## pitt&sherry

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6 May 2021

Des Jennings General Manager Northern Midlands Council planning@nmc.tas.gov.au

Dear Mr Jennings

## Planning exemption request for road upgrades in Campbell Town

With regard to the above matter, I can advise that the Department of State Growth intend to carry out upgrades to the road network in Campbell Town. These upgrades include a new pedestrian underpass in High Street (adjacent the sports club) and a new footpath on the eastern side of Bridge Street. The proposed plans for the upgrades are enclosed. We do not anticipate that the underpass will impact Council's future slip lane design in this area but this can only be confirmed once we receive the slip lane design (further discussions can occur to ensure compatibility).

Under Northern Midlands Interim Planning Scheme 2013, the proposed road upgrades are not subject to the requirements of a code relating to historic heritage values or significant trees.

Under Interim Planning Directive No. 4, the Minster for Planning brought forward planning exemptions from the State Planning Provisions. The Directive was prepared by the Department of Justice's Planning Policy Unit, became effective on 22 February 2021 and now applies to the Northern Midlands Interim Planning Scheme 2013. A copy of the Directive is enclosed for Council's information.

The Directive includes Clause 5.2.4, which provides an exemption for road upgrades to occur without requiring a planning permit. Specifically, Clause 5.2.4 provides the exemption for the following road works:

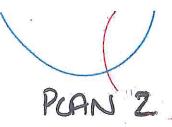
Maintenance and repair of roads and upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including:

- a) widening or narrowing of existing carriageways;
- b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping, unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development; or
- repair of bridges, or replacement of bridges of similar size in the same or adjacent location.

From our analysis and discussions with Sean McPhall, Assistant Director, Planning Policy Unit, who reviewed the plans and provided us with advice, we have ascertained that:

- the exemption provided by Clause 5.2.4 applies to both the use and development of road works, for the purposes
  outlined in the clause;
- while the footpath in Bridge Street is definitely exempt under point b), the examples outlined at points a), b) and c) are
  not meant to be an exhaustive list and it is reasonable to also consider that the proposed pedestrian underpass is a
  road upgrade which can be deemed exempt; and
- only Council can determine if the proposal is exempt under Clause 5.2.4 or requires a planning permit.

Given the above matters, we would be very grateful if Council can advise if the proposed road upgrades contained in the enclosed plans are exempt from requiring a planning permit, subject to compatibility with Council's future slip lane.



Pitt & Sherry (Operations) Pty Ltd ABN 67 140 184 309

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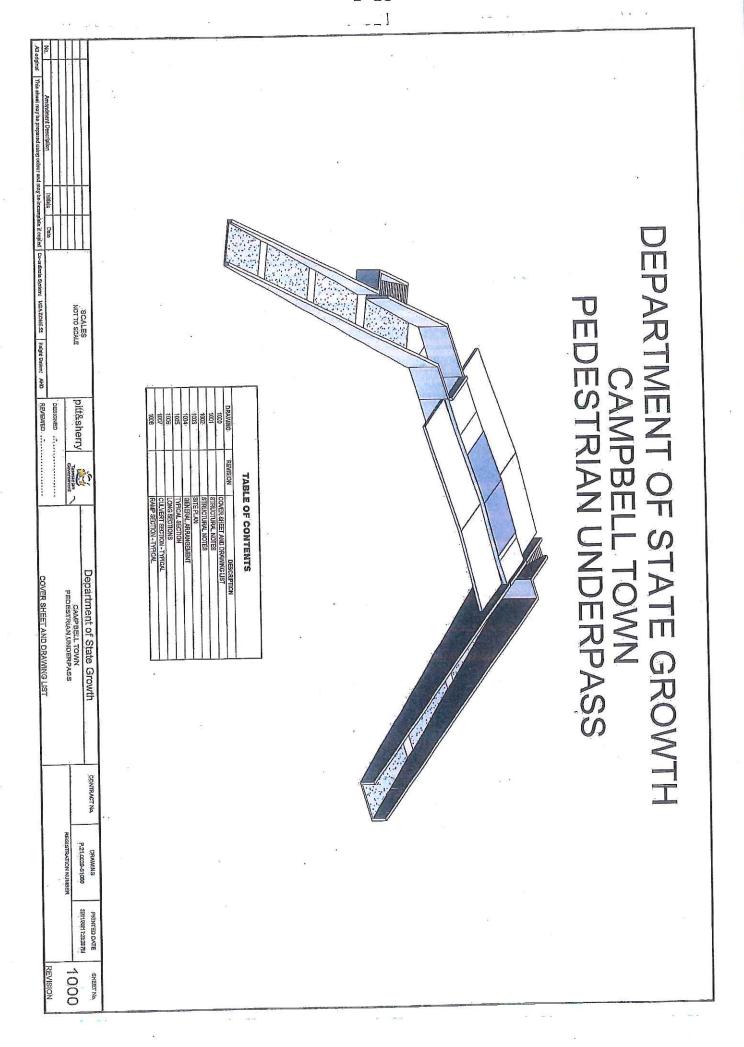
Doug Fotheringham

Senior Planning & Economic Development Consultant pitt&sherry

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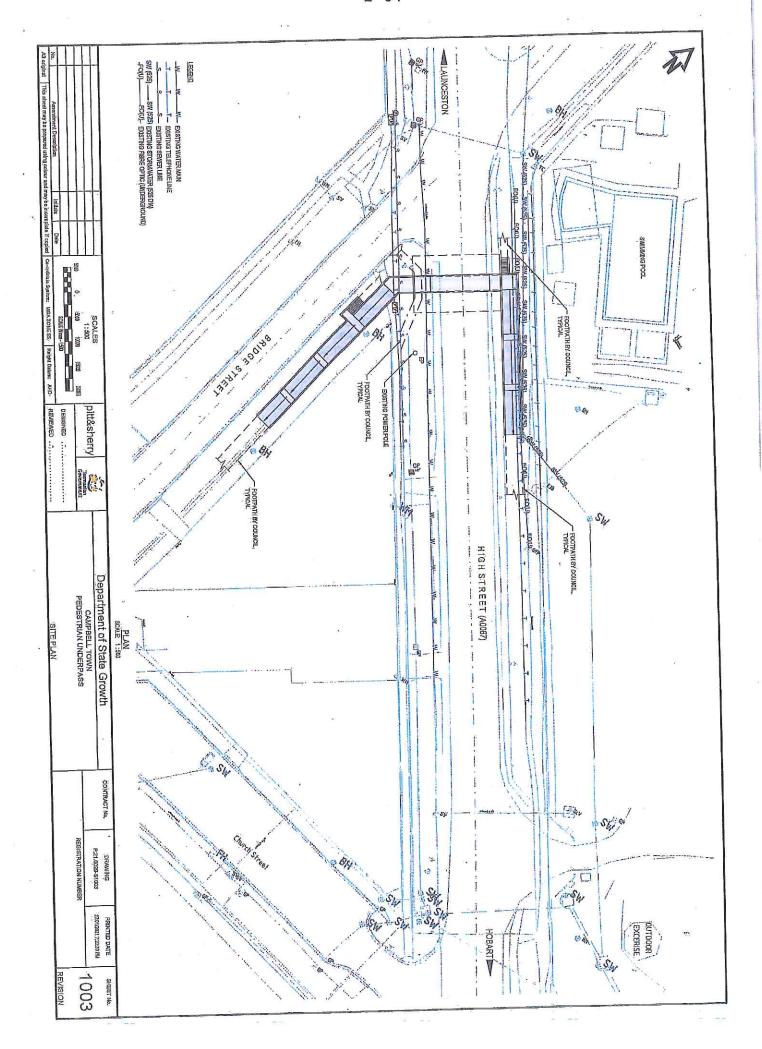
Proposed Plans

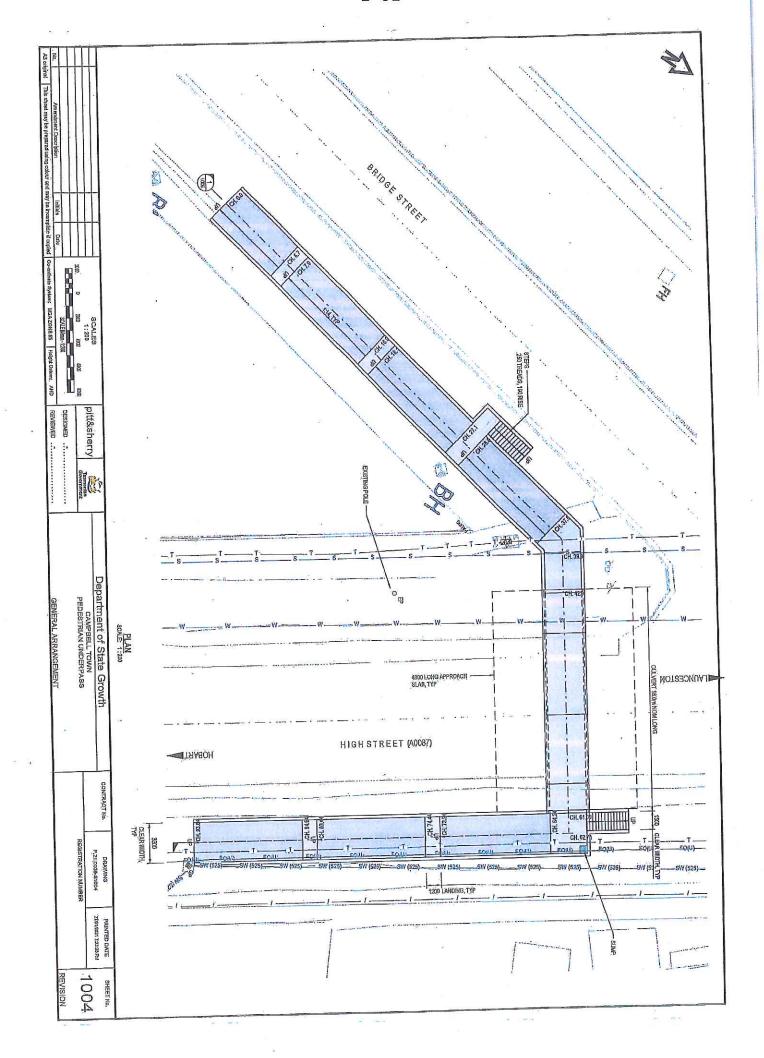
Interim Planning Directive No. 4

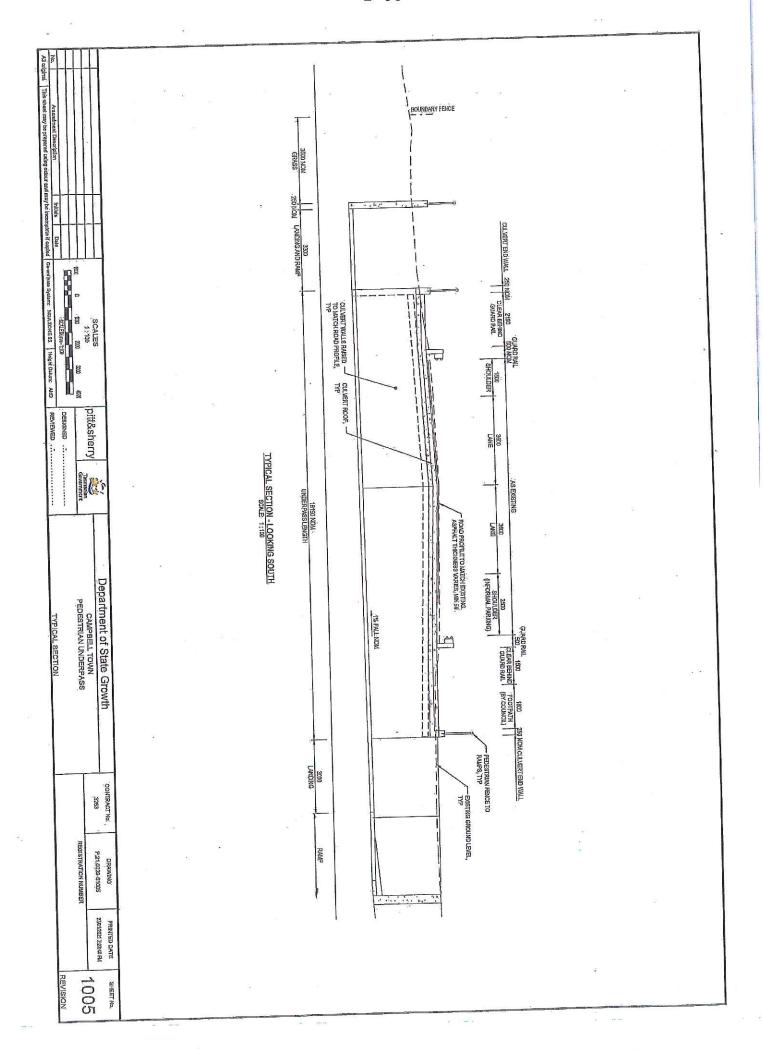


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