours (Roofs and Walls)

a) Prior to the commencement of the use, a Schedule of Finishes/Colours for the roofs and walls of all buildings must be submitted for approval by the Council's Town Planner. All finishes/colours that are to be applied to the roofs and walls should act to blend rather than contrast with the visual appearance of the buildings with the Derby village landscape. Once approved, the Schedule of Finishes/Colours will be endorsed to form part of the planning permit.

b) All external finishes and colours must be in accordance with the approved Schedule of External Finishes and Colours required by a) above.

7. Construction of Crossover (Hill Street DERBY – Dorset Council Road Reserve)

a) Prior to the commencement of the approved use, vehicle access to the subject land from Hill Street must be designed and constructed, from the road verge to the property boundary, to the satisfaction of Council's Town Planner.

b) Prior to the commencement of any works identified in (a), the person responsible must be issued with the appropriate works in a road reserve approval by the Council.

8. Construction of Vehicle Parking and Internal Access

Prior to the commencement of the use, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles, must be:

- (i) constructed, drained and maintained in a condition suitable for use by the vehicles which will use the areas; and
- (ii) marked or provided with clear physical means to delineate vehicle parking spaces.

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) 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) TasWater approval
- (d) Works in a Council Road Reservation approval (Dorset Council)

Carried Unanimously

Purpose

The purpose of this report is for Council to consider a proposal for visitor accommodation (3 units) and associated outbuilding at: i) 2 Main Street, Derby (CT 240551/13 and CT 209775/16); ii) Main Street, Derby (Department of State Growth Road Reserve); iii) Renison Street (Council Road Reserve) and iv) Crown Land, Derby.

Recommendation

It is recommended that the proposal for the construction of three (3) visitor accommodation units and associated outbuilding at 2 Main Street DERBY (CT 240551/13 and CT 209775/16), Crown Land DERBY, Main Street DERBY (DSG Road Reserve), and Renison Street DERBY (Council Road Reserve), be approved subject to the following conditions:

Decision

MOVED: Cr Chilcott | SECONDED: Cr Nichols

It is recommended that the proposal for the construction of three (3) visitor accommodation units and associated outbuilding at 2 Main Street DERBY (CT 240551/13 and CT 209775/16), Crown Land DERBY, Main Street DERBY (DSG Road Reserve), and Renison Street DERBY (Council Road Reserve), 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 (PLA No. 2019/17). Any substantial variation from this application will require the further planning consent of the Council.

2. TasWater

The development must be in accordance with the four (4) conditions provided within the Submission to Planning Authority Notice issued by TasWater dated 15 April 2019 (Reference No. TWDA 2019/00212-DC, copy attached to this permit).

3. Native Vegetation Removal

a) The removal of native vegetation must be limited to occur within:

- iv) the approved building footprint;
- v) the adjacent curtilage of the approved buildings, only where it is directly incidental to the development approved in this permit; and
- vi) in accordance with a bushfire hazard management plan prepared by an accredited Bushfire Hazard Practitioner.

- b) Other than that specified in a) above, no other native vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without: the further written consent of the Council's Town Planner.

4. Stormwater Management

Stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be drained and directed to Council's stormwater network to the satisfaction of the Council's Town Planner.

5. Privacy Management

- a) Prior to the commencement of the use, an amended site plan must be submitted to Council's Town Planner, to the satisfaction of Council's Town Planner, showing a setback of at least 2 metres between the Studio 3 deck and the southern boundary of CT 200170/1.
- b) Prior to the commencement of the use of Studio 3, all windows along the southern elevation must either:
 - i) have a sill height of at least 1.7 metres above the floor level; or
 - ii) be fixed with obscure glazing with a uniform transparency of no more than 25% transparency.

6. Schedule of External Finishes and Colours (Roofs)

- a) Prior to the commencement of the use, a Schedule of Finishes/Colours for the roofs of all buildings must be submitted for approval by the Council's Town Planner. All finishes/colours that are to be applied to the roofs should act to blend rather than contrast with the visual appearance of the buildings with the Derby village landscape. Once approved, the Schedule of Finishes/Colours will be endorsed to form part of the planning permit.
- b) All external finishes and colours must be in accordance with the approved Schedule of External Finishes and Colours required by a) above.

7. Construction of Crossover (Main Street DERBY – Department of State Growth Road Reserve)

- a) Prior to the commencement of the use of Studio 1 and Studio 2, vehicle access to the subject land from Main Street must be designed and constructed, from the road verge to the property boundary, to the satisfaction of the Department of State Growth.
- b) Prior to the commencement of any works identified in (a), the person responsible must be issued with the appropriate works in a road reserve approval by the Department of State Growth.

8. Construction of Crossover (Renison Street DERBY – Dorset Council Road Reserve)

- a) Prior to the commencement of the use of Studio 3, vehicle access to the subject land from Renison Street must be designed and constructed, from the road verge to the property boundary, to the satisfaction of Council's Town Planner.
- b) Prior to the commencement of any works identified in (a), the person responsible must be issued with the appropriate works in a road reserve approval by the Council.

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:

- (c) the date on which the permit is granted; or
- (d) 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) 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:

- (e) Building approval
- (f) Plumbing approval
- (g) Works in a Council Road Reservation approval (Dorset Council)
- (h) Works in a Department of State Growth Road Reserve (DSG)
- (i) Works in a Crown Land Reserve approval (Crown Land Services)

Carried Unanimously

Purpose

The purpose of this report is for Council to consider a recommendation seeking the transfer of ownership to Council, of Crown Land maintained by Council in the township of Bridport.

Recommendation

That Council make formal submission to the relevant Minister and Department Secretary, requesting that all Council maintained Crown Land within the township boundaries of Bridport be transferred to Council in accordance with the Crown Lands Act.

Officer Amended Recommendation

1. That Council, pursuant to a transfer of land from Crown Land to Council in accordance with the Crown Lands Act, enter into an agreement for sale of Crown Land (Briseis Mine Hole, Derby) for the purposes of public recreation and relocation of the Derby Council Depot.
2. That Council make formal submission to the relevant Minister and Department Secretary, requesting that all Council maintained Crown Land within the township boundaries of Bridport be transferred to Council in accordance with the Crown Lands Act.

MOVED: Cr Stein | SECONDED: Cr Nichols

1. That Council, pursuant to a transfer of land from Crown Land to Council in accordance with the Crown Lands Act, enter into an agreement for sale of Crown Land (Briseis Mine Hole, Derby) for the purposes of public recreation and relocation of the Derby Council Depot.
2. That Council make formal submission to the relevant Minister and Department Secretary, requesting that all Council maintained Crown Land within the township boundaries of Bridport be transferred to Council in accordance with the Crown Lands Act.

Amendment

MOVED: Cr Powell | SECONDED: Cr Jessup

That the recommendation be separated into two parts and each voted on.

Voting For the Amendment: Crs Powell, Jessup, Hughes, Chilcott

Voting Against the Amendment: Mayor Howard, Crs Stein, Nichols

Amendment Carried

The Amendment became the Motion and was again put and voted on

Decision

MOVED: Cr Stein | SECONDED: Cr Nichols

That Council, pursuant to a transfer of land from Crown Land to Council in accordance with the Crown Lands Act, enter into an agreement for sale of Crown Land (Briseis Mine Hole, Derby) for the purposes of public recreation and relocation of the Derby Council Depot.

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

Voting Against the Motion: Cr Powell

Carried

Decision

MOVED: Cr Stein | SECONDED: Cr Nichols

That Council make formal submission to the relevant Minister and Department Secretary, requesting that all Council maintained Crown Land within the township boundaries of Bridport be transferred to Council in accordance with the Crown Lands Act.

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

Voting Against the Motion: Cr Powell

Carried

Time Meeting Closed: 7.28 pm

Minutes Confirmed: 24 June 2019

Minute No: 84/19

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Mayor