

*dorset*  
C O U N C I L

# Ordinary Agenda

## Council Meeting

20 May 2019

*it's in the making*

## Qualified Persons Advice

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The *Local Government Act 1993*, Section 65, provides (in part) as follows: -

- A general manager must ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the Council and a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the Council with the general managers certification.

I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- a. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- b. where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

## Notification of Council Meeting

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**NOTICE** is given that the next Ordinary Meeting of the Dorset Council will be held on Monday, 20 May 2019, at the Council Chambers, 3 Ellenor Street, Scottsdale commencing at 6.00pm.



**TIM WATSON**  
General Manager

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**Council Meeting  
Agenda  
20 May 2019**

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Meeting Opened:

Present:

Apologies:

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

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*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.*

**Recommendation**

**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.**

**Item 67/19                      Confirmation of Agenda**

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**Recommendation**

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

**Item 68/19                      Declaration of an Interest of a Councillor or Close Associate**

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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**

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.

#### Approved Applications

	Approved April	Approved 2019 YTD	Approved 2018 YTD
<b>Planning</b>	9	33	31
<b>Building</b>	3	15	18
<b>Plumbing</b>	2	15	14

See attachments for detailed information about applications approved in April 2019.

#### Capital Works Program Update 2018-19

PROJECT - TOWN MAINTENANCE	Project Phase
<b>Derby</b>	
Derby Hall External Paint	Commenced
<b>Scottsdale</b>	
Scottsdale Recreation Ground - Scottsdale Swimming Pool (Stage 1)	Planning
Scottsdale Public – Camera King Street	Carried over to 2019/2020
Scottsdale Children's Reserve - Replace Retaining Wall Gardens - Opposite RSL	Planning
Ellesmere Cemetery - Construct new Rose Garden, Stage 2 Lawn Cemetery Upgrade and Tree Removal	Completed
<b>Bridport</b>	
Bridport Multifunction Centre - Bridport Recreation Ground	Commenced
Play Area - Shade Sails (Area 10mx10m)	Carried over to 2019/2020
Foreshore Seating	Commenced
Bridport Croquet Lawn Beach: improved access to the beach	Completed
<b>Bridport Seaside Holiday Park</b>	
Eastmans Beach Shower Block - Footpaths	Planning
<b>Other</b>	
Cemetery Maps - Gladstone and Scottsdale	Completed

## CONSTRUCTION

### ROADS

#### Resheeting

Banca Road, Winnaleah	Commenced
Banks Road, Derby	Completed
Frome Road, Moorina	Completed
Mutual Road, Derby	Commenced

#### BRIDGES

Banca Road - box culvert - Replace culvert Boobyalla River	Commenced
Bridge 1554 Boddingtons Road - Re deck	Completed
Bridge 1530 Kapai Road - Timber Replacement	Commenced

#### OTHER ROAD PROJECTS

Buckneys Road - Widen the entrance and the road, and reseal	Planning
Bentley Street Bridport - Reconstruction from Main Street to End of Seal	Commenced
Elizabeth Street Bridport - Reconstruction from Main Street to Louisa Street	Commenced
Ringarooma Road Ringarooma: Purchase land to improve alignment	Commenced
King Street Beautification	Commenced
Bridport Western Access Road	Commenced

#### FOOTPATHS

Ringarooma Road Scottsdale - From Substation to King Street	Tender Awarded
Arthur Street Scottsdale - Ringarooma Road to Hedley Street (South side)	Completed
Arthur Street Scottsdale – Hedley Street to Ada Street	Commenced
Pearce Street Branxholm - From Scott Street end to Barrier	Tender Awarded

#### STORMWATER

Frederick Street Derby - Upgrade system adjacent to old works depot	Commenced
Main Street Derby - Extend stormwater pipe to river	Planning
Charles Street Derby - Install new stormwater pit on Main Street	
Richard Street Bridport - Install site entry pit and connect to existing network	Planning
Urban Stormwater Plans - Develop management plans in accordance with <i>Urban Drainage Act 2013</i>	

### Recommendation

That the Management Team Briefing Report be received and noted.

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

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### 7 May 2019 – Briefing Workshop

- Presentation Dorset Renewable Industries
- Briefing Reports and Question Time
- Dog Management Fees
- Payment of Councillor Allowances and Provision of Facilities Policy Review
- Naming of the Bridport Western Access Road
- Budget 2019/2020

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

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Nil

## Item 72/19 Public Question Time

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### 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.

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Item 73/19            Deputations

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Item 74/19            Councillor Question Time

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Item 75/19            Notices of Motion by Councillors

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**Purpose**

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

**Background**

The Annual Plan for 2018/2019 requires reviewing of the Electronic Communications Policy. This Policy was last reviewed by Council on 19 December 2016.

The objective of the Policy is to ensure that all Elected Members and employees are aware of the minimum standards to apply to the use of the internet and individual email addresses provided by Council and their responsibilities when using these facilities.

**Planning, Environment & Statutory Requirements**

N/A

**Risk Management**

Regular review of policies is important to appraise the merits of individual policies and ensure ongoing compliance with current legislation and standards.

**Financial & Asset Management Implications**

N/A

**Community Considerations**

N/A

**Officer's Comments**

The only change recommended to the policy is to update officer titles throughout the policy and fix formatting.

A copy of the recommended revised policy (tracked changes) is included with the agenda attachments.

**Recommendation**

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

**Purpose**

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

**Background**

The Annual Plan for 2018/2019 requires reviewing of the Sponsorship of Sporting and Cultural Representatives Policy. This Policy was last reviewed by Council on 19 September 2016.

The policy was introduced to ensure consistency when dealing with requests from Dorset residents for financial assistance for state and national sporting and cultural representatives.

**Planning, Environment & Statutory Requirements**

N/A

**Risk Management**

Regular review of policies is important to appraise the merits of individual policies and ensure ongoing compliance with current legislation and standards.

**Financial & Asset Management Implications**

Council has an annual budget allocation of \$5,000.

**Community Considerations**

N/A

**Officer's Comments**

The only change recommended to the policy is to update the Council Officer responsible for assessment of applications.

A copy of the recommended revised policy (tracked changes) is included with the agenda attachments.

**Recommendation**

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

**Purpose**

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

**Background**

The Annual Plan for 2018/2019 requires reviewing of the Payment of Councillor’s Expenses and Provision of Facilities Policy. This Policy must be reviewed at the commencement of each four (4) year term of Council.

The objective of the Policy is to ensure that all Councillors are aware of the expenses that can be claimed and the method of making those claims and that all Councillors are treated equally in the payment of expenses and the provision of facilities.

**Planning, Environment & Statutory Requirements**

N/A

**Risk Management**

Regular review of policies is important to appraise the merits of individual policies and ensure ongoing compliance with current legislation and standards.

**Financial & Asset Management Implications**

N/A

**Community Considerations**

N/A

**Officer’s Comments**

A copy of the recommended revised policy (tracked changes) is included with the agenda attachments.

A summary of the proposed changes are as follows:

- 1.) Per section 2, on completion of the Council four (4) year term, the tablet or similar device supplied to Councillors will be available free of charge for personal use. The memory of each device will be fully erased and the item placed on the Council’s gift register. Note the market value of these devices after four years is negligible.
- 2.) Per section 3 the onus of travel expense claims in regards to Council related activities has been put back onto individual Councillors as opposed to having a resolution of Council for each activity, which in practice is unworkable. The policy has a check and balance whereby the General Manager must sign off on travel expenses claim forms to ensure the activity is in fact Council related and if claims are denied by the General Manager the Councillor may then seek approval of Council via a Council resolution.

3.) Per section 7 the scope and claims for professional development have been clearly defined including:

- Professional development of up to \$2,000 in year one and \$1,500 in each subsequent year may be claimed per Councillor. Year 1 has a loading to encourage Councillors to attend LGAT organised induction courses.
- Professional development of up to \$5,000 per annum per Mayor.
- Limits are inclusive of all out-goings including event/course fees, motor vehicle, flights and accommodation.
- Prior approval is required by the General Manager, with recourse to Council via a Council resolution where the General Manager has denied a claim relating to professional development.
- Professional development activities must have relevance to the Local Government sector and the role of a Councillor.

#### **Recommendation**

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

### **Purpose**

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

### **Background**

Section 130 of the *Food Act 2003* provides that Council may determine any fees payable under the Act for the notification and registration of food businesses.

Council provides services in relation to maintaining food safety within the community, including through food premise audits, food handler training, food sampling and investigation of food complaints. The purpose of food registration fees has been to obtain a contribution from food business operators toward the cost of Council providing these services to the community and promoting better food handling practices.

Food Business registration fees are typically due and payable from 1<sup>st</sup> July in each year. It is therefore necessary for Council to establish annual fees prior to 1<sup>st</sup> July to enable adequate notification of fees – or changes thereto – for the upcoming financial year.

### **Planning, Environment & Statutory Requirements**

*Food Act 2003*

### **Risk Management**

N/A

### **Financial & Asset Management Implications**

Council receives approximately \$10K annually from food business registrations.

### **Community Considerations**

Council's food registration service supports the community to be responsible in food preparation and service.

### **Officer's Comments**

Since the commencement of the 2015/2016 financial year Council has adopted a policy position whereby Council fees and charges have not been increased. In addition to this initiative, Council also has a policy position whereby Council fees are waived on any business related regulatory approvals - development application fees for example. Consistent with this approach of supporting business investment and small business it is recommended that annual food registration fees also be waived.

It is recommended that the only exception to this policy position will be food business registrations for mobile premises of non permanent residents of Dorset. Additionally, a \$75 fee will apply for additional food inspections over and above the normal inspection regime for food premises. The purpose of this fee is to encourage responsible food preparation and service and to deter poor practices.

All food premises including mobile will be required to renew their annual food registration irrespective of the fee structure that Council adopts.

The proposed Schedule of Fees for food business registrations in the 2019/20 financial year is tabled below:

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

#### **Recommendation**

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



## Item 80/19 Dog Management Fees 2019/2020

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

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### Purpose

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

### Background

The purpose of dog registration fees is to obtain a contribution from dog owners toward the cost associated with providing dog management services to the community.

### Planning, Environment & Statutory Requirements

Section 80 of the Dog Control Act 2000 provides that Council may determine any fees payable under the Act.

### Risk Management

N/A

### Financial & Asset Management Implications

The proposed lifetime registration fees are significantly lower than previous years, providing dog owners with compelling reason to choose a lifetime registration. Council forecast annual revenue will decrease from an average of \$26,500p.a. to \$25,500p.a under the proposed fee structure.

### Community Considerations

Council's dog management service supports the community in responsible ownership and welfare of dogs.

### Officer's Comments

The proposed fee structure is priced so as to encourage responsible dog ownership (i.e. registering, microchipping and sterilising) and to incentivise lifetime dog registrations by offering a lower fee.

To make lifetime registration even more compelling to dog owners, it is proposed that Council offer a 50% reimbursement of the fee if a dog becomes deceased due to natural causes or departs the municipality within the first three years of the lifetime registration.

To simplify the fee structure, it is proposed that sterilised, working, purebred and greyhound dogs are merged into one registration stream. It is also proposed that the pre July payment discount is removed due to the significant cost savings associated with the decreased lifetime registration fees.

The recommendation is that Council adopt dog registration fees in the 2019/20 financial year as tabled in the following:

<b>Dog Type</b>	<b>Fee</b>
<b>Annual</b>	
Non-Desexed Dog	\$54.00
Desexed, Working, Purebred or Greyhound	\$27.00
Pensioner-Owned Dog	\$20.00
<b>Lifetime</b>	
Non-Desexed Dog	\$130.00
Desexed, Working, Purebred or Greyhound	\$75.00
Pensioner-Owned Dog	\$50.00
Guide Dog	No Charge
Declared Dangerous Dog	\$400.00
Guard Dog	\$400.00

**Recommendation**

That Council adopt the Schedule of Fees payable for dog registrations for the 2019/20 financial year.

*\*\*\*\* 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

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**Purpose**

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

**Background**

Location

The land subject to the proposal is addressed as 3 Hill Street DERBY (Certificate of Title 207961/1).

Applicant

The applicant for the proposal is Ms Laura Trimmer (Tasbuilt Homes).

Planning Controls

The subject land is controlled by the Dorset Interim Planning Scheme 2013 (referred to in this report as the 'Planning Scheme').

Statutory Timeframes

Date Received: 19 March 2019

Request for further information: N/A

Information satisfied: N/A

Advertised: 20 March 2019

Closing date for representations: 3 April 2019

Extension of time granted: 15 April 2019

Extension of time expires: 21 May 2019

Decision due: 20 May 2019

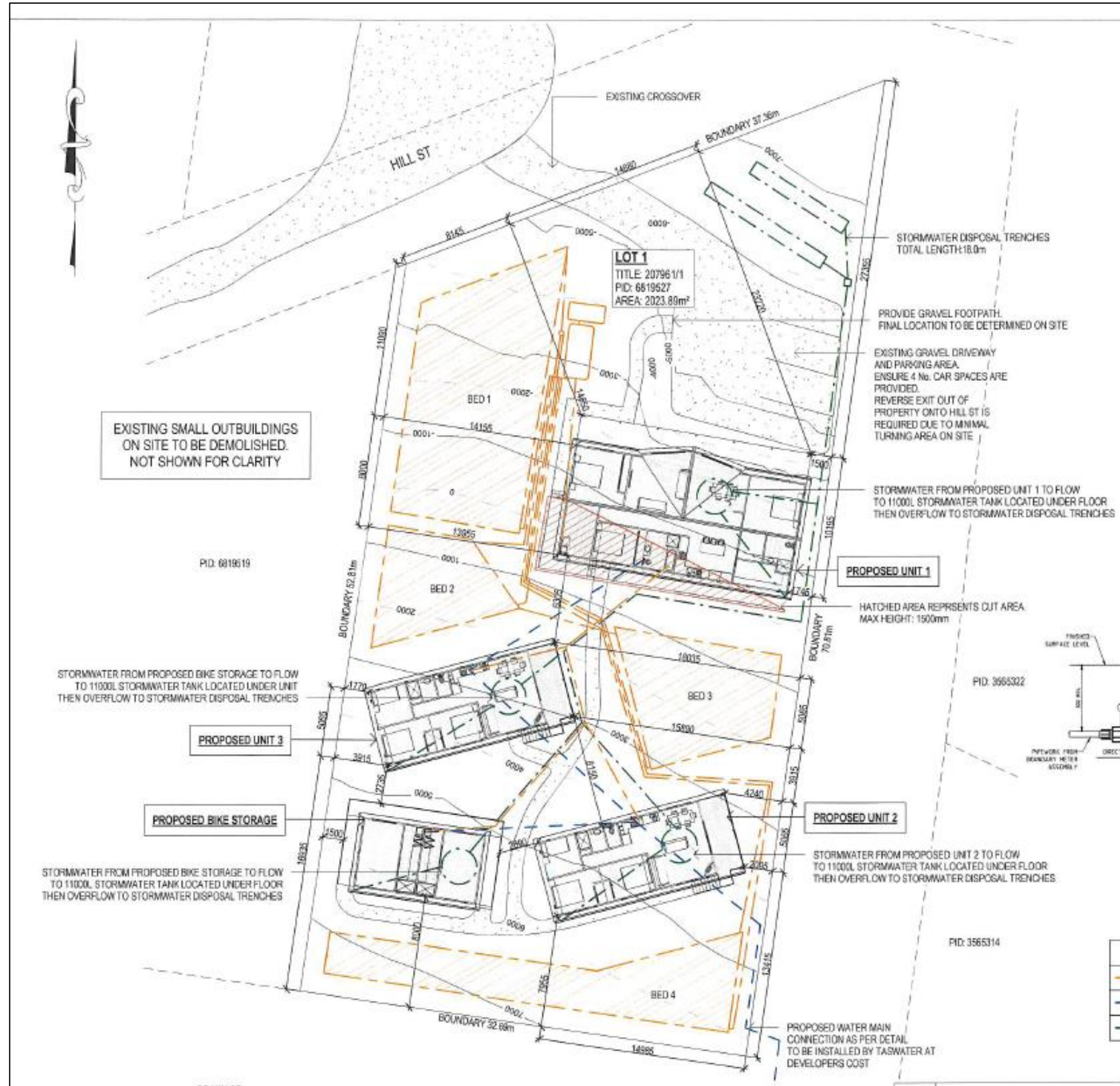


Figure 1 – Site Plan of Proposed Visitor Accommodation (3 Units) and associated outbuilding (source: Ms L Trimmer 2019)



## The Site

The proposal is for the construction of three (3) visitor accommodation units and one (1) associated outbuilding at: 3 Hill Street DERBY (CT 207961/1). The site is located within the Village Zone which supports a mix of residential, community services and commercial activities.

3 Hill Street Derby is an irregular shaped parcel of land with a site area of 2023.98 square metres. The site has frontage onto the Hill Street and Renison Street Council road reserves. The primary frontage is onto Hill Street. No easements apply to the subject site.



**Figure 2** – Subject Site (adapted from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania

The site currently holds a small outbuilding and is covered with mature modified vegetation (both domestic and native).

The site is bound by 4 Hill Street to the west, the Hill Street road reserve and Crown Land to the north, Crown Land to the east, and Crown Land and Renison Street to the south.

The site experiences a noticeable decline from north to south, dropping from 20 metres along the length of the site, from approximately 175 metres at Renison Street to 155 metres at Hill Street/Main Street with an approx. average decline of 21%.

Reticulated water is available to the site. Both storm water and sewerage would need to be managed on site to the satisfaction of Council.

Figures 3-4 below provide images of the development site:



**Figure 3** – Subject site viewed from pedestrian access between Main Street and Hill Street, Derby, facing south (photo taken 10 May 2019)



**Figure 4** – Subject site, viewed from Renison Street, facing to the north (photo taken 10 May 2019)





**Figure 5** – Subject site, viewed from Hill Street, facing to the east (photo taken 10 May 2019)



**Figure 6** – Subject site, viewed internally from the northern portion of the lot, facing to the south (photo taken 10 May 2019)

#### Surrounding Land

Land neighbouring the subject site to the west, south, and east is zoned Village Zone which supports use and development for a mix of residential, community services and commercial activities. Main Street is within the Utilities Zone which provides for major utilities such as roads under the jurisdiction of the Department of State Growth.

#### Strategic and Annual Plans

Not applicable.

### **Statutory Requirements**

Council must process and determine the application in accordance with the *Land Use Planning Approval Act 1993* (the LUPA Act) and the Council's Planning Scheme. The application is made in accordance with Section 57 of the LUPA Act.

### **Policy Implications**

Not applicable.

### **Financial & Asset Management Implications**

Not applicable.

### **Risk Management**

Management of risk(s) is inherent in the conditioning of the permit.

### **Consultation with State Government & Other Authorities**

Not applicable.

### **Community Considerations**

The application was advertised for the statutory 14-day period. Council received one (1) representation regarding the proposal.

Consideration of the planning matters raised in these representations is provided further on in this report.

### **Alternative Options**

Council can either approve, with or without conditions, or refuse the application.

### **Officer's Comments**

#### **Details of Proposal**

The proposal seeks planning approval for three (3) visitor accommodation units and one (1) associated outbuilding. Development associated with this proposal includes: i) internal driveways, and ii) one upgraded crossover onto Hill Street. The proposal would have a gross floor area of approximately 317.4 square metres.

#### **Unit 1**

Unit 1 would have a maximum height of 7.58 metres, with the remainder of the buildings height averaging 5.2 metres, and a gross floor area of approximately 140.38 square metres. The unit would comprise:

- one bathroom;
- one kitchen;
- one open dining/living space;
- three bedrooms (including one master with ensuite);
- one pantry;
- one laundry;
- one 9.11 square metre rear landing; and
- one 33.02 square metre deck



The unit would have an open hip and gable roof design clad in colorbond 'custom orb' cladding (with Monument colouring). Walls would be clad in vertical and horizontally oriented axon cladding (with Night Sky colouring). The deck would be clad in horizontally oriented painted timber slats (colour and finish TBD) and the windows framed with slimlined aluminium.

#### Unit 2

Unit 2 would have a maximum height of 6.59 metres at its highest point and a gross floor area of approximately 66 square metres. The unit would comprise:

- one bathroom;
- three bedrooms;
- one combined/kitchen/living area; and
- one 12 square metre deck.

The unit would have a skillion roof with a 7 degree pitch upwards to the north elevation and clad in colorbond 'custom orb' roofing. The walls would primarily be clad in horizontally oriented colorbond 'custom orb' while the deck and the lower portion of the walls would be clad in horizontally oriented painted timber slats. The windows would be framed with slimlined aluminium.

#### Unit 3

Unit 3 would have a maximum height of 6.53 metres at its highest point and a gross floor area of approximately 66 square metres. The unit would comprise:

- **one bathroom**
- **three bedrooms**
- **one combined/kitchen/living area; and**
- **one 12 square metre deck.**

The unit would have a skillion roof with a 7 degree pitch upwards to the north elevation and clad in colorbond 'custom orb' roofing. The walls would primarily be clad in horizontally oriented colorbond 'custom orb' while the deck and the lower portion of the walls would be clad in horizontally oriented painted timber slats. The windows would be framed with slimlined aluminium.

#### Associated Outbuilding

The associated outbuilding to be used for storage would have a floor area of 45 metres, a deck area (including ramps) of 25.92 metres square, and a maximum height of 5.21 metres on its northern elevation and 3.185 metres on its southern elevation. The roof and walls would be clad in colorbond 'custom orb' roofing with the deck being clad in horizontally oriented timber slats. The windows would be framed in slimlined aluminium.

#### Internal Vehicle Access and Car Parking

Internal vehicle access and car parking would be constructed to the satisfaction of Council.

### Crossovers

The proposal would include the construction of one crossover onto Hill Street and would be constructed to Council's specifications.

### Colours and Finishes

It is also noted that the submitted plans and supporting documentation are inconsistent in their details regarding the colours and finishes of the proposed roofs and walls. While the submitted plans state that the colours of the proposed roofs and walls would be to the owners specifications, the planning application form identifies the external walls to be coloured with colorbond 'Night Sky' and the roofs to be coloured with colorbond 'Monument' (see below). Given this discrepancy and uncertainty it is recommended that a schedule of external finishes and colours be conditioned as part of any planning permit to ensure clarity is provided.



**Figure 7** – Colours identified within Planning Application Form (source: Colorbond)

### **PLANNING ASSESSMENT**

The proposal must be considered against the provisions of the LUPA Act. It must also be considered against pertinent State Policies and the provisions of the Dorset Interim Planning Scheme 2013. A response to the relevant provisions is provided below.

#### ***Land Use Planning and Approvals Act 1993***

It is a requirement that use and development proposals that fall within the ambit of consideration of the LUPA Act must act to further the objectives set out in Schedule 1 of the Act.

Objectives stipulated under Schedule 1 of the LUPA Act are as follows:

#### ***PART 1 – Objectives of the Resource Management and Planning System of Tasmania***

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) *to encourage public involvement in resource management and planning; and*
- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

**Town Planner Response:**

The proposal is consistent with the objectives of the Act as described above, as (i) the impact of the proposal is not significant or detrimental in terms of adjoining properties; (ii) public involvement has been encouraged via the public advertisement of the proposal, inviting representations to be made; and (iii) with appropriate conditions, the proposal would facilitate economic development that is commensurate with objectives (a), (b) and (c).

***PART 2 - Objectives of the Planning Process Established by this Act***

*The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –*

- (a) to require sound strategic planning and co-ordinated action by State and local government; and*
- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*
- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*
- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*
- (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*
- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- (i) to provide a planning framework which fully considers land capability.*

**Town Planner Response:**

A comprehensive suite of planning instruments have been recognised in assessment of this proposal, including the Planning Scheme, State Policies, *Land Use and Planning Approvals Act 1993* and other applicable planning instruments – providing a robust framework for the appraisal of the development. It is regarded that the proposed development is conducive to the policy expectation of the planning instruments that the proposal is bound to being assessed against in terms of economic, environmental and social benefits for Tasmania.

The proposal takes into account state, regional and local planning policies and strategies (including those that the proposal is to be appraised against in the following sections).

With the inclusion of appropriate conditions, it is considered that any potential impacts associated with the proposal would be mitigated and/or managed appropriately. The proposal is therefore considered to be consistent with the objectives of the LUPA Act as described above.

## **State Policies**

### **State Coastal Policy 1996**

The proposed development does not fall within the coastal zone.

### **State Policy on the Protection of Water Quality Management 1997**

This State Policy aims to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development.

#### **Town Planner Response:**

Matters relating to water quality management associated with the proposal are addressed by the Planning Scheme. With appropriate conditions, the proposal would provide water management consistent with the objectives of this State Policy.

### **State Policy on the Protection of Agricultural Land 2009**

This state policy aims to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land. Objectives of this State Policy are to enable the sustainable development of agriculture by minimising:

- (a) conflict with or interference from other land uses; and*
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

#### **Town Planner Response:**

The proposal is located within the urban area of Derby. The requirements of the Policy are therefore not contravened by the proposal.

## **National Environment Protection Measures**

A series of National Environmental Protection Measures (NEPMs) have been established by the National Environment Protection Council. Measures that have been adopted as Tasmanian State Policies relate to the following:

- Air Toxins;
- Ambient Air Quality;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste Between States and Territories;
- National Pollutant Inventory; and
- Used Packaging Materials.

#### **Town Planner Response:**

No NEPMs would be contravened by the proposal.

## **Representations**

Council received one (1) representation regarding the proposal. The key concerns expressed by the representation and the Town Planner's response to these are provided in the following:

### **Issue 1**

**Concern that the proposed use and development would not comply with Zone Purpose Statement 16.1.1.2 "To provide for low impact, non-residential uses that support the function of the settlement"**

#### **Town Planner Response**

As discussed further on in this report, the proposed use (visitor accommodation) is a permitted use in accordance with Planning Directive No. 6. Within the Planning Scheme, Clause 8.10 states that the planning authority must only have regard to the Zone Purpose Statements where the proposal is for a discretionary use. Therefore, the Zone Purpose Statements cannot be considered when assessing this application.

### **Issue 2**

**Concern that the proposed use and development constitutes excessive and inappropriate overdevelopment of 3 Hill Street DERBY and would result in a development with a scale and density incompatible with the Derby locality.**

#### **Town Planner Response:**

The scale and density of use and development within the Village Zone is regulated by a number of interacting standards. These standards relate to village character, minimum lot size, maximum site coverage, and building envelopes. When these standards are considered it becomes apparent that the proposed use would be compatible with the character and function of the area.

Within the Derby locality, the acceptable minimum lot size is 1500 square metres and the acceptable maximum site coverage (meaning the proportion of a site – excluding any access trip – covered by roofed buildings) for non-residential uses is 50%.

The subject site is a 2023.89 square metres lot. This means that an acceptable site coverage for this site is a maximum of 1011.95 square metres. The proposed development would have a site coverage of 338.66 square metres which is the equivalent to 16.7% of the subject site. This is well below the acceptable solution of 50% site coverage for the Village Zone.

Furthermore, the acceptable solution for combined gross floor area (meaning the total floor area of the building measured from the outside of the external walls or the centre of a common wall) for non-residential uses (such as visitor accommodation) is 250 square metres per site. When considering the acceptable minimum lot size of 1500 square metres, the relationship between lot size and non-residential use gross floor area can be taken to be a scale of 1:6 (or 16% of the lot size). Taking this ratio and applying it to the 2023.89 metre square site, 16% of the site (or approximately 323.8 square metres) can be considered a reasonable gross floor area for non-residential uses

on a lot of this size. Given that the proposed visitor accommodation would have a gross floor area of approx. 317.38 square metres it is considered that the scale of this proposed use is compatible with the surrounding character and existing uses.

### Issue 3

Concern that the proposed development would not comply with c) of Clause 16.1.2.2 (Local Area Objectives for Derby) – “ensure development complements the visual character of the village’s older building types and historic fabric” – and would result in an architectural expression unsuited to the locality.

#### Town Planner Response:

As discussed further on in this report, the proposed use (visitor accommodation) is a permitted use in accordance with Planning Directive No. 6. Within the Planning Scheme, Clause 8.10 states that the planning authority must only have regard to the Local Area Objectives where: i) the proposal is for a discretionary use; or ii) where specifically referred to by a use or development standard that requires discretionary appraisal. The following standards mandate consideration of the Local Area Objectives for Derby in relation to the respective discretions:

Standard	Reference to Local Area Objectives
16.3.2 (Village Character)	Performance Criteria P1.3
16.4.1.1 (Building Design and Siting)	Performance Criteria P4 (Side and Rear Boundary Setbacks)
16.4.4.2 (Roof Form and Materials)	Objective b)
16.4.4.3 (Wall Materials)	Objective b)
16.4.4.4 (Windows)	Objective b)

The development must therefore demonstrate that it can complement the visual character of the village’s older building types and historic fabric only in relation to the above use and development standards.

The proposed development would be constructed of colorbond ‘custom orb’ roof and wall cladding, timber cladding around the decks, and aluminium frames. As noted by the applicant, *‘most of the current buildings in Debry and surrounding areas are either an FC or Timber clad with corrugated iron or colourbond steel. All these materials have been incorporated into the dwellings’*. This statement is supported.

Likewise, pitched skillion roofs for new buildings would not be incompatible with the visual character of the locality, especially when considering the limited visual impacts from Hill Street, Renison Street, and Main Street due to proposed landscaping, topography, and building form.

### Issue 4

Concern that the proposed development would result in an excessive bulk and unreasonable visual impact.

#### Town Planner Response:

The proposed development would not result in an excessive bulk nor unreasonable visual impact when viewed from adjoining properties or road reserves. Due to existing

and proposed landscaping the visual impact of the proposed development would be limited when viewed from the Hill Street and Renison Street road reserves. In response to the representation, the applicant has confirmed that *'all current large trees on the site will remain... [and] are happy for these to remain as they add to the site and provide plenty of natural shade and outdoor leisure areas.'*

Furthermore, it is the applicant's *'intention to add to the current landscaping not remove it, particularly the terraced gardens on the north east side of the property and... are proposing... a full height native hedge on the South Boundary of Renison St to provide a natural screen.'*

In addition, the average declining slope of 21% would also ensure that the proposed buildings would not appear excessively bulky when viewed from Renison Street. The nearest building to Renison Street would be the proposed outbuilding at a distance of 23 metres between the verge and the building, and 8 metres from the southern boundary. With Renison Street at an approximately height of 175 AHD and the proposed outbuilding having a floor level of 171 AHD, considering that the building height of the outbuilding would appear to be 3.7 metres when viewed from the south, it becomes apparent that the proposed buildings would not cause an excessive bulk. Indeed, the proposed outbuilding would not exceed the AHD of Renison Street. This would apply to all proposed buildings on site.

The siting of the proposed development, as discussed by the applicant, is also a response to the slope of the site, with the perspective that:

*'raising the dwellings to avoid excessive cut and fill seems a far more environmentally friendly solution as is common in Derby... The cut required for the proposed dwelling of the North side of the block is minimal and there are several examples of this currently in Derby. The apparent height at the front is due to the existing cut on the site that accommodated parking for 4 vehicles'*

This statement is supported.

The retention and landscaping of vegetation along the northern edge of the property would also ensure that visual impacts when viewed from Main Street are minimised.

As a result, the proposed development would not result in an excessive bulk nor unreasonable visual impact when viewed from adjoining properties or road reserves.

#### Issue 5

Concern that the proposed development would have side boundary setbacks less than the three (3) metre acceptable solution.

#### Town Planner Response

The proposed development relies on demonstrating compliance with the applicable performance criteria in relation to side boundary setbacks for non-residential use development (in the Village Zone) in order to comply with the Planning Scheme. An appraisal against the applicable performance criteria is provided further on in this agenda report.

#### Issue 6

Concern that the proposed Unit 1 would have a height greater than the acceptable solution of 6.8 metres.

#### Town Planner Response

The proposed development relies on demonstrating compliance with the applicable performance criteria in relation to height standards for non-residential use development (in the Village Zone) in order to comply with the Planning Scheme. An appraisal against the applicable performance criteria is provided further on in this agenda report.

#### Issue 7

Concern that the proposed development would cause an unreasonable environmental nuisance through construction noise and thereby adversely impact upon the amenity of the neighbourhood.

#### Town Planner Response

The *Environmental Management and Pollution Control Act 1994* (the EMPC Act) defines an 'environmental nuisance' as:

*“(a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and  
(b) any emission, discharge, depositing or disturbance specified in an environment protection policy to be an environmental nuisance”.*

Noise emissions are within the ambit of this definition and are taken to unreasonably interfere with a person's enjoyment of the environment if it is unreasonable having regard to its volume, intensity, or duration; its time place and other circumstances in which it is emitted.

As such, unreasonable noise is controlled by the EMPA Act 1994 and would be regulated by Council throughout the lifetime of the proposed visitor accommodation use. This would apply to both the construction phase and the continual operation to ensure that noise does not exceed unreasonable levels.



## Issue 8

Concern that the proposed development would result in the clearing of all vegetation from the site and cause significant and unnecessary damage to the local environment.

### Town Planner Response

As discussed above, the applicant has confirmed in response to the representation that all large trees would remain on site (see Figure 8 below).

As also discussed above, it is the applicants intention *'to add to the current landscaping, not remove it, particularly the terraced gardens on the north east side of the property and we are proposing... a full height native hedge on the South Boundary of Renison St to provide a natural screen.'*

A planning assessment of the vegetation removals required by the proposal are provided further on in this report.

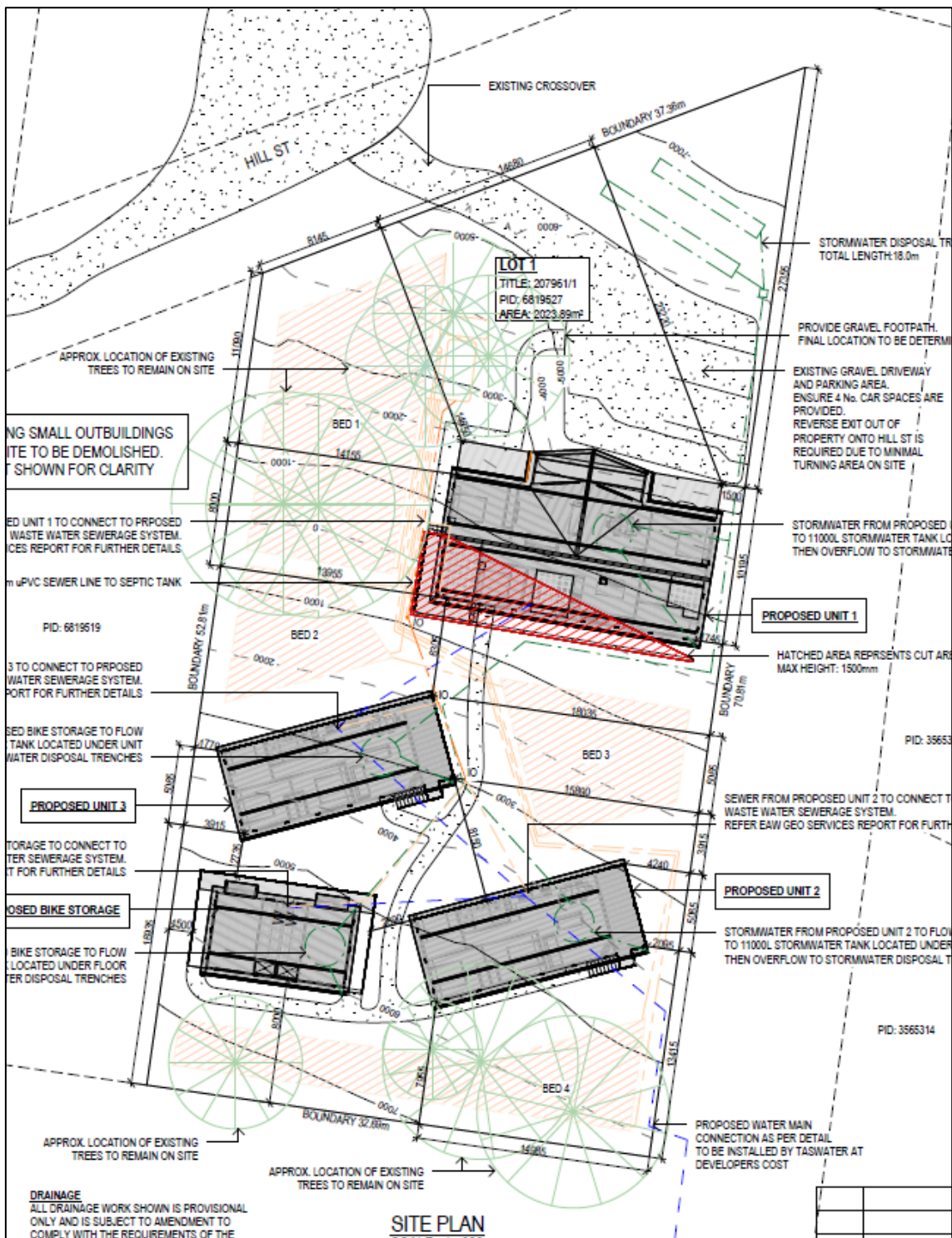


Figure 8 – Site Plan Showing all large trees to remain on site (source: TasBuilt Homes 2019)

Issue 9

Concern that Derby's reputation as a destination would be damaged if proposals where good design and 'contemporary architecture which continues the tradition of the former mining town turned mountain bike paradise; pitched roof, mostly timber framed buildings often sited in lush gardens' is lacking are approved.

### Town Planner Response

While the reputation of a locality is not a statutory consideration when assessing planning applications it should be noted that the proposed development mostly meets the qualifications provided by the representor. The proposal, through virtue of being designed in this time period, is contemporary architecture. The proposed materials of corrugated colorbond and timber slats are in keeping with the style of Derby's built form, the roofs are pitched, and the proposal would retain and add to the existing landscaping on site.

### Issue 10

**Concern that the proposed development would negatively impact the quality of life enjoyed by the representor and nearby residents.**

### Town Planner Response:

Through virtue of the above responses and further discussion within the report below, the proposal demonstrates that the quality of life enjoyed by the representor and nearby residents would not be adversely affected.

### **Dorset Interim Planning Scheme 2013**

The proposal is for visitor accommodation (3 units) and one (1) associated outbuilding and must be considered against all pertinent clauses of the Planning Scheme.

### **Zone**

The land pertaining to the application is located within the Village Zone, as defined by the Planning Scheme. The application is for a Visitor Accommodation use, which is defined under Clause 3.1 of Planning Directive No. 6 as:

*“use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.”*

This use is classified as a Permitted Use in this zone in accordance with Planning Directive No. 6.

The ZONE PURPOSE STATEMENTS of the Village Zone are:

- 16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.*
- 16.1.1.2 To provide for low impact, non residential uses that support the function of the settlement.*
- 16.1.1.3 To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement.*

**Town Planner Response:**

The proposed use is a permitted use in accordance with Planning Directive No. 6. As such, Zone Purpose Statements cannot be considered when determining this application unless specifically referred to by a use or development standard that requires discretionary appraisal. No performance criteria applicable to this application require consideration of the Zone Purpose Statements of the Village Zone.

It is noted, however, that the proposal is consistent with the Zone Purpose Statements of the Village Zone. The proposal would provide for a low impact non-residential use and development that would support the function of the Derby settlement without compromising the amenity of nearby residents when taking the mixed use nature of the locality into account.

The applicable LOCAL AREA OBJECTIVES of the Village Zone are:

*16.1.2.2 Derby*

<i>a) Provide for use and development where the visual quality of the Main Street streetscape is protected.</i>	<i>New development is to be designed such that it does not dominate, or detract from, local historic character, heritage character and adjoining residential amenity.</i>
<i>b) Promote reuse of historic character buildings and redevelopment of other underutilised buildings.</i>	
<i>c) Ensure development complements the visual character of the village's older building types and historic fabric.</i>	

**Town Planner Response:**

The proposed use is a permitted use in accordance with Planning Directive No. 6. As such, Local Area Objectives cannot be considered when determining this application unless specifically referred to by a use or development standard that requires discretionary appraisal. The following development standards require consideration of the Local Area Objectives for Derby in relation to the respective discretion:

<b>Standards</b>	<b>Reference to Local Area Objectives</b>
16.3.2 (Village Character)	Performance Criteria P1.3
16.4.1.1 (Building Design and Siting)	Performance Criteria P4 (Side and Rear Boundary Setbacks)
16.4.4.2 (Roof Form and Materials)	Objective b)
16.4.4.3 (Wall Materials)	Objective b)
16.4.4.4 (Windows)	Objective b)

The proposal would not conflict with the applicable local area objectives of the Village Zone. Further discussion of the Local Area Objectives in relation to the specific discretions is provided below.

The DESIRED FUTURE CHARACTER STATEMENTS of the Village Zone are:

*16.1.3.2 Derby*

- a) *Derby reflects an historical mixed use pattern as a mining and forestry service centre, characterized by a linear pattern of development that is adjacent and proximate to the Tasman Highway.*
- b) *The visual character of the village area is to be protected through design and location of development that is consistent in appearance with prevailing traditional built form and associated materials.*
- c) *The streetscape along Main Street is considered to be a key visual asset to the character of the town and is to be maintained.*

**Town Planner Response:**

The proposed use is a permitted use in accordance with Planning Directive No. 6. As such, Desired Future Character Statements cannot be considered when determining this application unless specifically referred to by a use or development standard that requires discretionary appraisal. The following development standards require consideration of the Desired Future Character Statement for Derby in relation to the respective discretion:

<b>Standards</b>	<b>Reference to Future Character Statements</b>
16.3.2 (Village Character)	Performance Criteria P1.3
16.4.1.1 (Building Design and Siting)	Performance Criteria P4 (Side and Rear Boundary Setbacks)
16.4.4.2 (Roof Form and Materials)	Objective b)
16.4.4.3 (Wall Materials)	Objective b)
16.4.4.4 (Windows)	Objective b)

The proposal would not conflict with the desired future character statements of the Village Zone. Further discussion of the Future Character Statements in relation to the specific discretions is provided below.

**USE STANDARDS**

The proposed visitor accommodation use is classified as a Permitted use. The use relies on demonstrating compliance with the applicable performance criteria within the Visitor Accommodation use standard provided by Planning Directive No. 6.

**Visitor Accommodation**

<b>Objective:</b>	
That Visitor Accommodation:	
(a) is compatible with the character and use of the area;	
(b) does not cause an unreasonable loss of residential amenity; and	
(c) does not impact the safety and efficiency of local roads or rights of way.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
Visitor Accommodation must:	Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:
(a) accommodate guests in existing habitable buildings; and	

(b) have a gross floor area of not more than 200m <sup>2</sup> per lot.	<ul style="list-style-type: none"> <li>(a) the privacy of adjoining properties;</li> <li>(b) any likely increase in noise to adjoining properties;</li> <li>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</li> <li>(d) retaining the primary residential function of an area;</li> <li>(e) the impact on the safety and efficiency of the local road network; and</li> <li>(f) any impact on the owners and users rights of way.</li> </ul>
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**Town Planner Response**

The proposed use would not accommodate guests in existing habitable buildings and would have a gross floor area exceeding 200 square metres and must therefore rely on demonstrating compliance with the corresponding performance criteria.

The immediate locality is characterised by a mix of residential and visitor accommodation uses and development with an average of one habitable building per lot. While the proposal represents three habitable buildings for one lot and thereby a scale of use greater than the existing locality, compatible density of development is regulated by a number of interacting development standards. These standards relate to village character, minimum lot size, maximum site coverage, and density controls for multiple dwellings. As discussed above within the responses to the representor, when these standards are considered it becomes apparent that the proposed use would be compatible with the character and function of the area.

Likewise, the proposal would not compromise the mixed use pattern of development nor the residential function of the immediate locality.

It is also anticipated that noise levels associated with the proposed use would be comparable to three dwellings and is therefore considered appropriate.

An assessment of privacy impacts upon adjoining dwellings are provided further on within this report. The adjoining crown land is not considered ‘property’ as it does not have a freehold title and cannot therefore be considered in terms of privacy impacts in its current form. Therefore, the proposal would not cause an unreasonable loss of privacy for adjoining properties.

Furthermore, the impact on the safety and efficiency of the local road network is considered to be limited. As discussed further on in this report, the proposal would generate annual average daily traffic movements of 9 trips per day (3 trips per unit) along Hill Street and Renison Street. Subject to conditions relating to satisfactory construction of the Hill Street access, the local traffic network would be capable of accommodating the additional traffic in a safe and efficient manner.

The proposed use would not interfere with any legal right of ways.

The proposed use therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

### 16.3.2 Village Character

<b>Objective</b>	
To ensure that non-residential uses are of an appropriate scale and type to support the objectives for the settlement.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Non-residential use must not exceed a combined gross floor area of 250m <sup>2</sup> over the site.	<p>P1.1 The use is not within the classes of [insert local]; and</p> <p>P1.2 The size and appearance of the use does not dominate the character of the area; and</p> <p>P1.3 The proposal is consistent with the local area objectives for visual character, if any.</p>

#### Town Planner Response

The proposed use would have a combined gross floor area exceeding 250 square metres over the site and must therefore rely on demonstrating compliance with the corresponding performance criteria.

As discussed above, it is considered that the proposed use would be of an appropriate scale and type that would support the objectives of Derby. Likewise, due to the steep topography of the site and the existing vegetation that would be retained the size and appearance of the proposed use would not dominate the historic character of the area nor the amenity of adjoining residential uses.

Subject to conditions relating to clarifying the finishes and colours of the proposed development, it is also considered that the development would complement the visual character of the village's older building types and historic fabric.

The proposed use therefore demonstrates compliance with the corresponding performance criteria.

The proposed visitor accommodation use meets the acceptable solutions of all other applicable use standards within the Village Zone.

DEVELOPMENT STANDARDS

The proposed development cannot meet the acceptable solutions of all applicable development standards within the Village Zone and must therefore rely on demonstrating compliance with the corresponding performance criteria.

Clause 16.4.1.1 Building Design and Siting

Objective

- a) To protect the residential amenity of adjoining lots by ensuring that the height, setbacks, siting and design of buildings provides adequate privacy, separation, open space and sunlight for residents; and
- b) To ensure that the siting and design of development furthers the local area objectives and desired future character statements for the area, if any.

Acceptable Solutions

- A2 Buildings height must:
- a) not exceed 6.8 metres; or
  - b) be between the maximum heights of the two adjoining buildings, shown as the shaded area in Figure 16.4.1.1A below.

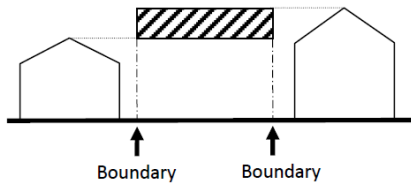


Figure 16.4.1.1A – Building Height

*Note: Shaded area relates to height only and does not indicate setbacks to side boundaries.*

Performance Criteria

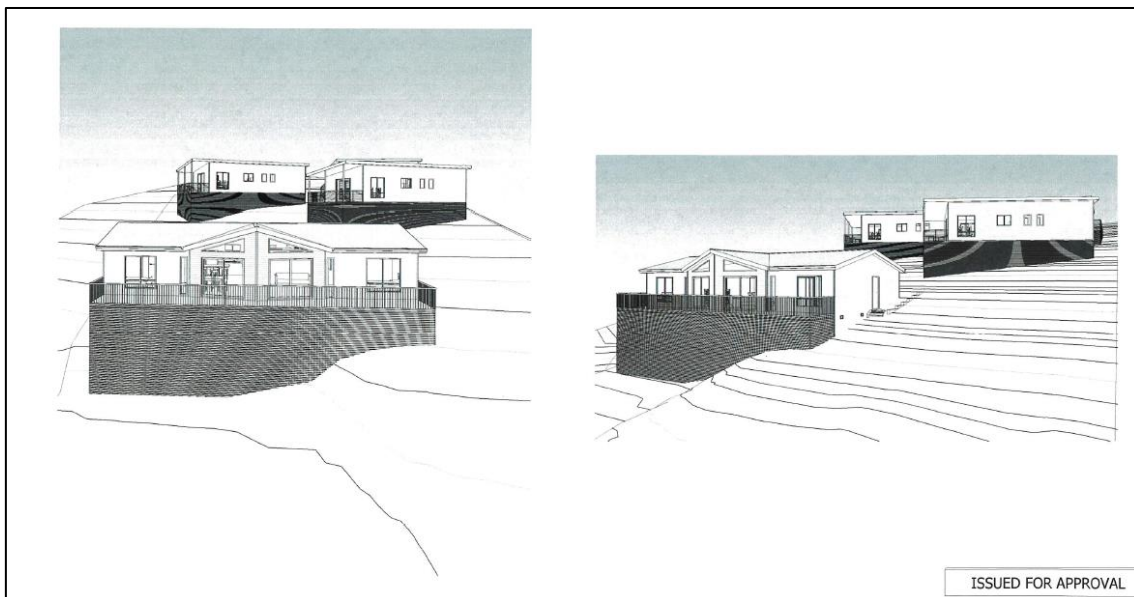
- P2 Building height must:
- a) be consistent with the local area objectives, if any; and
  - b) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:
    - i) the surrounding pattern of development; and
    - ii) the existing degree of overlooking and overshadowing; and
    - iii) the impact on the adjoining property of a reduction in sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and
    - iv) maintain reasonable privacy to private open space and windows; and
    - v) existing screening or the ability to implement screening to enhance privacy.



### Town Planner Response

Of the proposed buildings, only Unit 1 would have a maximum height greater than 6.8 metres, with a maximum height of 7.58 metres. This exceedance would be limited only to the gable above the deck. All other parts of the building would be within the acceptable 6.8 metre height.

While the proposal would exceed the acceptable solution by 0.78 metres at its greatest, when considering that the design of the proposed incorporates an intersecting gable that would be located approximate to a steep ridge (as seen in Figure 6 above) and that the site experiences a significant declining slope from south to north the heights are considered to both be consistent with the local area objectives of Derby and not compromise the amenity of adjoining dwellings (See Figure 9 below).



**Figure 9 – Visual Concept Plan of Proposed Visitor Accommodation Units** (source: TasBuilt Homes 2019)

As the proposed height exceeding the acceptable solution is primarily a result of the intersecting gable roof form, the proposed buildings would also not impact upon the residential amenity of the only adjoining dwelling – 4 Hill Street Derby - in terms of overshadowing and overlooking. Given the location of the proposed buildings and that the slope of the site declines towards the north, which thereby reduces the amount of overshadowing generated, it is considered that 4 Hill Street would continue to enjoy sunlight to habitable rooms and private open space for more than three hours between 9am and 5pm on June 21 (the Winter Solstice) without any impact upon the existing dwelling and only marginal overshadowing along the eastern boundary of 4 Hill Street.

Furthermore, the reasonable privacy to private open space and windows of 4 Hill Street would not be compromised by the proposed building height of Unit 1.

As a result of the above, screening to enhance privacy on the basis of the height of the building is not considered to be required.

The proposed development therefore demonstrates compliance with the performance criteria provided at P2 accordingly.

Acceptable Solutions	Performance Criteria
<p>A4 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.</p>	<p>P3 Buildings are sited so that side and rear setbacks:</p> <ul style="list-style-type: none"> <li>a) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to: <ul style="list-style-type: none"> <li>i) the surrounding pattern of development; and</li> <li>ii) the existing degree of overlooking and overshadowing; and</li> <li>iii) the reduction of sunlight to habitable rooms and private open space to no less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and</li> <li>iv) maintaining reasonable privacy to private open space and windows; and</li> <li>v) existing screening or the ability to implement screening to enhance privacy; and</li> </ul> </li> <li>b) further the objectives relating to the</li> <li>c) visual character of the village.</li> </ul>

**Town Planner Response**

All proposed buildings (Unit 1, Unit 2, Unit 3, and associated outbuilding) would have a setback less than 3 metres from the nearest relevant boundaries (see table below) and must therefore rely on demonstrating compliance with the corresponding performance criteria.

Boundary Setbacks Less Than 3 Metres		
	Setback	Boundary
Unit 1	1.5m	Eastern (Crown Land)
Unit 2	2.095	Eastern (Crown Land)
Unit 3	1.77m	Western (4 Hill Street Derby)
Outbuilding	1.44m	Western (4 Hill Street Derby)

The siting of the proposed buildings must protect the residential amenity of adjoining dwellings (4 Hill Street Derby) from the impacts of overshadowing and overlooking. Subject to conditions, this would be achieved.

The surrounding pattern of development supports reduced side setbacks with 4 Main Street Derby, 6 Renison Street, 4 North Street, 4 Hill Street, and 2 Hill Street all having a side boundary setback less than 3 metres (see Figure 10 below).



**Figure 10:** Surrounding Development Pattern of Reduced Setbacks (Source [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania

While there is no existing overlooking and overshadowing, as discussed above, 4 Hill Street would continue to enjoy sunlight to habitable rooms and private open space for more than three hours between 9am and 5pm on June 21 (the Winter Solstice).

No buildings are considered to result in unreasonable overlooking onto the private open space or windows of adjoining dwellings. Neither Unit 1 nor Unit 2 would overlook onto an adjoining dwelling and would thereby meet the relevant performance criteria. While Unit 3 would have a window to habitable room facing 4 Hill Street within 3 metres of the western boundary, this window would have an average floor level of 1 metres

above ground level. This is considered the acceptable upper threshold of overlooking without requiring solid or translucent screening. Finally, while the outbuilding would have a deck within 3 metres of the western boundary of the site, only a small portion of it would have a floor level greater than 1 metre in height. Combined with the non-habitable aspect of this building, overlooking caused by this building would not be unreasonable.

Furthermore, the proposed side boundary setbacks less than 3 metres would not impact upon the visual quality of the streetscape of Main Street, and would not dominate, or detract from, the local historic character, heritage or residential amenity of adjoining dwellings. The siting of the development would be comparable with existing buildings nearby and would thereby complement the visual character of Derby's historic fabric. The relevant local area objectives for Derby are therefore met.

The proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

**Clause 16.4.4.1 Demolition**

<b>Objective</b> To ensure that the demolition or removal of buildings and structures: a) does not adversely impact on the historic significance of local places; and b) further the local area objectives and desired future character statements for the area, if any.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	P1.1 Existing buildings, parts of buildings and structures must be retained, except where: a) the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or b) the demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or c) there are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or d) the building or structure does not contribute to the historic significance of Derby village.

**Town Planner Response**

The proposed development would include the demolition of the small existing outbuildings located in the north-western corner of the site in proximity to 4 Hill Street and the Hill Street road reserve.

The outbuildings to be demolished are considered to not meaningfully contribute to the historic significance of Derby village.

The proposed development therefore demonstrates compliance with the corresponding performance criteria P1.1.

**Clause 16.4.4.2 Roof Form and Materials**

<p><b>Objective</b></p> <p>To ensure that roof form and materials for buildings:</p> <ul style="list-style-type: none"> <li>c) are designed to be sympathetic to, and not detract from, the historic significance of local places; and</li> <li>d) further the local area objectives and desired future character statements for the area, if any.</li> </ul>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1.1 Roof materials must be corrugated steel with a traditional profile (such as Custom Orb).</p> <p>Roof form must be hip style, or</p> <p>A1.2 hip and gable.</p>	<p>P1.1 Roof form and materials must:</p> <ul style="list-style-type: none"> <li>a) be sympathetic to the historic significance, design and period of construction of the dominant existing buildings on the site; and</li> <li>b) ensure that roof form and materials of building additions and alterations to the front or sides of an existing building do not detract from the historic significance of the building.</li> </ul> <p>Flat roofs must only be constructed for:</p> <p>P1.2</p> <ul style="list-style-type: none"> <li>a) rear extensions or skillion sections of primary buildings; or</li> <li>b) outbuildings and ancillary structures.</li> </ul>

**Town Planner Response**

While the roofs of the proposed development would be clad with colorbond ‘custom orb’ corrugated iron, the proposed outbuilding, Unit 2, and Unit 3 would have skillion roofs instead of hip and gable. The proposed development must therefore demonstrate compliance with the corresponding performance criteria.

Existing buildings on site are proposed to be demolished as part of this planning application and are not considered to hold any historic significance. The proposed roof form and materials would thereby not detract from the historic significance of these buildings.

A flat roof is defined as a roof with a pitch less than 1.5 degrees. The proposed roofs of Unit 2, 3, and the outbuilding would all have a 7 degree pitch and are therefore considered to be skillion roofs. Subject to conditions relating to clarifying the colours and finishes of the roof cladding, it is considered that the skillion roof form would be sympathetic to the prevailing historic roof form in Derby and would complement the

visual character of Derby’s historic fabric. In this way, the skillion roof form would not result in the local historic character, heritage or residential amenity of adjoining dwellings being detracted from or dominated. The relevant Local Area Objectives and Desired Future Character Statements for Derby are therefore met.

Subject to conditions relating to clarifying the colours and finishes of the roof cladding, the proposed development therefore demonstrates compliance with the corresponding performance criteria.

**Clause 16.4.4.3 Wall Materials**

<p><b>Objective</b></p> <p>To ensure that wall materials:</p> <ul style="list-style-type: none"> <li>e) are designed to be sympathetic to, and not detract from, the historic significance of local places; and</li> <li>f) further the local area objectives and desired future character statements for the area, if any.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Wall materials for buildings must be in timber weatherboards or a weatherboard cladding product with a narrow traditional profile of up to 200mm.</p>	<p>P1 Wall material for buildings and structures must:</p> <ul style="list-style-type: none"> <li>c) be complementary to wall materials of the dominant buildings on the site; and</li> <li>d) not be constructed of brick, plastic, vinyl or fibreglass cladding products.</li> </ul>

**Town Planner Response**

The walls of the proposed development would be clad in custom orb colorbond (with a Night Sky finish) with the sub floor of the proposed decks being clad in timber battens. The proposed development must therefore demonstrate compliance with the corresponding performance criteria.

There are no existing dominant buildings on site (only minor outbuildings to be demolished) and the walls would not be constructed of brick, plastic, vinyl or fibreglass cladding products.

Subject to conditions relating to clarifying the colours and finishes of the wall cladding, it is considered that the wall materials would be sympathetic to the prevailing historic roof form in Derby and would complement the visual character of Derby’s historic fabric. In this way, the wall forms would not result in the local historic character, heritage or residential amenity of adjoining dwellings being detracted from or dominated. The relevant Local Area Objectives and Desired Future Character Statements for Derby are therefore met.

The proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

**Clause 16.4.4.4 Windows**

<p><b>Objective</b></p> <p>To ensure that windows:</p> <ul style="list-style-type: none"> <li>a) are designed to be sympathetic to, and not detract from, the historic significance of local places; and</li> <li>b) further the local area objectives and desired future character statements for the area, if any.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Windows facing onto Main Street must:</p> <ul style="list-style-type: none"> <li>a) be timber framed; and</li> <li>b) replicate, for alterations to an existing building, the existing style, size and position of any windows that are being replaced.</li> </ul>	<p>P1 Windows facing onto Main Street must:</p> <ul style="list-style-type: none"> <li>a) be framed of appropriate materials, styles and sizes that do not detract from the historic significance of the building; and</li> <li>b) be positioned to be complementary to the Main Street streetscape.</li> </ul>

**Town Planner Response**

The window frames of the proposed development would be aluminium and must therefore rely on demonstrating compliance with the corresponding performance criteria.

The pertinent windows that this standards applies to are those that face onto Main Street, meaning the northern elevations of Unit 1 and the outbuilding, and the north-western elevations of Unit 2, and Unit 3. All windows would be screened from Main Street by existing and proposed landscaping and would therefore be sympathetic to the historic significance of the surrounding locality and complementary to the Main Street streetscape, the proposed development would demonstrate compliance with the performance criteria provided at P1 accordingly.

The proposed development satisfies the acceptable solutions of all other applicable development standards provided within the Village Zone.

**Codes**

**E4 - ROAD AND RAILWAY ASSETS CODE**

The Road and Railway Assets Code applies to use or development of land that:

- a) requires a new access, junction or level crossing; or
- b) intensifies the use of an existing access, junction or level crossing; or



- c) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:
  - i) a future road or railway; or
  - ii) a category 1 or 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.

The proposal would intensify an access onto Hill Street Derby and must be assessed against the Code as a result.

#### USE STANDARDS

The Roads and Traffic Authority (RTA) NSW *Guide to Traffic Generating Developments* (Version 2.2) identifies a daily trip generation rate of 3 trips per unit and evening peak hour traffic generation of 0.4 trips per unit for motels (casual accommodation).

For comparison, the *Guide to Traffic Generating Developments* (Version 2.2) identifies residential dwellings with a daily trip generation rate of 9 trips per dwelling and peak hour traffic generation of 0.85 per dwelling.

With three (3) units being proposed, it is projected that the proposal would have an annual average daily trip generation rate of 9 trips and an evening peak hour traffic generation of 1.2 trips in total. This is four times less than the accepted threshold of 40 vehicle entry and exist movements per day.

The proposed use therefore satisfies the acceptable solutions of all applicable use standards within the Road and Railway Assets Code.

#### DEVELOPMENT STANDARDS

The proposed development meets the acceptable solution of all applicable development standards within the Road and Railway Assets Code.

#### E6 - CAR PARKING AND SUSTAINABLE TRANSPORT CODE

The Car Parking and Sustainable Transport Code applies to all use and development of land without exception.

#### USE STANDARDS

Clause E6.6.1 requires that an appropriate level of car parking is provided to service the proposed use. Acceptable Solution A1 states that:

*"The number of car parking spaces will not:*

- a) be less than 90% of the requirements of Table E6.1; and*
- b) exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or*
- c) will be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans."*

Table E6.1 provides parking space requirements for uses within the 'Visitor Accommodation' use class as follows:

<b>Visitor Accommodation</b> (bed and breakfast, camping, caravan park, unit/cabin, backpacker hostel, motel, serviced apartments)	1 space per unit or 1 space per 4 beds whichever is greater
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The proposal incorporates the construction of 3 units with a total of 9 proposed bedrooms (a combination of single and double beds). This is equivalent to 16 persons. The required number of car parks provided is therefore between 3 and 5 car parks while the proposal provides for 4 car parks. The proposed use therefore meets the acceptable solution of E6.6.1 (Car Parking Numbers).

The proposed use therefore satisfies the acceptable solutions of all applicable use standards within the Car Parking and Sustainable Transport Code.

#### DEVELOPMENT STANDARDS

Subject to conditions relating to ensuring adequate construction of the access and car parking, the proposal satisfies the acceptable solutions of all applicable development standards provided within the Car Parking and Sustainable Transport Code.

#### E8 - BIODIVERSITY CODE

The Biodiversity Code applies to use or development of land for removal of native vegetation.

Native vegetation is defined by the Planning Scheme as:

*“means plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes.”*

TASVEG 3.0 identifies the vegetation within the site as extra-urban miscellaneous (FUM). FUM represents areas where native vegetation has been replaced with human infrastructure in rural and remote areas. FUM may also include small areas of modified native vegetation, often present as a fringe or narrow strip associated with infrastructure or where such native vegetation cover is insufficient to map separately.

While there is landscaping within the northern half of the site suggesting domestic use, the remainder of the site is unkempt and considered to be modified native vegetation. The code therefore applies.

#### USE STANDARDS

Not used in this Scheme.

DEVELOPMENT STANDARDS

Clause E8.6.1 Habitat and Vegetation Management

<p><b>Objective</b></p> <p>To ensure that:</p> <p>a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and</p> <p>b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.</p>	
<p><b>Acceptable Solution</b></p>	<p><b>Performance Criteria</b></p>
<p>A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.</p>	<p>P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:</p> <ul style="list-style-type: none"> <li>a) quality and extent of the vegetation or habitat affect by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and</li> <li>b) means of removal; and</li> <li>c) value of riparian vegetation in protecting habitat values; and</li> <li>d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and</li> <li>e) need for and adequacy of proposed vegetation or habitat management and</li> <li>f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.</li> </ul>

### Town Planner Response

The proposed development would incorporate the removal of native vegetation from the site directly within the curtilage of the proposed buildings and must therefore demonstrate compliance with the corresponding performance criteria.

As discussed above TASVEG 3.0 identifies the vegetation within the site as extra-urban miscellaneous (FUM) which, in this instance, is considered to be modified native vegetation. The vegetation on site therefore is considered to not be a vegetation community of significance within the Ben Lomond bioregion.

It should first be noted, that as discussed in the responses to the representors, that existing vegetation is to be retained where not directly incidental to the proposed development (see Figure 8) and would thereby be carried out in a manner that minimises vegetation loss through appropriate location of buildings and works.

Given the minimal quality and extent of vegetation affected by the proposal, the proposed clearance would not compromise the representation of species or vegetation communities within the Ben Lomond bioregion and thereby, subject to conditions, demonstrate compliance with the corresponding performance criteria.

The proposal satisfies the acceptable solutions of all other applicable use and development standards provided within the Codes of the Planning Scheme.

### **Summary**

Council should weigh up the benefits of the proposal against the relevant issues raised in the report when making a decision in respect to the proposal.

It is considered that the proposal would deliver the construction of three (3) visitor accommodation units and associated outbuilding that would, subject to conditions, complement the visual character of Derby in a manner that would not dominate or detract from local historic character or adjoining residential amenity.

The proposed use and development are consistent with the requirements of the Dorset Interim Planning Scheme 2013, the *Land Use Planning and Approvals Act 1993* and applicable Tasmania's State Policies, and is recommended for approval.

### **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:**

#### **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 willfully 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)

Item 82/19

**Planning Application – Visitor Accommodation (3 Units) and Associated Outbuilding - 2 Main Street Derby**

Reporting Officer: Town Planner, Thomas Wagenknecht  
Ref: DOC/19/4999 | PLA2019/17

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**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.

**Background**

Location

The land subject to the proposal is addressed as the following:

<b>Subject Land</b>	<b>Owner</b>
<b>2 Main Street, Derby (CT 240551/13 and CT 209775/16)</b>	Scott Pearson Grace Pearson
<b>Main Street, Derby (Department of State Growth Road Reserve)</b>	Department of State Growth
<b>Renison Street, Derby (Council Road Reserve)</b>	Dorset Council
<b>Crown Land, Derby</b>	DPIPWE (Crown Land Services)

Applicant

The applicant for the proposal is S. Group.

Planning Controls

The subject land is controlled by the Dorset Interim Planning Scheme 2013 (referred to in this report as the 'Planning Scheme').

Statutory Timeframes

Date Received: 19 February 2019  
Request for further information: 12 March 2019  
Information satisfied: 16 April 2019  
Advertised: 20 February 2019  
Closing date for representations: 7 March 2019  
Extension of time granted: 16 April 2019  
Extension of time expires: 21 May 2019  
Decision due: 20 May 2019





Figure 1 – Site Plan of Proposed Visitor Accommodation (3 Units) and associated outbuilding (source: S. Group 2019)



### The Site

The proposal is for the construction of three (3) visitor accommodation units and one (1) 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 (see Figure 1 above). All parcels are located within the Village Zone which supports a mix of residential, community services and commercial activities.

2 Main Street Derby is comprised of two titles: CT 240554/13 and CT 209775/16 (see Figure 2 below). Both titles are irregular shaped parcels of land and are arranged in an 'L' shape with a combined site area of 1836 square metres. CT 240554/13 has frontage onto Main Street (DSG Road Reserve) whereas CT 209775/16 does not have direct frontage onto any road reserves. The Crown land included within the application has a site area of approximately 925 square metres. Note that an application to purchase this Crown Land has been submitted to DPIPW (Crown Land Services). No easements apply to the subject site.



**Figure 2** – Subject Site (adapted from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania

The site is currently vacant and mostly cleared with some trees still scattered throughout. Existing vegetation is primarily within the identified Crown Land.

The site is bound by 4 Main Street and 4 Renison Street to the east, 6 Renison Street and Renison Street to the south, 3 Hill Street to the west, and Main Street to the north.

The site experiences a noticeable decline from north to south, dropping from 174 metres at Renison Street to 155 metres at Main Street with an average decline of 21%.

Figures 3-4 below provide images of the development site:



**Figure 3** – Subject site viewed from Main Street, Derby, facing south (photo taken 19 February 2019)





**Figure 4** – Subject site, viewed from Renison Street, facing to the north (photo taken 19 February 2019)

#### Surrounding Land

Land neighbouring the subject site to the west, south, and east is zoned Village Zone which supports use and development for a mix of residential, community services and commercial activities. Main Street is within the Utilities Zone which provides for major utilities such as roads under the jurisdiction of the Department of State Growth.

#### **Strategic and Annual Plans**

Not applicable.

#### **Statutory Requirements**

Council must process and determine the application in accordance with the *Land Use Planning Approval Act 1993* (the LUPA Act) and the Council's Planning Scheme. The application is made in accordance with Section 57 of the LUPA Act.

#### **Policy Implications**

Not applicable.

#### **Financial & Asset Management Implications**

Not applicable.

## **Risk Management**

Management of risk(s) is inherent in the conditioning of the permit.

## **Consultation with State Government & Other Authorities**

Not applicable.

## **Community Considerations**

The application was advertised for the statutory 14-day period. Council received two (2) representations regarding the proposal.

Consideration of the planning matters raised in these representations is provided further on in this report.

## **Alternative Options**

Council can either approve, with or without conditions, or refuse the application.

## **Officer's Comments**

### **Details of Proposal**

The proposal seeks planning approval for three (3) visitor accommodation units (referred to within the application as 'studios') and one (1) associated outbuilding. Development associated with this proposal includes: i) internal driveways and parking, and ii) two new crossovers (one onto Main Street and one onto Renison Street). The proposal would have a gross floor area of approximately 218 square metres.

### **Studio 1 and Studio 2**

Studio 1 and Studio 2 would have a maximum height of 9.5 metres and a gross floor area of approximately 41 square metres. The studios would comprise one mud area, one bathroom, one kitchenette, one living space, one 16 square metre mezzanine bedroom, and one 12 square metre deck. The studios would have a gable roof design clad in zincalume colorbond trimdeck. Walls and framing would consist of a mix of timber battens with a natural stained finish and colorbond trimdek coloured with Night Sky.

### **Studio 3**

Studio 3 would have a maximum height of 7.9 metres and a gross floor area of approximately 68 square metres. The studio would comprise one mud area, one bathroom, one bunk bedroom, one combined/kitchen/living area, two mezzanine bedrooms, and one 12 square metre deck. The studio would have a roof arranged in a cross-gabled design and clad in zincalume colorbond trimdek. Walls and framing would consist of a mix of timber battens with a natural stained finish and colorbond trimdek coloured with Night Sky.

### **Associated Outbuilding**

The associated outbuilding to be used for storage would have a floor area of 10.5 metres and a maximum height of 4.2 metres on its eastern elevation and 2.3 on its western elevation. The roof would be clad in colorbond trimdek coloured in Night Sky while the walls would be clad in Vertical Scyon Axon with a timber grain painted finish.

### Internal Vehicle Access and Car Parking

Internal vehicle access and car parking would be provided in the form of concrete hardstand to the satisfaction of Council.

### Crossovers

The proposal would include the construction of two crossovers: one onto Main Street, and one onto Renison Street. The Renison Street crossover would be constructed to Council's specifications while the Main Street crossover would be constructed to the satisfaction of the Department of State Growth.

## **PLANNING ASSESSMENT**

The proposal must be considered against the provisions of the LUPA Act. It must also be considered against pertinent State Policies and the provisions of the Dorset Interim Planning Scheme 2013. A response to the relevant provisions is provided below.

### ***Land Use Planning and Approvals Act 1993***

It is a requirement that use and development proposals that fall within the ambit of consideration of the LUPA Act must act to further the objectives set out in Schedule 1 of the Act.

Objectives stipulated under Schedule 1 of the LUPA Act are as follows:

### ***PART 1 – Objectives of the Resource Management and Planning System of Tasmania***

- (f) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (g) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (h) to encourage public involvement in resource management and planning; and*
- (i) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (j) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

**Town Planner Response:**

The proposal is consistent with the objectives of the Act as described above, as (i) the impact of the proposal is not significant or detrimental in terms of adjoining properties; (ii) public involvement has been encouraged via the public advertisement of the proposal, inviting representations to be made; and (iii) with appropriate conditions, the proposal would facilitate economic development that is commensurate with objectives (a), (b) and (c).

***PART 2 - Objectives of the Planning Process Established by this Act***

*The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –*

- (j) to require sound strategic planning and co-ordinated action by State and local government; and*
- (k) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*
- (l) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*
- (m) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*
- (n) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*
- (o) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*
- (p) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*
- (q) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- (r) to provide a planning framework which fully considers land capability.*

**Town Planner Response:**

A comprehensive suite of planning instruments have been recognised in assessment of this proposal, including the Planning Scheme, State Policies, *Land Use and Planning Approvals Act 1993* and other applicable planning instruments – providing a robust framework for the appraisal of the development. It is regarded that the proposed development is conducive to the policy expectation of the planning instruments that the proposal is bound to being assessed against in terms of economic, environmental and social benefits for Tasmania.

The proposal takes into account state, regional and local planning policies and strategies (including those that the proposal is to be appraised against in the following sections).

With the inclusion of appropriate conditions, it is considered that any potential impacts associated with the proposal would be mitigated and/or managed appropriately. The proposal is therefore considered to be consistent with the objectives of the LUPA Act as described above.

## **State Policies**

### **State Coastal Policy 1996**

The proposed development does not fall within the coastal zone.

### **State Policy on the Protection of Water Quality Management 1997**

This State Policy aims to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development.

#### **Town Planner Response:**

Matters relating to water quality management associated with the proposal are addressed by the Planning Scheme. With appropriate conditions, the proposal would provide water management consistent with the objectives of this State Policy.

### **State Policy on the Protection of Agricultural Land 2009**

This state policy aims to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land. Objectives of this State Policy are to enable the sustainable development of agriculture by minimising:

- (c) conflict with or interference from other land uses; and*
- (d) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

#### **Town Planner Response:**

The proposal is located within the urban area of Derby. The requirements of the Policy are therefore not contravened by the proposal.

### **National Environment Protection Measures**

A series of National Environmental Protection Measures (NEPMs) have been established by the National Environment Protection Council. Measures that have been adopted as Tasmanian State Policies relate to the following:

- Air Toxins;
- Ambient Air Quality;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste Between States and Territories;
- National Pollutant Inventory; and
- Used Packaging Materials.



**Town Planner Response:**

No NEPMs would be contravened by the proposal.

**Representations**

Council received two (2) representations regarding the proposal. The key concerns expressed by the representation and the Town Planner's response to these are provided in the following:

**Issue 1**

**The eastern side boundary setback of the proposed outbuilding would not meet the acceptable solution. There is concern that this is unnecessary and would adversely affect the amenity of 4 Main Street Derby.**

**Town Planner Response:**

The proposed development relies on demonstrating compliance with the applicable performance criteria in relation to side boundary setbacks for non-residential use development (in the Village Zone) in order to comply with the Planning Scheme. An appraisal against the applicable performance criteria is provided further on in this agenda report.

**Issue 2**

**The northern side boundary setback of the deck of proposed Studio 3 would not meet the acceptable solution. There is concern that this is unnecessary and would result in unreasonable overlooking onto 4 Main Street Derby.**

**Town Planner Response:**

The proposed development relies on demonstrating compliance with the applicable performance criteria in relation to side boundary setbacks for non-residential use development (in the Village Zone) in order to comply with the Planning Scheme. An appraisal against the applicable performance criteria is provided further on in this agenda report.

**Issue 3**

**Concern that visitor accommodation greater in scale than one single dwelling would generate: i) an unreasonable increase in traffic movements on Renison Street; and ii) an unreasonable number of cars parked on site.**

**Town Planner Response:**

A response to the applicable use and development standards in relation to traffic movements is provided further on in this report. A condensed version is provided below.

The Roads and Traffic Authority (RTA) NSW *Guide to Traffic Generating Developments* (Version 2.2) identifies an annual average daily trip generation rate of 3 trips per unit and evening peak hour traffic generation of 0.4 trips per unit for motels (casual accommodation). Note that one trip is the equivalent of one entry and exit movement.

For comparison, the *Guide to Traffic Generating Developments* (Version 2.2) identifies residential dwellings with an annual average daily trip generation rate of 9 trips per dwelling and peak hour traffic generation of 0.85 per dwelling.

With three (3) units being proposed, it is projected that the proposal would have an annual average daily trip generation rate of 9 trips and an evening peak hour traffic generation of 1.2 trips in total. This is four times less than the accepted threshold of 40 vehicle entry and exist movements per day.

Of these trips, Renison Street would experience traffic generated only by Studio 3 (approximately 3 trips per day) while Main Street would accommodate the remaining 6 trips generated by Studio 1 and 2. The proposal would therefore generate annual average daily traffic on Renison Street comparable to, or less than, a single dwelling.

Furthermore, the number and siting of car parks proposed would accommodate the anticipated traffic without adversely impacting upon the amenity of adjoining properties.

Both Renison Street and Main Street, subject to conditions relating to satisfactory construction of accesses, driveways, and vehicle parking, would be capable of accommodating the additional traffic in a safe and efficient manner.

#### **Issue 4**

**Concern that there is the potential for large combined groups to stay at the proposal and adversely impact upon adjoining neighbours through unreasonable noise levels.**

#### **Town Planner Response:**

The *Environmental Management and Pollution Control Act 1994* (the EMPC Act) defines an 'environmental nuisance' as:

*“(a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and  
(b) any emission, discharge, depositing or disturbance specified in an environment protection policy to be an environmental nuisance”.*

Noise emissions are within the ambit of this definition and are taken to unreasonably interfere with a person's enjoyment of the environment if it is unreasonable having regard to its volume, intensity, or duration; its time place and other circumstances in which it is emitted.

As such, unreasonable noise is regulated by the EMPC Act 1994 and would be enforced by Council throughout the lifetime of the proposed visitor accommodation use.

#### **Issue 5**

**The aesthetic of the proposed corrugated pitched roofs are not in keeping with the ambience of this area of the Derby Township and would be detrimental to the streetscape of Renison Street.**

#### **Town Planner Response:**

The roofs of the proposed buildings would be constructed with corrugated steel and would have an open gable roof form. Both aspects are listed as acceptable solutions for buildings

within the Derby area in order to ensure that roof form and materials are sympathetic to the locality.

When considering the potential impact upon the streetscape of Renison Street it should be noted that the nearest proposed building to Renison Street, Studio 3, is located approximately 22 metres from Renison Street, is sited behind 6 Renison Street, and would have a ground floor level AHD of 169. This is 5 metres less than the Renison-North Street intersection at 175 AHD. The site continues to decline towards Main Street until reaching an AHD of 155 which significantly mitigates the visual impact of the proposed buildings when viewed from Renison Street. The buildings are also sited on three distinct angles so as to not create an unbroken bulk. As a result, the cumulative effects of the proposed development upon the streetscape of Renison Street are minimal.

#### **Issue 6**

**The proposed visitor accommodation buildings would result in an unreasonable loss of sunlight for immediate neighbours.**

#### **Town Planner Response:**

The proposed development relies on demonstrating compliance with the applicable performance criteria in relation to height and side boundary setbacks for non-residential use development (in the Village Zone) in order to comply with the Planning Scheme. An appraisal against the applicable performance criteria is provided further on in this agenda report which includes an assessment of overshadowing generated by the proposed development.

#### **Dorset Interim Planning Scheme 2013**

The proposal is for visitor accommodation (3 units) and one (1) associated outbuilding and must be considered against all pertinent clauses of the Planning Scheme.

#### **Zone**

The land pertaining to the application is located within the Village Zone, as defined by the Planning Scheme. The application is for a Visitor Accommodation use, which is defined under Clause 3.1 of Planning Directive No. 6 as:

*“use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.”*

This use is classified as a Permitted Use in this zone in accordance with Planning Directive No. 6.

The ZONE PURPOSE STATEMENTS of the Village Zone are:

*16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.*

16.1.1.2 To provide for low impact, non residential uses that support the function of the settlement.

16.1.1.3 To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement.

**Town Planner Response:**

The proposed use is a permitted use in accordance with Planning Directive No. 6. As such, Zone Purpose Statements cannot be considered when determining this application unless specifically referred to by a use or development standard that requires discretionary appraisal. No performance criteria applicable to this application mandate consideration of the Zone Purpose Statements of the Village Zone.

It is noted, however, that the proposal is consistent with the zone purpose statements of the zone. The proposal would provide for a low impact non-residential use and development that would support the function of the Derby settlement without compromising the amenity of nearby residents when taking the mixed use nature of the locality into account.

The applicable LOCAL AREA OBJECTIVES of the Village Zone are:

*16.1.2.2 Derby*

<p><i>a) Provide for use and development where the visual quality of the Main Street streetscape is protected.</i></p>	<p><i>New development is to be designed such that it does not dominate, or detract from, local historic character, heritage character and adjoining residential amenity.</i></p>
<p><i>b) Promote reuse of historic character buildings and redevelopment of other underutilised buildings.</i></p>	
<p><i>c) Ensure development complements the visual character of the village's older building types and historic fabric.</i></p>	

**Town Planner Response:**

The proposed use is a permitted use in accordance with Planning Directive No. 6. As such, Local Area Objectives cannot be considered when determining this application unless specifically referred to by a use or development standard that requires discretionary appraisal. The following development standards mandate consideration of the Local Area Objectives for Derby in relation to the respective discretion:

<p>16.4.1.1 (Building Design and Siting)</p>	<p>Performance Criteria P4 (Side and Rear Boundary Setbacks)</p>
<p>16.4.4.3 (Wall Materials)</p>	<p>Objective b)</p>
<p>16.4.4.4 (Windows)</p>	<p>Objective b)</p>
<p>16.4.4.5 (Outbuildings and Structures for Sites with Frontage to Main Street)</p>	<p>Objective b)</p>

The proposal would not conflict with the applicable local area objectives of the Village Zone. Further discussion of the Local Area Objectives in relation to the specific discretions is provided below.

**The DESIRED FUTURE CHARACTER STATEMENTS of the Village Zone are:**

*16.1.3.2 Derby*

- a) Derby reflects an historical mixed use pattern as a mining and forestry service centre, characterized by a linear pattern of development that is adjacent and proximate to the Tasman Highway.*
- b) The visual character of the village area is to be protected through design and location of development that is consistent in appearance with prevailing traditional built form and associated materials.*
- c) The streetscape along Main Street is considered to be a key visual asset to the character of the town and is to be maintained.*

**Town Planner Response:**

The proposed use is a permitted use in accordance with Planning Directive No. 6. As such, Desired Future Character Statements cannot be considered when determining this application unless specifically referred to by a use or development standard that requires discretionary appraisal. The following development standards mandate consideration of the Desired Future Character Statement for Derby in relation to the respective discretion:

16.4.4.3 (Wall Materials)	Objective b)
16.4.4.4 (Windows)	Objective b)
16.4.4.5 (Outbuildings and Structures for Sites with Frontage to Main Street)	Objective b)

The proposal would not conflict with the desired future character statements of the Village Zone. Further discussion of the Future Character Statements in relation to the specific discretions is provided below.

**USE STANDARDS**

The proposed visitor accommodation use is classified as a Permitted use. The use relies on demonstrating compliance with the applicable performance criteria within the Visitor Accommodation standard provided by Planning Directive No. 6.

### Visitor Accommodation

Objective:	
That Visitor Accommodation:	
(a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way.	
Acceptable Solutions	Performance Criteria
<b>A1</b>  Visitor Accommodation must:  (a) accommodate guests in existing habitable buildings; and  (b) have a gross floor area of not more than 200m <sup>2</sup> per lot.	<b>P1</b>  Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:  (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the primary residential function of an area; (e) the impact on the safety and efficiency of the local road network; and (f) any impact on the owners and users rights of way.

### Planners Response

The proposed use would not accommodate guests in existing habitable buildings and would not have a gross floor area exceeding 200 square metres and must therefore rely on demonstrating compliance with the corresponding performance criteria.

The immediate locality is characterised by a mix of residential and visitor accommodation uses and development with an average of one habitable building per lot. The proposed visitor accommodation use incorporates the construction of three (3) habitable buildings over two titles, resulting in an average of 1.5 habitable buildings per lot. This is also equivalent to one (1) unit per 612 square metres. In comparison, the acceptable minimum site area per dwelling for multiple dwellings in the Village Zone is 400 square metres. As a result, the scale of this proposed use is considered to be compatible with the surrounding character and existing uses. Likewise, the proposal would not compromise the mixed use pattern of development nor the residential function of the immediate locality.

It is also anticipated that noise levels associated with the proposed use would be comparable to three dwellings and is therefore considered appropriate.

Subject to conditions detailed further on within the report, the proposal would not cause an unreasonable loss of privacy for adjoining residents.

Furthermore, the impact on the safety and efficiency of the local road network is considered to be limited. As discussed further on in this report, the proposal would generate approximately 9 trips per day (3 trips per unit). Of these trips, Renison Street would experience traffic generated only by Studio 3 (approximately 3 trips per day) while Main Street would accommodate the remaining 6 trips generated by Studio 1 and 2. Both Renison Street and Main Street, subject to conditions relating to satisfactory construction of accesses, would be capable of accommodating the additional traffic in a safe and efficient manner.

The proposed use would not interfere with any legal right of ways.

The proposed use therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

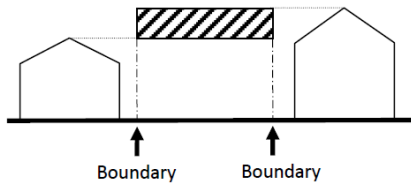
The proposed visitor accommodation use meets the acceptable solutions of all other applicable use standards within the Village Zone.

#### DEVELOPMENT STANDARDS

The proposed development cannot meet the acceptable solutions of all applicable development standards within the Village Zone and must therefore rely on demonstrating compliance with the corresponding performance criteria.

#### Clause 16.4.1.1 Building Design and Siting

<b>Objective</b> <ul style="list-style-type: none"> <li>c) To protect the residential amenity of adjoining lots by ensuring that the height, setbacks, siting and design of buildings provides adequate privacy, separation, open space and sunlight for residents; and</li> <li>d) To ensure that the siting and design of development furthers the local area objectives and desired future character statements for the area, if any.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A2</b> Buildings height must: <ul style="list-style-type: none"> <li>a) not exceed 6.8 metres; or</li> <li>b) be between the maximum heights of the two adjoining buildings, shown as the shaded area in Figure 16.4.1.1A below.</li> </ul>	<b>P2</b> Building height must: <ul style="list-style-type: none"> <li>c) be consistent with the local area objectives, if any; and</li> <li>d) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:               <ul style="list-style-type: none"> <li>vi) the surrounding pattern of development; and</li> <li>vii) the existing degree of overlooking and</li> </ul> </li> </ul>



**Figure 16.4.1.1A – Building Height**

*Note: Shaded area relates to height only and does not indicate setbacks to side boundaries.*

- viii) overshadowing; and the impact on the adjoining property of a reduction in sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and
- ix) maintain reasonable privacy to private open space and windows; and
- x) existing screening or the ability to implement screening to enhance privacy.

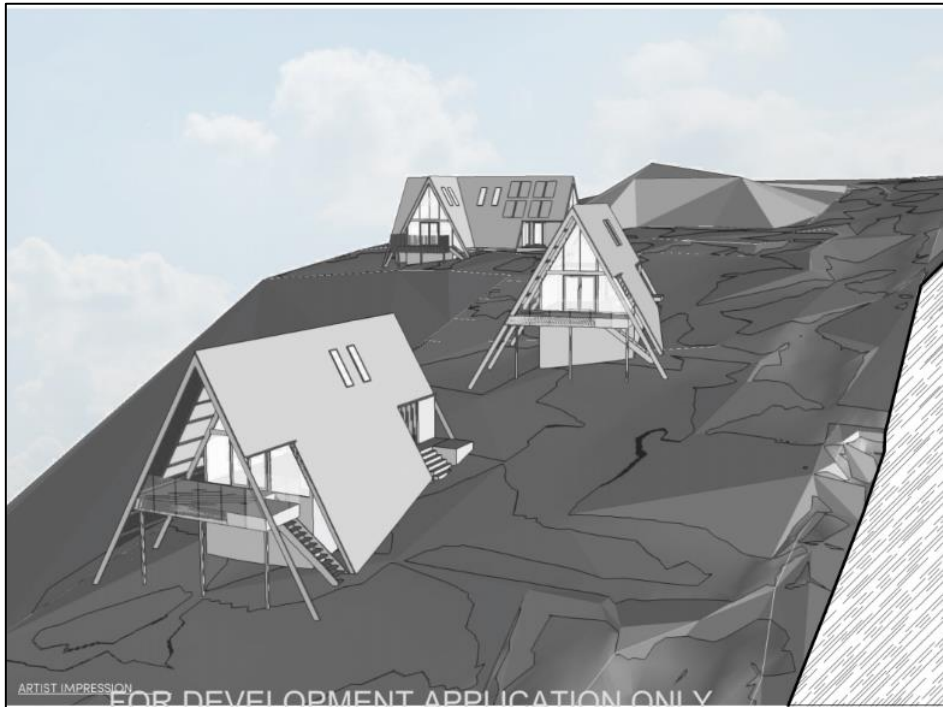
**Town Planner Response**

The three proposed visitor accommodation buildings would have a maximum height greater than 6.8 metres (see below) and must therefore rely on demonstrating compliance with the corresponding performance criteria.

<b>Maximum Heights of Buildings (North and South Elevations)</b>		
	Northern Elevation	Southern Elevation
Studio 1	9.5m	6.5m
Studio 2	9.5m	6.2m
Studio 3	7.7m	7.2m

While the proposal would exceed the acceptable solution by 2.7 metres at its greatest, when considering that the design of the proposed development incorporates an enlarged gable roof and that the site experiences a significant slope from south to north the heights are considered to both be consistent with the local area objectives of Derby and not compromise the amenity of adjoining dwellings (See Figure 5 below). It is noted however, that the external finishes of the roofs are unspecified. Depending on what finishes are proposed, if any, the proposed development may compromise adjoining residential amenity. Given this uncertainty it is recommended that a schedule of external finishes and colours be conditioned as part of any planning permit to ensure clarity is provided and that adjoining residential amenity is not compromised.

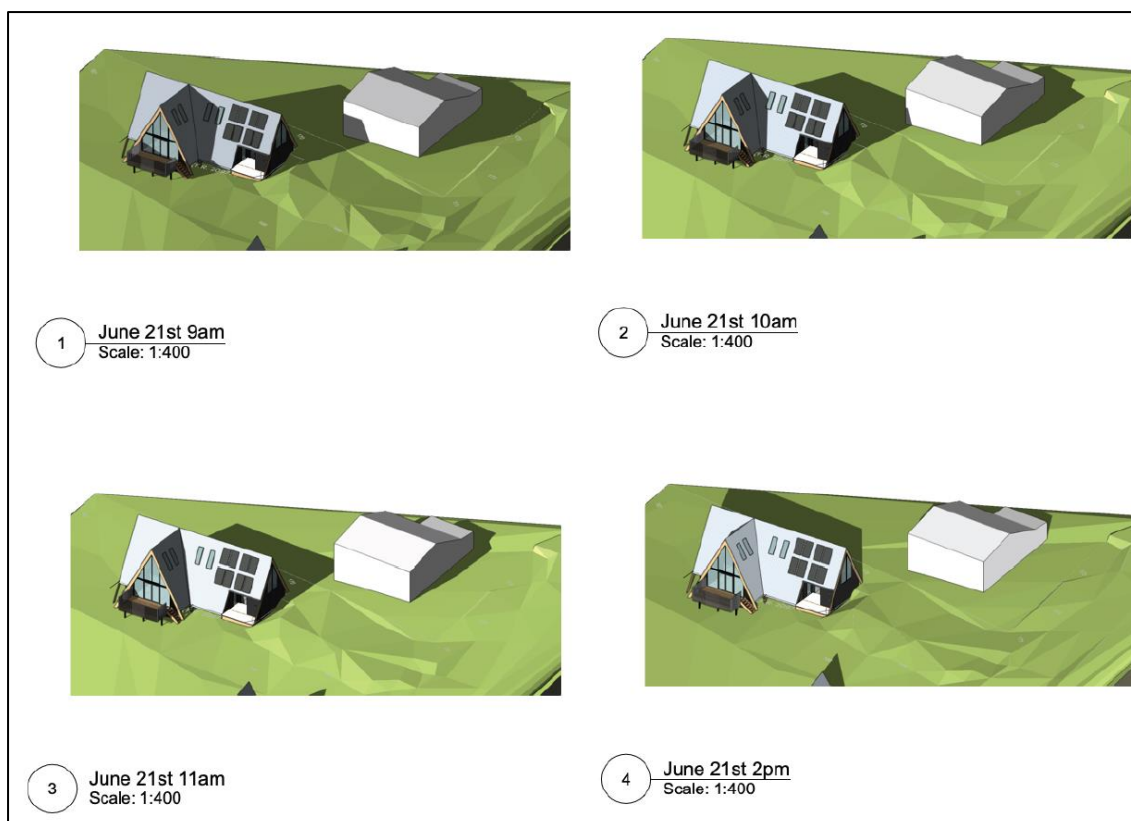




**Figure 5**  
**Concept Plan of Proposed Visitor Accommodation Units (source: S. Group 2019)**

– Visual

As the proposed height is primarily a result of the roof form, the proposed buildings would also not impact upon the residential amenity of adjoining dwellings in terms of overshadowing and overlooking. There are three adjoining dwellings: i) 6 Renison Street Derby, ii) 4 Renison Street Derby, and iii) 4 Main Street Derby. Of the adjoining properties, impacts upon 6 Renison Street, Derby are most pertinent. In response to the submitted representations, the applicant has provided the below overshadowing diagram that shows the impacts of Studio 3 upon the existing single dwelling at 6 Renison Street, Derby (see Figure 6 below). The diagram clearly demonstrates that 6 Renison Street would continue to enjoy sunlight to habitable rooms and private open space for more than three hours between 9am and 5pm on June 21 (the Winter Solstice).



**Figure 6: Overshadowing Diagram of Studio 3 onto 6 Renison Street DERBY** (source: S. Group 2019)

In addition, the reasonable privacy to private open space and windows of 6 Renison Street would not be compromised by the proposed height of Studio 3. Likewise, the building heights of Studio 1 and 2 would not act to compromise the reasonable privacy of any adjoining existing dwellings.

As a result of the above, screening to enhance privacy is not considered to be required.

The proposed development therefore demonstrates compliance with the performance criteria provided at P2 accordingly.

Acceptable Solutions	Performance Criteria
<p>A3 Primary frontage setbacks must be:</p> <ul style="list-style-type: none"> <li>a) a minimum distance of 6m; or</li> <li>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 16.4.1.1B below; and</li> </ul> <div data-bbox="304 734 703 1010" style="text-align: center;"> <p>The diagram shows a cross-section of a road. On the left side of the road, there is a grey rectangle labeled 'Existing building'. On the right side, there is another grey rectangle labeled 'Existing building'. In the middle, between the two existing buildings, there is a hatched area labeled 'Infill Lot'. The road itself is a white horizontal bar at the bottom of the diagram.</p> </div> <p style="text-align: center; color: green;"><b>Figure 16.4.1.1B – Primary Frontage Setback for Infill Lots</b></p> <ul style="list-style-type: none"> <li>c) for corner lots, side walls must be set back a minimum of 3m from the secondary frontage.</li> </ul>	<p>P3 Buildings must be set back from the frontage an appropriate distance having regard to:</p> <ul style="list-style-type: none"> <li>a) the efficient use of the site; and</li> <li>b) the safety of road users; and</li> <li>c) the prevailing setbacks of existing buildings on nearby lots; and</li> <li>d) the visual impact of the building when viewed from the road; and</li> <li>e) retention of vegetation within the front setback.</li> </ul>

### Town Planner Response

The proposed outbuilding would be setback from the primary frontage by 5.006 metres and must therefore demonstrate compliance with the corresponding performance criteria.

While the prevailing setbacks of existing buildings on nearby lots are greater than 6 metres, the proposed setback from the primary frontage is considered appropriate. The setback would ensure efficient use of the site, would not compromise the safety of road users on Main Street due to the site's topography, and have a limited visual impact when viewed from Main Street. The retention and establishing of a vegetation buffer along the primary frontage as indicated by the submitted plans (See Figure 1 above) would aid in ensuring that the siting of the shed does not compromise the character of the locality.

The proposed development therefore demonstrates compliance with the performance criteria provided at P3 accordingly.

Acceptable Solutions	Performance Criteria
<p>A4 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.</p>	<p>P3 Buildings are sited so that side and rear setbacks:</p> <ul style="list-style-type: none"> <li>d) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to: <ul style="list-style-type: none"> <li>vi) the surrounding pattern of development; and</li> <li>vii) the existing degree of overlooking and overshadowing; and</li> <li>viii) the reduction of sunlight to habitable rooms and private open space to no less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and</li> <li>ix) maintaining reasonable privacy to private open space and windows; and</li> <li>x) existing screening or the ability to implement screening to enhance privacy; and</li> </ul> </li> <li>e) further the objectives relating to the visual character of the village.</li> </ul>

### Town Planner Response

Proposed Studio 2, Studio 3 and the outbuilding would have a setback less than 3 metres from the nearest relevant boundaries (see below) and must therefore rely on demonstrating compliance with the corresponding performance criteria.

<b>Boundary Setbacks Less Than 3 Metres</b>		
	<b>Setback</b>	<b>Boundary</b>
<b>Studio 2</b>	2.75m	Western (CT 240554/13)
	1.6m	Internal Shared between CT 240554/13 and CT 209775/16
<b>Studio 3</b>	0.55m	Southern (CT 209775/16)
	0.916m	Northern (CT 209775/16)
<b>Outbuilding</b>	1.44m	Eastern (CT 240554/13)

The siting of the proposed buildings must protect the residential amenity of adjoining dwellings (6 Renison Street Derby, 4 Renison Street Derby, and 4 Main Street Derby) from the impacts of overshadowing and overlooking. Subject to conditions, this would be achieved.

The surrounding pattern of development supports reduced side setbacks with 4 Main Street Derby, 6 Renison Street, 4 North Street, 4 Hill Street, and 2 Hill Street all having a side boundary setback less than 3 metres (see Figure 7 below).



**Figure 7:** Surrounding Development Pattern of Reduced Setbacks (Source [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania

While there is no existing overlooking and overshadowing, as demonstrated in in Figure 6 above, 6 Renison Street would continue to enjoy sunlight to habitable rooms and private open space for more than three hours between 9am and 5pm on June 21 (the Winter Solstice). The dwellings at 4 Main Street and 4 Renison would likewise not be adversely impacted by overshadowing.

Of the proposed buildings, only Studio 3 has the potential for unreasonable overlooking onto private open space, particularly onto 4 Main Street and 6 Renison Street.

Two windows along the southern elevation of Studio 3 would be within 3 metres of the southern boundary, have a floor level of approx. 2.7 metres and a sill height of approx. 1.2 metres. Both windows would be directly overlooking the private open space of 6 Renison Street to the south. The implementation of fixed obscure glazing that is no more than 25% transparent or an increased sill height to 1.7 metres above finished floor level to the windows on the southern elevation would appropriately protect the residential amenity of 6 Renison Street.



The deck attached to Studio 3 with a floor height of approx. 1.7 metres would be sited 0.916 metres at its closest to the boundary of the vacant lot (CT 200170/1) also identified as 4 Main Street Derby (see Figure 8 below).



**Figure 7:** Siting of Studio 3 in relation to 4 Main Street DERBY (Source [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania

While vacant it should be noted that this lot is used in a residential capacity in conjunction with the single dwelling on CT 127243/1 (4 Main Street Derby). CT 200170/1 is therefore treated as private open space associated with this dwelling. While CT 200170/1 is heavily vegetated with large trees and shrubs, there is still the potential for the proposed deck to enable future overlooking onto private open space. A revised setback of at least 2 metres between the proposed deck and the southern boundary of CT 200170/1/1 would ensure that the residential amenity of adjoining dwellings is protected.

However, as discussed above, it is noted that the external finishes of the roofs are unspecified. Depending on what finishes are proposed, if any, the proposed development may compromise adjoining residential amenity. Given this uncertainty it is recommended that a schedule of external finishes and colours be conditioned as part of any planning permit to ensure clarity is provided and that adjoining residential amenity is not compromised. As a result, the proposed setbacks less than 3 metres from a side or rear boundary would not impact upon the visual quality of the streetscape of Main Street, and would not dominate, or detract from, the local historic character, heritage or residential amenity of adjoining dwellings. The siting of the development would be comparable with existing buildings nearby

and would thereby complement the visual character of Derby’s historic fabric. The relevant local area objectives for Derby would therefore be met.

Subject to conditions, the proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

**Clause 16.4.4.3 Wall Materials**

<p><b>Objective</b></p> <p>To ensure that wall materials:</p> <ul style="list-style-type: none"> <li>g) are designed to be sympathetic to, and not detract from, the historic significance of local places; and</li> <li>h) further the local area objectives and desired future character statements for the area, if any.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Wall materials for buildings must be in timber weatherboards or a weatherboard cladding product with a narrow traditional profile of up to 200mm.</p>	<p>P1 Wall material for buildings and structures must:</p> <ul style="list-style-type: none"> <li>e) be complementary to wall materials of the dominant buildings on the site; and</li> <li>f) not be constructed of brick, plastic, vinyl or fibreglass cladding products.</li> </ul>

**Town Planner Response**

The walls of the proposed development would be clad in colorbond cladding (colour night sky) and timber battens (stained finish) and must therefore demonstrate compliance with the corresponding performance criteria.

There are no existing dominant buildings on site and the walls would not be constructed of brick, plastic, vinyl or fibreglass cladding products.

The combination of corrugated trimdek cladding and timber battens is considered sympathetic to prevailing historic wall materials in Derby and would complement the visual character of Derby’s historic fabric. The visual quality of the streetscape of Main Street would likewise be protected and the proposed wall materials would not result in the local historic character, heritage or residential amenity of adjoining dwellings being detracted from or dominated. The relevant Local Area Objectives and Desired Future Character Statements for Derby are therefore met.

The proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

**Clause 16.4.4.4 Windows**

<p><b>Objective</b></p> <p>To ensure that windows:</p> <ul style="list-style-type: none"> <li>c) are designed to be sympathetic to, and not detract from, the historic significance of local places; and</li> <li>d) further the local area objectives and desired future character statements for the area, if any.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Windows facing onto Main Street must:</p> <ul style="list-style-type: none"> <li>c) be timber framed; and</li> <li>d) replicate, for alterations to an existing building, the existing style, size and position of any windows that are being replaced.</li> </ul>	<p>P1 Windows facing onto Main Street must:</p> <ul style="list-style-type: none"> <li>c) be framed of appropriate materials, styles and sizes that do not detract from the historic significance of the building; and</li> <li>d) be positioned to be complementary to the Main Street streetscape.</li> </ul>

**Town Planner Response**

The window frames of the proposed development would be aluminium and must therefore rely on demonstrating compliance with the corresponding performance criteria.

The pertinent windows that this standards applies to are those that face onto Main Street, meaning the northern elevations of Studio 1, Studio 2, Studio 3, and outbuilding. The aluminium frames of these windows would be slimlined so as to be sympathetic to the historic significance of the surrounding locality and complementary to the Main Street streetscape. The visual quality of the window frame materials would not dominate or detract from the local historic character, heritage or residential amenity of adjoining dwellings. The relevant Local Area Objectives and Desired Future Character Statements for Derby are therefore met.

The proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.



## Clause

### 16.4.4.5 Outbuildings and Structures for Sites with Frontage to Main Street

<b>Objective</b> To ensure that outbuildings and structures: a) are designed to be sympathetic to, and not detract from, the historic significance of local places; and b) further the local area objectives and desired future character statements for the area, if any.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Outbuildings and structures must be set back an equal or greater distance from Main Street than the principal buildings on the site.	P1 New outbuildings and structures must be designed and located to be subservient to the primary buildings on the site.

### Town Planners Response

The proposed outbuilding would be situated closer to Main Street than the principal buildings on site and must therefore rely on satisfying the corresponding performance criteria.

Together with the siting of the outbuilding, the design of the proposed outbuilding would use materials and design elements such as vertical scion axon timber grain with a painted finish, and colorbond trimdek cladding (coloured Night Sky) to ensure that the outbuilding is sympathetic and subservient to the primary buildings on site.

The visual quality of the streetscape of Main Street would likewise be protected through landscaping along the Main Street frontage (as indicated on the plans) and the siting of the proposed outbuilding would detract from or dominate the local historic character, heritage or residential amenity of adjoining dwellings. The relevant Local Area Objectives and Desired Future Character Statements for Derby are therefore met.

The proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

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The proposed development satisfies the acceptable solutions of all other applicable development standards provided within the Village Zone.

### **Codes**

#### E4 - ROAD AND RAILWAY ASSETS CODE

The Road and Railway Assets Code applies to use or development of land that:

- d) requires a new access, junction or level crossing; or
- e) intensifies the use of an existing access, junction or level crossing; or

- f) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:
  - iii) a future road or railway; or
  - iv) a category 1 of 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.

The proposal would result in the creation of two new accesses (one access onto Main Street, Derby, and one access onto Renison Street, Derby) and must be assessed against the Code as a result.

#### USE STANDARDS

The Roads and Traffic Authority (RTA) NSW *Guide to Traffic Generating Developments* (Version 2.2) identifies a daily trip generation rate of 3 trips per unit and evening peak hour traffic generation of 0.4 trips per unit for motels (casual accommodation).

For comparison, the *Guide to Traffic Generating Developments* (Version 2.2) identifies residential dwellings with a daily trip generation rate of 9 trips per dwelling and peak hour traffic generation of 0.85 per dwelling.

With three (3) units being proposed, it is projected that the proposal would have a daily trip generation rate of 9 trips and an evening peak hour traffic generation of 1.2 trips in total. This is four times less than the accepted threshold of 40 vehicle entry and exist movements per day.

The proposed use therefore satisfies the acceptable solutions of all applicable use standards within the Road and Railway Assets Code.

#### DEVELOPMENT STANDARDS

The proposed development meets the acceptable solution of all applicable development standards within the Road and Railway Assets Code.

#### E6 - CAR PARKING AND SUSTAINABLE TRANSPORT CODE

The Car Parking and Sustainable Transport Code applies to all use and development of land without exception.

#### USE STANDARDS

Clause E6.6.1 requires that an appropriate level of car parking is provided to service the proposed use. Acceptable Solution A1 states that:

*“The number of car parking spaces will not:*

- d) be less than 90% of the requirements of Table E6.1; and*
- e) exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or*
- f) will be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.”*

Table E6.1 provides parking space requirements for uses within the 'Visitor Accommodation' use class as follows:

<b>Visitor Accommodation</b> (bed and breakfast, camping, caravan park, unit/cabin, backpacker hostel, motel, serviced apartments)	1 space per unit or 1 space per 4 beds whichever is greater
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The proposal incorporates the construction of 3 units with a total of 8 proposed bedrooms (a combination of single and double beds). This is equivalent to 12 persons. The required number of car parks provided is therefore between 3 and 5 car parks while the proposal provides for 7 car parks. The proposed use cannot therefore meet the acceptable solution of E6.6.1 (Car Parking Numbers) and must demonstrate compliance with the corresponding performance criteria.

#### E6.6.1 Car Parking Numbers

<b>Objective</b> To ensure that an appropriate level of car parking is provided to service use.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p>A1 The number of car parking spaces:</p> <ul style="list-style-type: none"> <li>a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</li> <li>b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or</li> <li>c) will be in accordance with and acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or.</li> <li>d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.</li> </ul>	<p>P1 The number of car parking spaces provided must have regard to:</p> <ul style="list-style-type: none"> <li>a) the provisions of any relevant location specific car parking plan; and</li> <li>b) the availability of public car parking spaces within reasonable walking distance; and</li> <li>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</li> <li>d) the availability and frequency of public transport within reasonable walking distance of the site; and</li> <li>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</li> </ul>

	<ul style="list-style-type: none"> <li>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</li> <li>g) an empirical assessment of the car parking demand; and</li> <li>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</li> <li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li> <li>j) any heritage values of the site; and</li> <li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> <li>i) the size of the dwelling and the number of bedrooms; and</li> <li>ii) the pattern of parking in the locality; and</li> <li>iii) any existing structure on the land.</li> </ul> </li> </ul>
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### Town Planners Response

The proposed development would provide for seven (7) car parks. This exceeds the acceptable solution by two (2) car parks. The additional car parking is considered adequate to meet the needs of visitors when considering the size of the Studios and number of bedrooms and ensuring that parking remains off-street. The number of car parks would also not act to detrimentally impact the streetscape, amenity, or safety of either the Main Street or Renison Street.

The proposed development therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

## DEVELOPMENT STANDARDS

The proposed car parking and access aisles would be constructed of concrete, be formed and drained to an adequate level, and line marked to delineate car spaces.

As such, the proposal satisfies the acceptable solutions of all applicable development standards provided within the Car Parking and Sustainable Transport Code.

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The proposal satisfies the acceptable solutions of all other applicable use and development standards provided within the Codes of the Planning Scheme.

### Summary

Council should weigh up the benefits of the proposal against the relevant issues raised in the report when making a decision in respect to the proposal.

It is considered that the proposal would deliver the construction of three (3) visitor accommodation units and associated outbuilding that would complement the visual character of Derby, and the streetscape of Main Street in a manner that would not dominate or detract from local historic character or adjoining residential amenity.

The proposed use and development are consistent with the requirements of the Dorset Interim Planning Scheme 2013, the *Land Use Planning and Approvals Act 1993* and applicable Tasmania's State Policies, and is recommended for approval.

### 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:

#### **9. 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.

#### **10. 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).

#### **11. 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.

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

#### **12. 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.

#### **13. 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.

#### **14. 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.

#### **15. 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.

#### **16. 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:

- d) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- e) The person or persons who undertake development or use pursuant to this permit; and
- f) 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)



**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.

**Background**

Council currently maintains a significant portion of Crown Land in Bridport (approx. 25ha) under formal licence and lease agreements or via historical informal arrangements.

The practical implications of these arrangements are that any time Council wishes to carry out work on any of this land it can be subjected to an onerous and pedantic approvals system administered by Crown Land Services (CLS) or the Parks & Wildlife Service (PWS). In most instances the Council works typically involve simple maintenance activities or minor construction work that does not require planning or building approval.

Historically, gaining approvals from CLS had been a formality and was in reality an unnecessary rubber stamping exercise consuming both CLS and Council resources. In more recent years, CLS has become notably more bureaucratic and unacceptably slow in providing approvals to Council to carry out basic maintenance activities or relatively minor improvements. In addition, CLS has consistently demonstrated a propensity to acquiesce to pressure from an extremely small group of objectors, making it difficult for Council to carry out maintenance activities consistent with the wishes of the broader community.

Compounding the above issues and of even more concern, is the recent attempt of senior CLS officers to levy an imputed commercial rent on Crown Land in Bridport that is fully maintained by Council. This is despite the fact that the land in question, Bridport Community Hall and the Bridport Seaside Caravan Park, has been developed at the cost of Council and is maintained by Council with no contribution from CLS. To attempt to charge Council a commercial rent given the above facts, is clearly ludicrous and at odds with the spirit of co-operation between the two tiers of government that has existed for decades, and in my view is an opportunistic revenue grab by CLS. Suffice to say, as General Manager I have refused to sign any lease agreement containing an imputed commercial rent.

More recently the overwhelmingly positive community response to the recent vegetation maintenance on the Bridport foreshore is a pertinent example of the total disconnect between senior CLS officers based in Hobart, and the wishes of the broader Bridport community when it comes to the use and maintenance of public land in the township. Of particular note is the dismissive attitude of the Hobart bureaucracy towards community wishes and an underlying philosophy that the public land belongs to the bureaucracy and is to be protected from the community and Council.

The irony of the existing lease and license arrangements is that Council is effectively the land manager as it maintains this public land without financial contribution from either CLS or PWS, and yet it must obtain permission to carry out vegetation maintenance or minor construction works and is often required to submit detailed plans which can be subject to the discretion and interference of CLS or PWS officers.

In reality, all the current arrangements serve to deliver is to transfer all risk onto Council and burden Council with the ongoing maintenance costs, all the while allowing an unaccountable Hobart based bureaucracy to dictate terms to Council and the Bridport community in respect of the use of public land.

### **Planning, Environment & Statutory Requirements**

*The relevant Minister has powers under the Crown Land Act to transfer ownership of Crown Land to a Local Government Authority.*

### **Risk Management**

N/A

### **Financial & Asset Management Implications**

There are no financial implications, as Council receives no contribution from CLS towards Council's maintenance costs of the relevant Crown Land areas in Bridport.

### **Community Considerations**

Refer Officer's comments below.

### **Officer's Comments**

The fundamental issue at stake is establishing which is the best placed public authority to determine the appropriate use and maintenance of public land within townships. In this instance Bridport.

Given Councils maintain almost all infrastructure and public land within town boundaries and have a governance structure containing community members elected by the respective local communities, it is a rational conclusion that local Councils are best placed to understand the needs and desires of the communities they represent.

The adhoc remnants of Crown Land within townships is a historical anomaly that was not fully or adequately dealt with by the Crown Land Assessment and Classification "CLAC" process that the State Government implemented in the mid 2000's. For reasons that defy

logic, Crown Land such as the Bridport foreshore which is fully maintained by Council was deemed unsuitable for transfer to Council.

As highlighted by the recent Bridport foreshore vegetation maintenance works, this historical anomaly can result in a distant and unaccountable bureaucracy making decisions about public land that completely disregards the wishes and desires of the broader community and that of the locally elected Council.

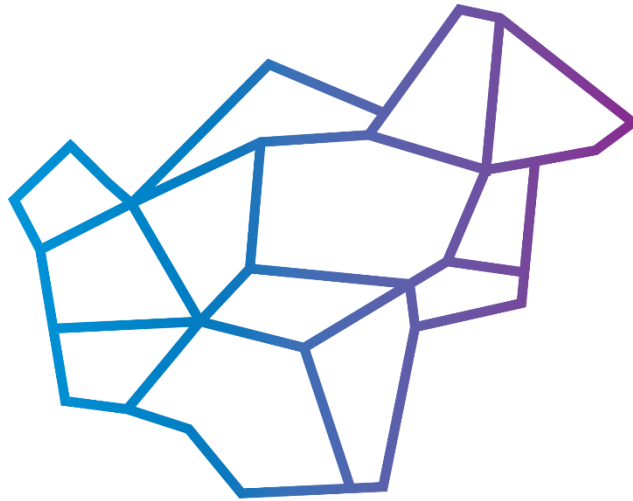
The solution in respect of Bridport is relatively straightforward and involves the public land that is nominally managed by CLS and PWS, but is maintained by Council, be transferred to Council in accordance with the Crown Lands Act. The benefits of this solution are numerous, in particular:

- removal of a layer of administration and freeing up of Council, PWS and CLS resources;
- removal of constraints on Council to manage the Bridport foreshore and other other public land in accordance with broader community expectations;

### **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.**

**Time Meeting Closed**



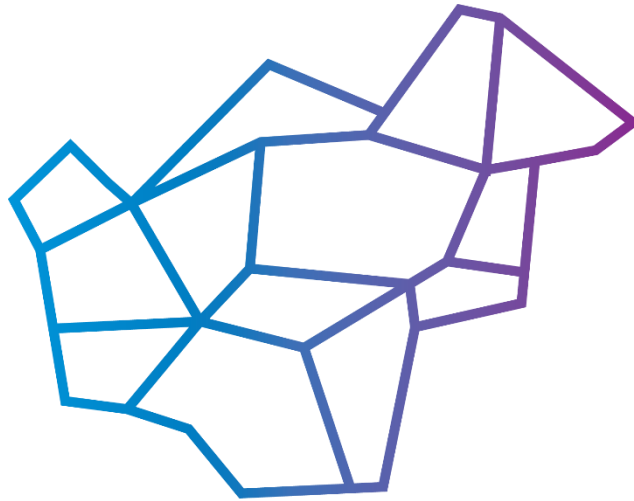
*dorset*  
C O U N C I L

# Ordinary Council Meeting

## Agenda Attachments

20 May 2019

*it's in the making*



*dorset*  
C O U N C I L

**UNCONFIRMED**  
**Ordinary Minutes**

**Council Meeting**

**15 April 2019**

*it's in the making*

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**Council Meeting  
Minutes  
15 April 2019**

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**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

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*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**

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**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**

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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**

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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.

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**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**

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2 April 2019 – Briefing Workshop

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

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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

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#### Item 54/19                      Deputations

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

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#### Item 55/19                      Councillor Question Time

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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

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#### Item 56/19                      Notices of Motion by Councillors

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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**

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*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**

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**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

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**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.

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**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**

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**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

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**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.

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**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 &amp; 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
<b>COMMUNITY MATCHING FUNDS GRANTS</b>				
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
<b>SMALL GRANTS</b>				
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

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**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.

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**Decision**

**MOVED: Cr Hughes | SECONDED: Cr Stein**

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

Carried Unanimously

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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

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**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

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### Item 64/19

#### Quarterly Financial Report – 31 March 2019

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/19/3409

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### 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.

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### 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.*

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### 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

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### 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:

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### 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:**

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**Mayor**



**DORSET COUNCIL**  
**1 April 2019 to 30 April 2019**

**BUILDING APPLICATIONS APPROVED**

BLD-2019/34	Wilson Homes Hawkes PL SCOTTSDALE	Lodged 26/03/2019 New Multiple Dwelling (11 Units ) Value of Works - \$1,870,000	Determined APPR on 30/04/2019
BLD-2019/35	Mrs N A Blackwell 91 West Minstone RD SCOTTSDALE	Lodged 28/03/2019 Dwelling Additions and Alterations Value of Works - \$75,000	Determined APPR on 03/04/2019
BLD-2019/38	Wilson Homes 6 Arnold PL SCOTTSDALE	Lodged 02/04/2019 New Multiple Dwellings ( 2 Units) Value of Works - \$400,000	Determined APPR on 05/04/2019

**DORSET COUNCIL**  
**1 April 2019 to 30 April 2019**

**DEVELOPMENT APPLICATIONS APPROVED**

DEV-2019/19	Mr P S Roozendaal 8-11 Therese ST BRIDPORT	Lodged 19/02/2019 Attached Carport with relaxation of internal lot boundary Value of Works - \$110,000	Determined APPD on 01/04/2019
DEV-2019/22	Birrelli Architects 293 Gillespies RD NABOWLA	Lodged 26/02/2019 Visitor accommodation (31 units) and associated Value of Works - \$0	Determined APPD on 16/04/2019
DEV-2019/23	Mr S A Love 1/21 Alfred ST SCOTTSDALE	Lodged 05/03/2019 Change of Use ( Pharmacy) Value of Works - \$20,000	Determined APPD on 04/04/2019
DEV-2019/24	Mr R K Viney 19 Winnaleah RD WINNALEAH	Lodged 05/03/2019 Two (2) Shipping Containers with relaxation of rear Value of Works - \$6,000	Determined APPD on 16/04/2019
DEV-2019/25	Miss B Wadlev 11 Beattie ST SCOTTSDALE	Lodged 07/03/2019 Single Dwelling with relaxation of window orientation Value of Works - \$240,000	Determined APPD on 16/04/2019
DEV-2019/26	Mr P R Goffton Mrs J A Goffton	Lodged 12/03/2019 Garage with relaxation of rear boundary setback Value of Works - \$18,000	Determined APPD on 18/04/2019

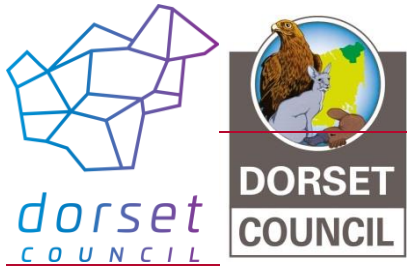
**DEVELOPMENT APPLICATIONS APPROVED**

DEV-2019/29	Mrs N A Blackwell 91 West Minstone RD SCOTTSDALE	Lodged 19/03/2019 Value of Works - \$0	Single Dwelling additions and alterations Determined APPD on 04/04/2019
SUB-2019/1200	PDA Survivors King ST SCOTTSDALE 115 King ST SCOTTSDALE	Lodged 19/03/2019 Value of Works - \$0	Subdivision ( Boundary Adjustment -2 Lots) Determined APPD on 16/04/2019
DEV-2019/32	Mrs K M Burley Mr J C Burley 34 Scott ST BRANXHOLM	Lodged 27/03/2019 Value of Works - \$0	Change of Use to Visitor Accommodation Determined APPD on 18/04/2019

**DORSET COUNCIL**  
**1 April 2019 to 30 April 2019**

**PLUMBING APPLICATIONS APPROVED**

SP-2019/35	Mrs N A Blackwell 91 West Minstone RD SCOTTSDALE	Lodged 28/03/2019 Dwelling Additions and Alterations Value of Works - \$75,000	Determined APPR on 03/04/2019
SP-2019/36	Ms T Kettle 35,924 Tasman HWY SPRINGFIELD	Lodged 28/03/2019 New Dwelling Value of Works - \$121,000	Determined APPR on 12/04/2019



## Policy 16 – Electronic Communications

TRIM Ref: [16/12885DOC/19/3592](#)

Adopted: **6 October 2003**

**Minute 208/03**

Version: ~~43~~

Reviewed Date: ~~19 December 2016~~  
[12 April 2019](#)

Council Minute No: **248/16**

Statutory Authority: **Various State and Federal laws**

Related Policies: **Social Media Policy  
Customer Service Charter**

### OBJECTIVE

To ensure that Council's image and that of Elected Members, employees and volunteers are protected from inappropriate use of email and internet facilities.

### POLICY

#### Objective

To ensure that all Elected Members, employees and volunteers (users) are aware of the minimum standards to apply to the use of the Internet and individual ~~eE~~-mail addresses provided by Council and their responsibilities when using these facilities.

#### Application

This policy shall apply to all users of ~~i~~nternet and ~~Ee~~-mail systems provided by Council, including Elected Members, all permanent, temporary and casual staff, volunteers and any contractors who are given access to Council's electronic systems.

#### Principles of Use

The provision of these facilities is intended to provide benefits to Council including:

- Improved communications between individual and groups within Council;
- Improved ability of staff to access information relevant to their work;
- The ability to distribute information more quickly both internally and externally; and
- Presentation of a professional and dynamic face to the public and other organisation with which we deal.

Internet access is a privilege, not a right, and the Council will view the visiting of non work related sites during working time as a serious issue that may lead to disciplinary action.

Users should also be aware that some internet sites contain material that is illegal within Australia, and as such the accessing of such material may be a criminal offence under Australian law.

Accessing or distributing material that is based on sex, disability, race or other identified group can be seen as harassment, and as such will not be tolerated. Users found to have accessed such material will be subject to disciplinary action.

Remember that accessing any site on the Internet leaves a record (audit trail) that can be followed.

### **Responsibilities of Users**

Any users of internet and e-mail services provided by the Council are required to be aware of, and agree to, the following:

- Respect the privacy and confidentiality of other users and the rights of copyright owners.
- Remember that E-mail facilities identify you as a Dorset Council representative and your opinions may be seen as those of the organisation. In light of this users should think carefully before becoming involved in electronic discussions, and if they do so should ensure that opinions are theirs and do not represent the views of the Council.
- As a rule, if in doubt do not view, download, display or send it.
- E-mail communications are subject to the same filing and record management processes as other documents. It is the responsibility of employees to ensure that copies are printed and placed on the respective files as necessary.
- All e-mail received through Council facilities is the property of Council, and as necessary can be viewed by persons other than the recipient.
- The facilities are not to be used for the distribution of software or for the downloading of unauthorised material or files.
- Any downloaded materials must be checked for viruses before it is executed or opened.
- The facilities must not be used for illegal purposes, for assessing pornographic or other objectionable material, or for the individual's financial or commercial gain.
- Accessing of inappropriate material or sending of e-mail of a racial, sexual or threatening nature can be viewed as harassment and if proven will result in disciplinary action being taken.

### **Personal use of Facilities**

The primary object of the provision of internet and e-mail facilities is to support other business activities, however subject to Manager-Director approval and system resource availability, private usage may be allowed as follows:

- Individuals are able to use the internet and e-mail facilities in their own time providing this is agreed with their ~~Manager-Director~~ and does not impact adversely on the normal running of the computing systems.
- The responsibility will rest on individuals to ensure that these facilities are not abused and as such will require them to exercise personal judgement in their use of facilities.
- Users should remember that an audit trail of internet sites accessed and e-mail sent is visible to Council and leaves a record on all sites that have been visited. The inappropriate or illegal use of the facilities has the potential to embarrass Council and could result in legal action against both individuals and the organisation. This can include investigation by external organisations such as Australian Federal or State Police and Human Rights and Equal Opportunity Commission.
- Supervisors and ~~Managers-Directors~~ will have responsibility for ensuring that users adhere to this Policy, and will have the ability to remove access from individuals who do not adhere to this Policy.
- The security and privacy of electronic communication cannot be guaranteed, and as such any loss incurred by any individual as a result of the private use of e-mail or Internet systems will be the responsibility of the individual, not the organisation.

### **Managing Risk and Other Points to Remember**

There are several other issues that users of Council e-mail and internet facilities should consider and be aware of. These include:

- E-mail is not a secure form of information transmission and therefore should not be used to distribute information that is confidential.
- Importing information from outside the organisation has the potential to introduce viruses and breach copyright law. It is the responsibility of the individual to ensure that these are considered before downloading information.
- Information available on the Internet is not always reliable and as such should always be authenticated before it is used for Council purposes.
- Be aware that downloading of video and audio across the Internet has the potential to significantly affect the performance of the computer network.
- You should ensure that your password and user accesses are kept confidential. Remember that it is your individual name, as well as that of the Council that will be broadcast on the Internet.
- Users who use the Internet to make electronic purchases should ensure that data they submit is adequately protected and secure.

If any user has questions in relation to the content of this document, enquiries should be directed to the Director - Corporate Services. ~~Issues relating to Any~~ technical issues should be directed to the Information Technology Co-ordinator.



## Policy 4 – Sponsorship of Sporting and Cultural Representatives

TRIM Ref: ~~16/9368~~DOC/19/3412  
Adopted: 6 October 2003  
Minute 208/03  
Version: 54  
Reviewed Date: ~~19 September 2016~~  
April 2019  
Council Minute No: 177/16

### OBJECTIVE

To ensure consistency in dealing with requests for financial assistance for state and national sporting and cultural representatives.

### POLICY

Council will consider providing financial assistance for individuals that reside in the Dorset municipal area who:

- a) have been selected to represent Tasmania in a national sporting elite competition or cultural event, to a maximum of \$500; or
- b) have been selected to represent Australia at an international sporting elite competition or cultural event, to a maximum of \$1,000.
- b) Individuals selected for, or participating in, Masters sporting competitions/events are **not eligible** for financial assistance under the Policy.

Assessment and determination of applications for funding assistance will be undertaken by the Council's ~~Community Projects Coordinator~~Executive Assistant, with the approval of the Mayor. Councillors will be notified of the outcome of all applications through departmental briefing reports.

Successful applicants will be congratulated in a personal letter from the Mayor, as well as through social media and other community communications as appropriate.

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## Policy 2 – Payment of Councillor’s Expenses and Provision of Facilities

TRIM Ref: [DOC/19/467844/12793](#)

Adopted: 17 December 2007  
Minute 169/07

Version: 7 DRAFT

Reviewed Date: 18 March 2019~~8~~

### POLICY

#### OBJECTIVE

To ensure that all Councillors are aware of the expenses that can be claimed and the method of making those claims and that all Councillors are treated equally in the payment of expenses and the provision of facilities.

#### POLICY

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This policy is prepared to cover the payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to discharging the function of civic office. The policy replaces version ~~73~~ and is necessary due to legislative changes.

#### 1. Mobile Phone

Council will pay the following allowances for mobile phone expenses:

- a. Councillors - \$25 per month
- b. Deputy Mayor - \$50 per month
- c. Mayor – \$130 per month plan

#### 2. Communication Equipment

- a. For each term of office, Council will provide each councillor with a tablet or similar device and pay monthly data usage charges. On completion of each four (4) year term of Councillors, this device will be available for Councillors to keep for personal use free of charge. The memory of each device will be fully erased and the item will be placed on the Council Gift Register at a current market value.
- b. ~~Councillors may elect to purchase a compatible (with Council operating systems) alternative device and be reimbursed an amount equivalent to a Council supplied device.~~
- c. Council to pay \$100 per annum for paper, stationery etc.
- d. Should a Councillor resign or the term of office be terminated prior to the normal four year term, the tablet issued must be either returned to Council or purchased from Council at a current market value.

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### 3. Travelling Expenses

3.1 Council will pay for or on behalf of Councillors, an allowance towards necessary out-of-pocket expenses for travelling during the discharge of Council duties in respect of the following:

- (a) to and from Council meetings or meetings of any committee of Council, any other meetings where the Councillor has been delegated ~~or authorised by Council~~ to attend ;
- (b) upon inspections or business within the Council area, provided such inspections are undertaken as part of Council business;
- (c) ~~upon business of Council outside the Council area, in compliance with a resolution of Council;~~
- (d) to and from meetings of the Local Government Association of Tasmania, ~~Northern Tasmania Development~~ or any other regional body of which Council sends a delegate; ~~or~~
- (e) ~~to and from any seminar/conference in compliance with a resolution of Council; or~~
- (f) upon inspections or business as arranged by the General Manager.

3.2 Councillors will be paid, when claimed, at the rates prescribed for the Tasmanian Public Service.

3.3 Clause 3.2 shall not apply to travel, either inside or outside the Council area where alternative arrangements are made for travel.

~~3.4 Councillors shall use Council vehicles for Council travelling purposes whenever vehicles are available.~~

3.5 A Councillor shall not claim travel or other expenses where the expense would otherwise have been incurred as a result of private business.

### 4. Child Care

4.1 Council will pay for or on behalf of Councillors, the cost of childcare of a direct dependent at a registered provider, while the Councillor is undertaking Council duties in respect of the following:

- (a) attendance at Council meetings or meetings of any committee and any other meetings where the Councillor has been delegated or authorised by Council to attend;
- (b) upon inspections or business within the Council area, provided that such inspections are undertaken ~~as~~ part of Council business;
- (c) upon business of Council outside the Council area, in compliance with a resolution of Council;
- (d) attendance at meetings of the Local Government Association of Tasmania, ~~Northern Tasmania Development~~ or any other regional body to which Council sends a delegate;

- (e) attendance at any seminar/conference in compliance with a resolution of Council; or
- (f) upon inspections or business as arranged by the General Manager.

4.2 That Councillors be paid, when claimed, an allowance for child care at the relevant rate per hour as prescribed for the Family Day Care Northern Tasmania Schedule of Fees, less any rebate payable.

## 5. Provision of Facilities

Council will provide the Mayor, Deputy Mayor and other Councillors secretarial support in respect of typing and postage of correspondence in relation to Council duties.

## 6. Insurance

Council will provide personal accident insurance cover for the Mayor, Deputy Mayor and other Councillors and their spouse/partner against personal injury, whether fatal or not, arising out of or in the course of duties as a member of Council.

## 7. Professional Development Conferences and Seminars

~~Council will pay for or on behalf of Councillors, registration and out-of-pocket expenses, other than those paid in accordance with Clause 3 of this policy, in respect of attendance at any conference or seminar in compliance with a resolution of Council.~~

The following limits apply for Council payment of, or Council reimbursing Councillors, in respect to professional development activities:

- \$2,000 year 1 limit, \$1,500 per annum in each subsequent year, per Councillor. Year 1 has an additional loading to allow attendance at LGAT induction courses for new Councillors.
- \$5,000 limit per annum, per Mayor. There is no year 1 professional development loading for first time Mayors due to the higher amount allocated to the Mayor for all years in office.
- The limit is inclusive of event registrations and out-of-pocket expenses, including travelling expenses for flights, accommodation and motor vehicles.
- Prior approval required from the General Manager.

Professional development activities must fit within the following scope:

- Local Government sector activities and conferences including
  - LGAT annual conference
  - LGAT organised seminars, briefings and forums
  - Peer programs
- Conferences must have a specific relevance to Local Government and the role of a Councillor. For example, a conference which is clearly of more relevance to operational staff would not fit the scope.-

A Councillor may seek the approval of Council via a Council resolution where the General Manager has denied a request for an activity relating to professional development.

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## **8. Claim for Expenses and Allowances**

8.1 Claims for travelling expenses or reimbursement of out-of-pocket expenses incurred in accordance with this policy, shall be made to the General Manager not later than three months after the expense has been incurred. Claims (excluding travelling) must be accompanied by a valid tax invoice.

8.2 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part is eligible under this policy, or the claim is unreasonable or does not serve the interests of Council, the General Manager shall refer the matter to Council for decision and policy guidance.