



**NORTHERN
MIDLANDS
COUNCIL**

AGENDA

ORDINARY MEETING OF COUNCIL

MONDAY, 16 AUGUST 2021

**IN PERSON &
VIA ZOOM VIDEO CONFERENCING
PLATFORM**

QUALIFIED PERSONS ADVICE

The *Local Government Act 1993* Section 65 provides as follows:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) 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 or council committee with the general manager's certificate.

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

- i) 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
- ii) 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.

MEETING CONDUCT

- People attending Council Meetings are expected to behave in an appropriate manner.
- The following is not acceptable:
 - Offensive or inappropriate behaviour
 - Personal insults
 - Verbal abuse.
- In the case of any inappropriate outburst or derogatory behaviour, an apology from the offending party or parties will be requested. Anyone at the meeting, if they feel offended in any way by any such behaviour specified above, should immediately bring the behaviour to the notice of the Chairperson by the way of a point of order.
- The Chairperson has the right to evict from a meeting any person who is not behaving to an appropriate standard.

RECORDING OF COUNCIL MEETINGS

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 – Regulation 18 makes provision for councils to hold meetings via video conferencing platforms.

A copy of the recording of the meeting will be placed on Council's website as soon as practicable after the meeting, the Closed Council session of the meeting will be redacted.

Regulation 33 of the **Local Government (Meeting Procedures) Regulations 2015** provides for the audio recording of Council meetings.

The purpose of recording meetings of Council is to assist Council officers in the preparation of minutes of proceedings.

Council's Policy includes the following provisions:

- only applies to formal Council meetings (ordinary meetings, special meetings and Annual General meetings);
- does not apply to closed sessions of Council;
- does not apply to Committees of Council;
- The recording will not replace written minutes and a transcript of the recording will not be prepared;
- The recording may be used by Council staff to assist with the preparation of the minutes and by Council during a subsequent meeting within the period that the recording is retained;
- The official copy of the recording of a Council meeting is to be retained by Council for at least a period of 6 months from the date of a meeting and deleted after that period has expired;

A member of the public may only use an audio recorder, or any other recording and/or transmitting device, to record the proceedings of a meeting of Council with the written permission of the General Manager for the express purpose proposed. The Northern Midlands Council reserves the right to revoke such permission at any time.

Unless expressly stated otherwise, Northern Midlands Council claims copyright ownership of the content of recordings of Council meetings ("the Recordings").



Des Jennings
GENERAL MANAGER

GUIDELINES FOR COUNCIL MEETINGS

PUBLIC ATTENDANCE DURING THE COVID-19 DISEASE EMERGENCY DECLARATION

Public Attendance Meeting Guidelines during the COVID-19 Disease Emergency

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This has necessarily meant that public attendance at meetings has been restricted. Under these arrangements Council meetings have been undertaken remotely via online platforms.

While COVID-19 restrictions remain in place, Council is mindful of the need to ensure community safety and compliance with regard to social distancing and limitations on the number of persons who may gather. This obligation is balanced with the need to minimise disruption to the business of Council.

Council determined that limited public access to Council meetings would be permitted from the Council Meeting scheduled for 14 December 2020.

Attendance of the public will be restricted to those who wish to make representation or present a statement in person at the meeting, preference is to be given to individuals

1. making representations to planning applications which are subject to statutory timeframes (limit of 4 persons per item), and
2. those making statements or representations on items listed in the Agenda for discussion (limited to 2 persons).

To ensure compliance with Council's COVID-19 Safety Plan, any person wishing to attend will be required to register their interest to attend, which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting by emailing council@nmc.tas.gov.au or phoning Council on 6397 7303.

On arrival attendees will:

- be required to complete the health declaration section of their registration form to support COVID-19 tracing (in the event that it is necessary); and
- receive direction from council officers (or Council's delegate) in relation to their access to the meeting room.

Access to the Municipal Building will only be permitted until 6.45pm, at which time Public Question Time will commence.

Members of the public who would prefer not to attend the meeting, but would like to ask a question or make a representation to the Council that would normally be heard during Public Question Time, may forward their question/representation to council@nmc.tas.gov.au which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting.

Any questions/representations received will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

These arrangements are subject to review based on any change in circumstance relating to the COVID-19 Disease Emergency.

Council will continue to ensure minutes and audio recordings of Council meetings are available on Council's website.

PUBLIC QUESTIONS AND STATEMENTS

Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* makes provision for Public Question Time during a Council meeting.

Public question time is to commence immediately after the meal break at approximately 6:45pm and is to be conducted in accordance with the following guidelines:

- At each Council Meeting up to 20 minutes, or such longer period as Council may determine by resolution at that meeting, is to be provided for persons at the meeting to ask questions.
- A person seeking to ask a question must firstly identify himself or herself by stating their name and the town they reside in.
- If more than one person wishes to ask a question, the Mayor is to determine the order in which those questions are asked.
- Questions must be directed to the Mayor who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is known otherwise taken on notice and responded to in writing within 10 working days.
- Questions should preferably be in writing and provided to the General Manager 7 days prior to the Council Meeting.
- A person is entitled to ask no more than 2 questions on any specific subject. If a person has up to two questions on several subjects, the Mayor may defer those questions until other questions have been asked and refer back to that person only if time permits.
- Each submission speaker is limited to a maximum of 3 minutes.

REPRESENTATIONS ON PLANNING ITEMS

A maximum of 4 persons per item (2 for and 2 against) will be permitted to address Council on a planning item. After the representation has been made, Councillors are permitted to ask questions of the party who made the representation.

Each speaker is limited to a maximum of 3 minutes.

PETITIONS

In relation to the receipt of petitions, the provisions of the *Local Government Act 1993*, Part 6 - Petitions, polls and public meetings, S57 and S58, should be noted.



NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021

NOTICE IS HEREBY GIVEN THAT THE NEXT MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON MONDAY 16 AUGUST 2021 AT 5.00PM IN PERSON AND VIA ZOOM VIDEO CONFERENCING PLATFORM IN ACCORDANCE WITH THE *COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020, SECTION 18* (AUTHORISATION FOR MEETINGS NOT TO BE HELD IN PERSON)


DES JENNINGS
GENERAL MANAGER

11 AUGUST 2021

4.00pm Councillor Workshop – closed to the public

GOV 1 ATTENDANCE

1 PRESENT

In Attendance:

2 APOLOGIES

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GOV 3 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge and pay our respects to the Tasmanian Aboriginal Community as the traditional and original owners, and continuing custodians of this land on which we gather today and acknowledge Elders – past, present and emerging.

GOV 4 DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 8 sub clause (7) of the *Local Government (Meeting Procedures) 2005* require that the Chairperson is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

GOV 5 CONFIRMATION OF MINUTES: OPEN COUNCIL ORDINARY COUNCIL MEETING MINUTES

In regard to

Minute No. 284/21: Proposal to sell land: 75-77 High Street, Campbell Town – Campbell Town Hall,
the following amendments are required to be made to the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 19 July 2021.

- 1) Cr Goninon is listed in the minutes as *Voting for the motion* when he was not present.
Cr Goninon had registered an interest in the matter and had left the meeting prior to commencement of discussions and only returned following the vote.
- 2) The decision was recorded as *Carried*.
The outcome of the voting determined that it was *Carried by Absolute Majority*.
Absolute Majority is defined under the Act to mean a majority of the whole number of the members of the Council.
In practical terms, this means that if a council comprises 9 elected members, the *Absolute Majority* is 5



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members.

DECISION

Cr

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 19 July 2021, be confirmed as a true record of proceedings subject to the following amendment to minute 284/21:

Cr Goninon declared an interest in item GOV 13, signed the register and left the meeting at 7.09pm

DECISION

Cr Davis/Cr Calvert

That Council determines to sell the Town Hall situated at 75-77 High Street, Campbell Town and directs the General Manager to commence the sale process in accordance with Part 12, Division 1 of the *Local Government Act 1993*.

Carried by Absolute Majority

Voting for the motion:

Mayor Knowles, Cr Adams, Cr Calvert, Cr Davis, ~~Cr Goninon~~, Cr Goss

Voting against the motion:

Cr Brooks, Cr Lambert

Cr Goninon returned to the meeting at 7.16pm at which time Mr Godier left.

GOV 6 MOTIONS ON NOTICE

1 NOTICE OF MOTION

No notices of motion were received.

GOV 7 COMMITTEE MINUTES

1 CONFIRMATION OF MINUTES OF COMMITTEES

Attachments: Section 1 – Page 1

Minutes of meetings of the following Committees were circulated in the Attachments:

	Date	Committee	Meeting
i)	06/07/2021	Perth Local District Committee	BGM
ii)	06/07/2021	Perth Local District Committee	Ordinary
iii)	06/07/2021	Evandale Advisory Committee	BGM
iv)	06/07/2021	Evandale Advisory Committee	Ordinary
v)	07/07/2021	Longford Local District Committee (resubmitted)	Ordinary
vi)	28/07/2021	Cressy Local District Committee	BGM
vii)	28/07/2021	Cressy Local District Committee	Ordinary
viii)	29/07/2021	Avoca, Royal George & Rossarden Local District Committee	BGM
ix)	29/07/2021	Avoca, Royal George & Rossarden Local District Committee	Ordinary
x)	03/08/2021	Campbell Town District Forum	Ordinary
xi)	03/08/2021	Ross Local District Committee	Ordinary
xii)	04/08/2021	Longford Local District Committee	Ordinary

DECISION

Cr

That the Minutes of the Meetings of the above Council Committees be received.



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2 RECOMMENDATIONS OF SUB COMMITTEES

NOTE: *Matters already considered by Council at previous meetings have been incorporated into INFO 10: Officer's Action Items.*

Perth Local District Committee

At the ordinary meeting of the Cressy Local District Committee held on 6 July 2021 the following motion/s were recorded for Council's consideration:

- 4.6 Seccombe Street Speed Limit Signage:** That Council consider installation of speed limitation signage at the entrance to Seccombe Street from the roundabout.

Officer Comment

A 50km/h speed sign is to be erected.

Officer Recommendation:

That Council note the request and the action to be taken.

DECISION

Cr

Longford Local District Committee

At the ordinary meeting of the Longford Local District Committee held on 7 July 2021 the following motion/s were recorded for Council's consideration (minutes circulated at 19 July 2021 recommendations held over):

- 6.1 Longford Entrance Improvements** *(priority for a pedestrian/cycle path to continue from Perth bike path into Longford after witnessing 3 children aged around 6-14 years, riding over the bridge).*

That completion of the pedestrian/cycle link is preferred priority before constructing the four lanes from the roundabout to Bishopsbourne Rd intersection.

Officer Comment

The Committee has requested that completion of the pedestrian/cycle link is given priority prior to the upcoming upgrades.

Officer Recommendation:

That Council officers refer this request to the Department of State Growth.

DECISION

Cr

- 6.5 Safety Issues Woolmers Lane/Panshangar Road intersection.**

That Council approach State Growth to arrange signage to be placed advising of trucks entering and put in place an 80kph speed limit.

Officer Comment

The Committee has previously requested a review into the speed limit reduction along this road, Council Officers have been liaising with the Department of State Growth, application submitted to the Transport Commissioner for the speed limit to be changed.

Officer Recommendation:

That Council note the actions taken.

DECISION

Cr

- 6.6 Memorial Hall – Village Green Development.**

That Solar panels be included in the planning process and be fitted on the roof.

Officer Comment

The installation of solar panels on Council owned facilities has been identified as a priority to be considered when upgrading or renewing facilities.

Officer Recommendation:

That Council note the recommendation of the Committee.



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DECISION

Cr

7.2 Concerns regarding the danger of crossing Wellington Street *(particularly children, suggested a proper pedestrian crossing be installed).*

That a pedestrian crossing be installed on Wellington Street from the Anglican Church grounds to the library.

Officer Comment

The road in question is owned is a State Road, it has been identified within the Main Street upgrades which already include several traffic calming measures aimed at providing further safe crossings for pedestrians.

Officer Recommendation:

That Council note the recommendation of the Committee.

DECISION

Cr

Cressy Local District Committee

At the ordinary meeting of the Cressy Local District Committee held on 28 July 2021 the following motion/s were recorded for Council's consideration:

5 Cressy Recreation Ground Development: Committee members request a timeline for the completion of Stage 2 and Stage 3.

Officer Comment

Timeline to be established.

Officer Recommendation:

That Council note the request and advice be provided to the Committee.

DECISION

Cr

Campbell Town District Forum

At the ordinary meeting of the Campbell Town District Forum held on 3 August 2021 the following motion/s were recorded for Council's consideration:

7.1 Main Street Upgrades Consultation: That the CTDF form a group to facilitate further consultation of the Main Street upgrades.

Officer Comment

The Committee has requested that further consultation occurs for the community to have their say on the proposed upgrades to the Main Street.

The project may have 3 stages.

Stage 1 from Commonwealth Place to the Campbell Town Hall has been fully designed.

The additional areas have not yet been designed and are only in concept form. When funding is available this design may be progressed and at that time community input would be important.

Officer Recommendation:

The initial cost of the concept plan was substantial and the design of Stage 1 has been finalised after input from engineers and the community, any further changes to be made would be considered a redesign and would be an extra expense to Council. That Council consider this request.

DECISION

Cr

GOV 8 DATE OF NEXT COUNCIL MEETING: MONDAY, 20 SEPTEMBER 2021

Mayor Knowles advised that the next Ordinary Council Meeting of the Northern Midlands Council would be held at 5.00pm on Monday, 20 September 2021 in person and via the Zoom video conferencing platform in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, Section 18 (authorisation for meetings not to be held in person).



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

INFO INFORMATION ITEMS

1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING

Responsible Officer: Des Jennings, General Manager

The General Manager advised that the following workshops/ meetings had been held.

Date Held	Purpose of Workshop
02/08/2021	Council Workshop Presentations <ul style="list-style-type: none">• NTDC• Development Proposal, Longford• Visit Northern Tasmania Discussion included: <ul style="list-style-type: none">• Longford Urban Design Project
09/08/2021	Special Council Workshop Presentations included: <ul style="list-style-type: none">• Memorial Hall Development Proposal Discussion included: <ul style="list-style-type: none">• Draft Housing Land Supply Amendment Bill 2021• Development Proposal, Longford• North Perth Density Review• Officer Delegations – Planning• Compliance• Illawarra Road upgrade
16/08/2021	Council Workshop Discussion: <ul style="list-style-type: none">• Council Meeting Agenda items
16/08/2021	Council Meeting

2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 19 July 2021 to 16 August 2021 are as follows:

Date	Activity
21 July 2021	Attended Brand Tasmania Launch Event, Launceston
22 July 2021	Attended meeting with Hon Catherine King MP Shadow Minister for Infrastructure, Transport and Regional Development via Zoom, Riverside
22 July 2021	Attended National Summit on Women's Safety Delegate meeting via Zoom, Gipps Creek
24 July 2021	Attended Morven Park Changerooms Official Opening, Evandale
28 July 2021	Attended Northern Tasmanian Development Corporation Regional Visioning Workshop, Riverside
29 July 2021	Attended 100th Birthday Celebration, Longford
29 July 2021	Attended Avoca, Royal George and Rossarden Local District Committee Meeting, Avoca
30 July 2021	Attended Launceston City Council white Ribbon Event, Launceston
2 August 2021	Attended Tasmania Talks radio interview, Gipps Creek
2 August 2021	Attended tour of new Longford Police Station site, Longford
2 August 2021	Attended Council Workshop, Longford
3 August 2021	Attended Family Violence National Plan Rural, Regional and Remote Zoom Workshop, Gipps Creek
4 August 2021	Attended TasWater Quarterly Briefing, Launceston
5 – 6 August 2021	Attended Local Government Association of Tasmania Conference, Hobart
9 August 2021	Attended Council Workshop, Longford
10 August 2021	Attended Liffey Hall Management Committee Annual General Meeting, Liffey
13 August 2021	Attended meeting with Minister Guy Barnett, Longford
19 August 2021	Attended Council Workshop and Meeting, Longford

3 GENERAL MANAGER'S ACTIVITIES

General Manager's activities for the prior month are as follows:

Meetings were attended either in-person, or via electronic means (on-line or via conference call)

- Met with proponent re development
- Met with proponent re development proposal
- Attended Regional General Manager's meeting
- Attended Northern Tasmania Development Corporation Director's meeting
- Attended Council Workshop
- Attended OAM afternoon tea
- Together with Councillor Janet Lambert, met with members of the Campbell Town and Ross Mens Shed
- Attended Special Council Meeting
- Met with developer
- Attended Citizenship Ceremony
- Attended Supreme Court in Hobart
- Attended Council Workshop and Council Meeting
- Met with Chris Griffin re REASSIGN project
- Met with TasWater re stormwater matter
- Met with Catherine King, MP
- Attended Northern Tasmania Development Corporation Director's meeting
- Met with Lange Design re Wellington Street Streetscape design
- Met with Annie Harvey re JAG
- Met with Pitt & Sherry and others re Campbell Town Pedestrian Underpass Project
- Met with Councillor Ian Goninon

4 PETITIONS

1 PURPOSE OF REPORT

In accordance with the Vision, Mission and Values of Council as identified in the *Council's Strategic Plan 2007-2017* and the *Local Government Act 1993, S57 – S60*, provision is made for Council to receive petitions tabled at the Council Meeting.

2 OFFICER'S COMMENT

In relation to the receipt of petitions, the following provisions of the *Local Government Act 1993*, Part 6 - Petitions, polls and public meetings, S57 and S58, should be noted:

Section 57. Petitions

[Section 57 Substituted by No. 8 of 2005, s. 46, Applied:01 Jul 2005]

(1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.

(2) A person lodging a petition is to ensure that the petition contains –

- (a) a clear and concise statement identifying the subject matter and the action requested; and
- (b) in the case of a paper petition, a heading on each page indicating the subject matter; and
- (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
- (d) a statement specifying the number of signatories; and
- (e) at the end of the petition –
 - (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
 - (ii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.

(3) In this section –

electronic petition means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;

paper petition means a petition where the petition is created on paper which is then circulated and to which the signatories have added their details directly onto the paper;

petition means a paper petition or electronic petition;

signatory means –

- (a) in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and
- (b) in the case of an electronic petition, a person who has added his or her details to the electronic petition.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

58. Tabling petition

(1) A councillor who has been presented with a petition is to –

(a)

(b) forward it to the general manager within 7 days after receiving it.

(2) A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.

(3) A petition is not to be tabled if –

(a) it does not comply with section 57 ; or

(b) it is defamatory; or

(c) any action it proposes is unlawful.

(4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgment.

3 PETITIONS

No petitions received.

5 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES

A schedule of attendance by Councillors at conferences and seminars is currently being compiled.

No reports relating to attendance at conferences and seminars have been received.

6 132 & 337 CERTIFICATES ISSUED

In relation to the issue of 132 and 337 certificates, the following provisions of the *Local Government Act 1993*, Section 132 and Section 337, should be noted:

S132. Certificate of liabilities

(1) A person referred to in [subsection \(2\)](#) may apply to the general manager for a certificate stating–

(a) the amount of any liability for rates, whether due or not on the land and outstanding interest or penalty payable in relation to the land;

(b) any amount received on account of rates that is held in credit against future liabilities for rates in relation to the land; and

(c) the amount of any charge on the land recoverable by the council.

S337. Council land information certificate

(1) A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.

(2) The general manager, on receipt of an application made in accordance with [subsection \(1\)](#), is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate.

(3) A certificate under [subsection \(2\)](#) relates only to information that the council has on record as at the date of issue of the certificate.

(4) A prescribed fee is payable in respect of the issue of a certificate.

(5) The general manager, on request, may provide in or with the certificate any other information or document relating to the land that the general manager considers relevant.

(6) A council does not incur any liability in respect of any information provided in good faith from sources external to the council.

(7) A person, with the consent of the occupier or owner of specified land, may request in writing to the general manager that an inspection be carried out of that land to obtain supplementary information relevant to that land.

(8) If the general manager agrees to a request under [subsection \(5\)](#) or [\(7\)](#), the general manager may impose any reasonable charges and costs incurred.

(9) In this section –

land includes –

(a) any buildings and other structures permanently fixed to land; and

(b) land covered with water; and

(c) water covering land; and

(d) any estate, interest, easement, privilege or right in or over land.

	No. of Certificates Issued 2021/2022 year												Total 2021/2022 YTD	Total 2020/2021
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
132	95												95	1,004
337	34												34	499



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

7 ANIMAL CONTROL

Prepared by: *Martin Maddox, Accountant and
Tammi Axton, Animal Control Officer*

Item	Income/Issues 2020/2021		Income/Issues for July		Income/Issues 2021/2022	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,240	100,776	852	16,570	852	16,570
Dogs Impounded	27	2,212	1	65	1	65
Euthanized	-	-	-	-	-	-
Re-claimed	24	-	1	-	1	-
Re-homed/Dogs Home *	2	-	-	-	-	-
New Kennel Licences	16	1,152	1	72	1	72
Renewed Kennel Licences	72	3,168	87	3,828	87	3,828
Infringement Notices (paid in full)	36	6,785	2	318	2	318
Legal Action	-	-	-	-	-	-
Livestock Impounded	1	65	-	-	-	-
TOTAL		114,159		20,853		20,853

Analysis of kennel licences issued:

Number of licences issued – 2020/2021	Number of Dogs							
	3	4	5	6	7	8	9	10 or more
83	23	13	12	9	6	4	0	20

Registration Audit of the Municipality:

Ongoing

Kennel Licences

1 kennel licences applied for

Microchips:

0 dogs microchipped

Infringements:

0 infringement issued.

Attacks:

1 attack – dog euthanized August

Impounded Dogs:

1 dog impounded – 1 reclaimed by owner.

8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: *Graeme Hillyard, Environmental Health Officer*

Determine acceptable and achievable levels of environmental and public health by ongoing monitoring, inspection, education and, where necessary, by applying corrective measures by mutual consent or application of legislation.

Ensure safe standards of food offered for sale are maintained.

Investigations/ Inspections/ Licences Issued	2018/2019	2019/2020	2020/2021	2021/2022	Number -- this month	Current No. of Premises Registered
Notifiable Diseases	5	1	0			
Inspection of Food Premises	127	111	69	7	7	196
Place of Assembly Licences					-	

Notifiable Disease investigations are carried out by Council's Environmental Health Officer at the request of the Department of Health.



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Investigations typically relate to cases of food borne illness. While some investigations are inconclusive others can be linked to other cases and outbreaks within Tasmania and across Australia. Under the *Public Health Act 1997*, investigations are confidential.

Food premises are due for inspection from 1 July each year. The number of inspections in the table above is the total number carried out since 1 July in each financial year.

Inspections are conducted according to a risk-based assessment and cover all aspects of food storage, handling and preparation. A total of 35 criteria are assessed for either compliance, non-compliance or serious non-compliance.

The Tasmanian Department of Health has produced a legal framework, the Food Business Risk-Classification System (RCS), to classify food premises for registration and notification purposes under the *Food Act 2003*.

Food premises are categorised based on their potential risk to the health of the consumer. Higher risk premises are inspected at least once each financial year.

Actions, including follow-up inspections, are taken according to the outcome of inspections, the RCS can be used to prioritise the inspection of food businesses, with inspection frequency being increased for high risk classified food premises. In addition, poorly performing food premises would be inspected more frequently.

The following is applicable regarding food business registrations:

- A Food Business Application is to be completed and lodged with Council each year (Financial) Sections 84 or 87 or 89 of the *Food Act*
- Council conducts a desk top assessment of the application in accordance with the Food Business Risk Classification System issued by Tasmanian Department of Health. The assessment is based on the information provided by the applicant.
- Based on the Risk assessed an invoice is issued to the applicant.
- Upon receipt of payment Council issues a Certificate of Registration.
- Council conducts an inspection of the premises during their operation to ensure compliance with the *Food Act* and Regulations and the Food Standards Code. The business is also assessed in line with their Risk Classification.
- All premises receive one inspection annually.
- Further inspections may be required to ensure any non-compliance issued have been addressed.

9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Animal Control	7											
Building & Planning	16											
Community Services	4											
Corporate Services	28											
Governance	9											
Waste	-											
Works	38											

10 GIFTS & DONATIONS (UNDER SECTION 77 OF THE LGA)

Date	Recipient	Purpose	Amount \$
21-Jul-21	Reptile Rescue	Donation	\$1,000.00
28-Jul-21	Campbell Town District High School	Inspiring Positive Futures Program	\$7,272.73
28-Jul-21	Campbell Town District High School	Chaplaincy	\$1,363.64
28-Jul-21	Evandale Primary School	Chaplaincy	\$800.00
		TOTAL	\$10,436.37

11 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status
17/05/2021	180/21	Restrictions on Keeping of Roosters	That Council consider restricting the keeping of roosters in urban areas, and consider the need for a by-law with penalties for offences and non-compliance.	Animal Control Officer	Report to future Council meeting.
19/07/2021	284/21	Proposal to Sell Land: 75-77 High Street, Campbell	That Council determines to sell the Town Hall situated at 75-77 High Street, Campbell Town and directs the General Manager to	Exec. Officer	To be progressed.



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Date	Min. Ref.	Details	Action Required	Officer	Current Status
		Town – Campbell Town Hall	commence the sale process in accordance with Part 12, Division 1 of the Local Government Act 1993.		
16/03/2020	Deferred item	GOV8 Overhanging Trees/Hedges: Evandale	Deferred to provide opportunity for the community to attend	General Manager	No further action to be taken at this time. To be workshopped and report to be relisted. Discussion held with property owner, formal advice requested. Correspondence to be forwarded to property owner.
17/09/2021	289/21	LGAT Motions	That Council A) submit two motions to the next LGAT General Meeting on the lack of response provided by the following government agencies: Environment Protection Agency, and Department of State Growth	General Manager	Motions to be prepared and workshopped.
19/07/2021	267/21	Perth Streetscape Redevelopment Concept Plan: Survey Responses	That Council: a) note the survey responses and community feedback received regarding the Perth Streetscape Redevelopment Concept Plan; and b) make the following changes to the Perth Streetscape Redevelopment Concept Plan; a. incorporation of upgrades to the train park subject to additional costs being approved; c) adopt the Perth Streetscape Redevelopment Plan and progress the project in accordance with budget allocations; and d) continue to pursue external funding streams to complete the project.	Projects Manager	Lange Design notified and costing for park requested.
17/09/2018	258/18	Initiation of Draft Planning Scheme Amendment 04/2018 include Flood Risk Mapping in the Planning Scheme for land along Sheepwash Creek from Arthur Street to Cemetery Road, Perth	That Council, acting as the Planning Authority, pursuant to section 34 of the former provisions of the Land Use Planning and Approvals Act 1993 resolve to initiate draft Planning Scheme Amendment 04/2018 to the Northern Midlands Interim Planning Scheme 2013 to include the flood risk mapping for land zoned General Residential and Future Residential, based on the mapping shown in the attachment, in the planning scheme maps.	Senior Planner	A flood map is to be incorporated by an amendment to the Planning Scheme. Aerial Survey complete, Land Survey Modelling can now commence, due mid-March. Consultant advised on 18 March 2021 Council modelling now due end of April. Consultant advised 5/5/21 modelling due end May due to software upgrades required. Consultant is validating the modelling.
17/05/2021	190/21	Bridge Across Liffey River To Former Baptist Church Grounds	That a decision be deferred to the next meeting to establish Council's responsibilities and alternative solutions (including timber).	Works Manager	To be workshopped, report to future Council meeting.
15/02/2021	059/21	Traffic Concerns: Wellington & Marlborough Streets Intersection at Longford	That Council vigorously pursue Option 4 and the possibility of raised intersection treatment or roundabout with the Department of State Growth; and that barrier protection be installed as required to protect pedestrians and the adjacent heritage properties (on both sides of the road).	Works Manager	Matter listed for workshop discussion.

LONG TERM ACTIONS

Date	Min. Ref.	Details	Action Required	Officer	Current Status
18/09/2017	279/17	Historical Records and Recognition: Service of Councillors	That Council, ...and ii) progress the following when the glass enclosed area at the front of the Council Chambers is nearing completion: Photograph/photographs of current Councillors – professional printing and framing; Archiving of historic photographs; Production of a photo book of historic photographs for display.	Exec Assistant	Historic photos to be catalogued and collated.
18/05/2020	146/20	Northern Midlands Youth Voice Forum	That Council endorse the progression of the Northern Midlands Youth Voice Forum	Youth Officer	To be investigated and progressed.
19/11/2018	323/18	Tom Roberts Interpretation at Longford	That Council approve the proposal to develop a Tom Roberts interpretation panel for erection in the grounds of Christ Church Longford and a short Tom Roberts' video, and consider funding these items in the mid-year budget review process.	Project Officer	Interpretation panel installed. Video production being negotiated. To be finalised in 2021. Contact made with video producer, extension provided to end August.

COMPLETED ACTION ITEMS FOR DELETION

Date	Min. Ref.	Details	Action Required	Officer	Current Status
15/03/2021	115/21	Corporate Information Technology (Enterprise Suite) Solution Upgrade	That Council i) make provision in the 2021/22 Budget to update the Open Office Enterprise Suite in the immediate future; and ii) continue to participate in discussion relating to the Northern Tasmanian Councils IT Shared Business Application Platform project.	Corporate Services Manager	Open office implementation scheduled 21/22. Continued review of shared services project brief.
17/05/2021	182/21	Safety Concerns: Woolmers Lane and Panshanger Road Junction, Longford	That Council request the Department of State Growth to carry out a review of speed limits on Woolmers Lane and recommend that the limit be lowered to 80kmh from Point Road through to Longford.	Engineering Officer	Council officers liaising with the Department of State Growth. Traffic counts have been taken, application submitted to the Transport



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Date	Min. Ref.	Details	Action Required	Officer	Current Status
					Commissioner for the speed limit to be changed.
19/07/2021	264/21	Petition - PLN 21-0153 20 Longford Close & 123a Wellington St Longford	INFO 4: That Council acknowledge receipt of the petition in relation to the opposition to PLN 21-0153 20 Longford Close & 123a Wellington Street Longford	Exec Assistant	Letter sent.
19/07/2021	274/21	Policy Review: Accounting	That Council endorses the amended Accounting Policy.	Exec Assistant	Complete.
19/07/2021	272/21	Policy Review: Asset Management	That Council endorse the updated Asset Management Policy.	Exec Assistant	Complete.
19/07/2021	273/21	Policy Review: Risk Management Policy & Framework	That Council endorse the updated Risk Management Policy and Framework.	Exec Assistant	Complete.
17/05/2021	176/21	Sale of Town Hall, Campbell Town	That Council: i) notes the objections received; and ii) determines to sell the Town Hall in Campbell Town; and iii) notifies parties who lodged the objections within 7 days of this decision.	Exec. Officer	Letters to objectors sent 20/5/2021. Appeal lodged, mediation set for 22/6/21. Application lodged with tribunal to set aside decision on 12/7/2021. Council decision to set aside by Tribunal. Matter complete.
28/06/2021	220/21	National Summit On Women's Safety: Attendance By Mayor Knowles	That Council cover the reasonable costs of Mayor Knowles attendance as the Tasmanian delegate at the National Summit on Women's Safety in Canberra on 29-30 July 2021.	Executive & Comms Officer	Summit postponed/cancelled, awaiting confirmation on rescheduled date.
28/06/2021	212/21	Northern Midlands Council Bicycle Advisory Committee	That Council i) endorse the Terms of Reference of the Northern Midlands Council Bicycle Advisory Committee; and ii) appoint Councillors Lambert and Adams as Councillor members of the Committee.	General Manager	Council to advertise for expressions of interest in the membership of the committee.
28/06/2021	213/21	Northern Midlands Council Strategic Property Committee	That Council i) endorse the Terms of Reference for the Northern Midlands Council Strategic Property Committee; and ii) appoint Councillors Goninon and Davis as Councillor members of the Committee.	General Manager	Meeting to be arranged.
19/07/2021	269/21	Local Government Association of Tasmania (LGAT): Motions for the General Meeting to be Held on 5 August 2021	That Council A) note/receive the items listed in the LGAT GM Agenda for the meeting to be held on Thursday, 5 August 2021	Mayor/General Manager	Meeting attended.
19/07/2021	269/21	Local Government Association of Tasmania (LGAT): Motions for the General Meeting to be Held on 5 August 2021	That Council B) vote as directed in relation to the items listed in the LGAT GM Agenda for the meeting to be held on Thursday, 5 August 2021:	Mayor/General Manager	Meeting attended.
19/07/2021	269/21	Local Government Association of Tasmania (LGAT): Motions for the General Meeting to be Held on 5 August 2021	That Council put forward the following amendment to LGAT motion 11.1 - Code of Conduct Training Costs That LGAT lobby the State Government to change S 28ZNA (2) of the Local Government Act 1993 to require that 'Where a councillor is convicted of a code of conduct breach then the Councillor will cover the cost, otherwise Council to cover the cost'.	Mayor/General Manager	Meeting attended.
19/07/2021	269/21	Local Government Association of Tasmania (LGAT): Motions for the General Meeting to be Held on 5 August 2021	That Council, vote as follows if the amendment is not adopted by LGAT: 11.1 Code of Conduct Training Costs - That LGAT lobby the State Government to change S 28ZNA (2) of the Local Government Act 1993 to require that 'if, as a result of a determination report, a Councillor is required to undergo training, the costs associated with that training are to be borne by the relevant Councillor, and not the rate payer'. - Vote Against the Motion.	Mayor/General Manager	Meeting attended.
19/07/2021	268/21	Council's Economic Development Framework: Progress Report	That Council accept the Northern Midlands Council Economic Development Framework progress report – June 2021.	Project Officer	Complete.
19/07/2021	265/21	Morven Park Recreation Ground 2025 Master Plan: Amendment – Cricket Training Nets Location	That Council: i) Amends the Morven Park Recreation Ground 2025 Master Plan in accordance with Option 1 as per the officers comments; and ii) Make development application for the proposed development.	Projects Manager	Documentation being finalised to progress to Development Application.
19/07/2021	266/21	Footpath Trading By-Law	That Council note the stakeholder feedback regarding the Footpath Trading By-law and proceed to refer to the By-Law and Regulatory Impact Statement to the Director of Local Government for	Animal Control Officer	Letter sent to Local Government Division.



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Date	Min. Ref.	Details	Action Required	Officer	Current Status
			consideration.		

LOCAL DISTRICT COMMITTEE ACTIONS

Council Minute Origin Date	Min. Ref.	Details	Action Required	Officer	Council Meeting dated	Current Status
CAMPBELL TOWN						
17/05/2021	172/21	Smoke Free Zone High Street	6.10 Smoke Free Zone High Street: That Council contact business owners along the Main Street reminding them of the regulations. - That Council Officers send a letter to business owners along High Street reminding them of the regulations and their responsibility to ensure a smoke free zone for customers.	Executive & Comms Officer		Letter to be drafted. In progress, to be sent out mid-August.
16/11/2020	382/20	Tourist Signage	Tourist symbol information to be placed at road entries to Campbell Town. - That Council Officers investigate the matter.	Executive & Comms Officer	17/05/2021	Matter being investigated. To be considered in conjunction with Main Street Upgrade.
CRESSY						
17/02/2020	039/20	Bartholomew Park Sign	Bartholomew Park Sign - That Council officers investigate and design a new park sign and explanation plinth (providing background on the park name) to be located at the corner of Main and Church streets, Cressy near the trout sculpture, and it be brought back to the Committee for comment	Works Manager	17/05/2021	Quote sought. Design to be discussed with new Committee at July 2021 meeting.
LONGFORD						
15/03/2021	088/21	Planter - Herb Boxes	7.2 Herb Boxes (similar to the ones outside the Cressy Bakery, be considered by Council to plant pots in the town -That Council be asked to place flower boxes outside JJ's and/or Sticky Beaks with their permission.) That the matter be referred to the 2021/2022 Budget process.	Works Manager	17/5/2021	Garden bed in Victoria Square space to be allocated, Committee to contact Works Manager.
17/05/2021	172/21	Horse Trough Interpretation Panel	10.2 Horse Trough Interpretation Panel: That the committee investigate developing an appropriate plaque with full interpretation of its history and that it be attached to the statue. That Len Langan be asked to investigate. - That Council note the information	Executive & Comms Officer		Committee progressing.
17/05/2021	172/21	Longford Entrance Improvements	7.1 Longford Entrance Improvements: That this committee refer the entrance question be incorporated into the planning for the roundabout upgrade. - That Council note the information.	Executive & Comms Officer		To be considered together with Illawarra Road upgrade.
26/04/2021	135/21	Planter Boxes	Planter Boxes: That the Committee seeks permission to replant some of the planters in Longford with herbs and that they seek volunteers in the garden community to tend them." Decision: That Council note the recommendation	Executive & Comms Officer	17/05/2021	Garden bed in Victoria Square - space to be allocated, Committee to contact Works Manager.
15/02/2021	040/21	Racecourse Signage	LLDC request the Council to add a sign for the racecourse on the existing sign on Cressy Road at the corner of Cracroft Street. - consideration be given to the corner of Brickendon and Marlborough streets as a suitable location for the Racecourse signage	Engineering Officer	17/05/2021	Requires further investigation. New signs need to match existing signage. Ongoing.
PERTH						
ROSS						
21/10/2019	313/19	Macquarie River	The Ross Local District Committee requests that the Northern Midlands Council progress the dual naming of the Macquarie River to Tinamirakuna which includes community consultation and investigation. - That Council support the proposal and progress the request	Executive & Comms Officer	15/03/2021	Information provided to DPI/PWE, awaiting decision.
28/06/2021	207/21	Clearing the Macquarie River	The Ross Local District Committee request that the NMC contact the relevant Tasmanian Government Minister, requesting clarification as to which Government Department is responsible for maintaining the Macquarie River. - That Council Officers contact the Department of State Growth and pass on the request	Executive & Comms Officer		To be investigated.
28/06/2021	207/21	Rail Crossing	The Ross Local District Committee requests that NMC contact Tas Rail to determine the extent of Tas Rail ownership of the Badajos Street rail	Executive & Comms Officer		9/8/21 email sent to Tas Rail.



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Council Minute Origin Date	Min. Ref.	Details	Action Required	Officer	Council Meeting dated	Current Status
			crossing, for the purpose of future widening of the road to ensure the safety of road users. - That Council note the information and request Council Officers action the request			

Matters that are grey shaded have been finalised and will be deleted from these schedules

12 RESOURCE SHARING SUMMARY: 01 JULY 2021 TO 30 JUNE 2022

Resource Sharing Summary 1/7/20 to 30/6/21 As at 30/06/21	Units Billed	Amount Billed GST Exclusive \$
Meander Valley Council		
Service Provided by NMC to MVC		
Street Sweeping Plant Operator Wages and Oncosts	0	-
Street Sweeper - Plant Hire Hours	0	-
Total Services Provided by NMC to Meander Valley Council		-
Service Provided by Meander Valley Council to NMC		
Wages and Oncosts		
Plumbing Inspector Services	22.7	1,695.07
Engineering Services	0	-
Total Service Provided by MVC to NMC		1,695.07
Net Income Flow		- 1,695.07
Total Net		- 1,695.07
Private Works and Council Funded Works for External Organisations	Hours	
Works Department Private Works Carried Out	7	
	265	

13 VANDALISM

Prepared by: Jonathan Galbraith; Engineering Officer

Incident	Location	Estimated Cost of Damages			
		July 2022	Total 2021/22	July 2020	Total 2020/21
Vandalism at toilets in village green	Longford	\$ 1,000			
Toilet bowl removed twice at Valentine Park	Campbell Town	\$ 1,500			
Graffiti on street signs	Longford	\$ 300			
Playground tractor headlights removed	Avoca	\$ 1,000			
TOTAL COST VANDALISM		\$ 3,800	\$ 3,800	\$ 200	\$ 10,200

14 YOUTH PROGRAM UPDATE

Prepared by: Holly Preece, Youth Officer

PCYC program

Council fund PCYC activities in the Northern Midlands. The program is currently being facilitated in Perth on Thursdays during school terms. Attendance numbers for the Perth program in July as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Perth	1/7	8
	22/7	9
	29/7	10



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Free2B girls program

The Free2B girls program is funded by Tasmania Community Fund and has commenced in Longford and Campbell Town. Attendance for the month of July as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town	21/7	8
	28/7	6
Longford	1/7	10
	22/7	8
	29/7	11

The Free2b Girls program volunteers have won in the 2021 Tasmanian Volunteer Awards

Northern Midlands Active Youth Program

The program is funded by Healthy Tasmania and has commenced in Campbell Town and Cressy. The program is conducted during school lunch time and is meeting with great success. Attendance for the month of July as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town	20/7	10
	27/7	18
Cressy	1/7	30
	22/7	38
	29/7	20

Meetings

Holly Preece represents Council on the Northern Youth Coordinating Committee and the Northern Midlands Interagency Group.

15 STRATEGIC PLANS UPDATE

Prepared by: Lorraine Green, Project Officer

CURRENT AS OF 2 AUGUST 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
Blessington			
Feasibility Study: Investment in Ben Lomond Ski field Northern Tasmania (TRC Tourism)	Jun-15		<ul style="list-style-type: none"> Ongoing collaboration with Parks and Wildlife Services and other key stakeholders to progress implementation of report recommendations. State Government budget included commitment of \$400,000 to upgrade the shuttle bus carpark below Jacob's Ladder. Project completed June 2019 January 2019: Nomination submitted for Ben Lomond to be the state's next iconic walk. Nomination unsuccessful. April 2021: Liberal party commitment of \$2.8M for infrastructure upgrade and a new Ben Lomond Master Plan
Campbell Town			
War Memorial Oval Precinct Tennis/Multi-purpose courts			<ul style="list-style-type: none"> September 2017: Funding application submitted to TCF for \$55,000 towards the courts development: application successful. Grant deed executed and funds received. Request submitted March 2021 for extension to deadline to enable completion of court surrounds work including shade structure – extension granted to 31 August 2021 November 2017: Funding application submitted to Sport & Recreation Tas for \$80,000 towards the project: application successful. Acquittal report submitted December 2019. November 2020: Tennis Club secured funds for a practice 'hit-up' wall. July 2021: Shade structure slab due to commence 22/7. Hit-up wall construction to follow.
Oval Irrigation System and Public Toilets			<ul style="list-style-type: none"> October 2020: application submitted to Improving the Playing Field grant program for oval irrigation system and new public toilet facility. Advised Jan 2021 application unsuccessful. Feb 2021: quotes being reviewed for the work.

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Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
			<ul style="list-style-type: none"> March 2021: Local Roads and Community Infrastructure grant of \$160,000 secured for installation of stage one of the oval irrigation system. Work planned to commence July 2021 June 2021: new toilet facility design completed, engineering and certification underway.
CBD Urban Design and Traffic Management Strategy (GHD) (Lange Design and Rare Innovation)	May-16		<ul style="list-style-type: none"> GHD contracted to prepare the strategy: final report accepted at Nov 2017 Council Meeting. Council secured \$1 million loan through the Northern Economic Stimulus package towards the implementation of the main street component of the strategy. November 2017: Lange Design and Rare Innovations Design contracted to prepare the design and construction tenders. Stage 1 concept plan received April 2018. June 2019: Landscape Works Technical Specification received. Request for funding through the Local Government Land Transport Infrastructure Program submitted April 2020.
King Street Reserve Master Plan (Lange Design)	July-21		<ul style="list-style-type: none"> Project brief being developed.
Cressy			
Swimming Pool Master Plan (Loop Architecture)	Dec 15		<ul style="list-style-type: none"> Master Plan accepted at October 2017 Council meeting. Liberal election commitment of \$100,000 to upgrade the complex. Acquittal report due 30 November 2021. Nationals in Government funding commitment of \$400,000 made March 2019. Funding agreement signed January 2020. Tender with reviewed scope and cost accepted Feb 2021. Onsite work commenced 29 March 2021. Progress report submitted 6 July 2021. Project variation request being prepared (to extend completion period and reduce project scope). March 2021: Local Roads and Community Infrastructure grant of \$200,000 secured towards the upgrade. July 2021: onsite works 50% completed.
Recreation Ground Master Plan (Lange Design & Loop Architecture)	Feb-17		<ul style="list-style-type: none"> January 2017: confirmation that the state govt has approved \$220,000 for the ground upgrade through the Northern Economic Stimulus Package. February 2017: Lange Design and Loop Architecture contracted to develop the master plan. Master Plan accepted at April 2018 Council Meeting. Levelling the Playing Field grant for inclusive changerooms (\$354,076) secured October 2019 (to be matched by Council funding). Final report due 31.7.21. October 2019: assisted Cressy Cricket Club with funding application to Stronger Communities Program for clubrooms upgrade: funding secured. Facility upgrade design brief completed. Design work completed. Tender with reviewed scope and cost accepted Feb 2021. March 2021: Local Roads and Community Infrastructure grant of \$107,571 secured towards the redevelopment of the changerooms. Work commenced April 2021.
Evandale			
Honeysuckle Banks			<ul style="list-style-type: none"> At May 2017 Council meeting, Council i) accepted in principle the Honeysuckle Banks Plan; ii) consider funding the minor works components of the plan in future Council budgets, and iii) request Council Officers to seek to secure external grants to assist with the implementation of the full plan.
Morven Park Master Plan (Lange Design)	Nov-16 April 18		<ul style="list-style-type: none"> November 2016 Lange Design contracted to develop master plan. Council accepted 2030 Master Plan at April 2018 Council Meeting. State Liberal election commitment of \$158,000 towards facilities' upgrades. Progress reports submitted Dec 2018, March 2019 and Sept 2019. Acquittal submitted Jan 2021. February 2019: funding of 50% matching grant by Council (\$430,300) secured under Levelling the Playing Field State Government Grant Program. First progress report submitted 7 October 2019. Final report and acquittal being prepared. AFL Tas funding commitment of \$60,000 secured and payment received.
Lake Leake			
Lake Leake Amenities Upgrade	April-21		<ul style="list-style-type: none"> Recreational Fishing and Camping Facilities Program grant of \$72,628 secured towards the upgrading of the toilet and shower facilities at the Lake Leake campground.
Longford			
Community Sports Centre Master Plan (RT & NJ Construction Services)	Feb-15		<ul style="list-style-type: none"> January 2017: Council advised State Govt has approved \$1,000,000 for the upgrade through the Northern Economic Stimulus Package March 2021: Local Roads and Community Infrastructure grant of \$50,000 secured for the refurbishment of the squash courts – work completed. Work due for completion mid-2021 (final stage is installation of the lift).



NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
CBD Urban Design Strategy (Lange Design and Loop Architecture)	May-16		<ul style="list-style-type: none"> December 2016: Draft Urban Design Strategy received. Strategy and Guidelines manual accepted at the October 2017 Council Meeting. Negotiations underway February 2018 with State Growth towards development of a deed regarding the future maintenance of the Illawarra Road roundabout. Nationals in Government funding commitment of \$4 million made in March 2019. Documentation to secure funds submitted October 2019. Deed of Agreement signed June 2020. Variation request to extend completion date submitted May 2021. To be discussed at 2 August Council workshop.
Memorial Hall & Village Green Infrastructure			<ul style="list-style-type: none"> September 2017: Philp Lighton Architects contracted to undertake the study of the Council Offices, Memorial Hall, Town Hall and Library facilities. Report received. March 2019: Nationals in Govt commitment of \$4m to Longford Urban Design Project memorial hall redevelopment and village green infrastructure upgrade are components of the project. Application to secure the funding commitment submitted 3 October 2019. Agreement signed June 2020. User group consultation underway. Tender awarded to Loop Architecture for supply of consultancy services. June 2021: Motor museum concept design being progressed.
Racecourse Master Plan (Lange Design and Loop Architecture)	April-21		<ul style="list-style-type: none"> April 2021: Consultancy Agreement signed. June 2021: Draft of master plan to be reviewed at 4 August meeting
Perth			
Perth Early Learning Centre Redevelopment (Loop Architecture)	Oct-15		<ul style="list-style-type: none"> March 2019: Nationals in Government funding commitment of \$2.6million for the redevelopment of the Early Learning Centre. Documentation to secure funds submitted 4 October 2019. Deed of Agreement signed Development approved at April 2021 Council meeting. June 2021: Tenders being assessed: to go to August/September Council Meeting.
CBD Precinct Concept Master Plan (Lange Design and Loop Architecture)	Apr-20		<ul style="list-style-type: none"> Consultancy Agreement signed. Community survey responses tabled at July 2021 Council Meeting. Decision to incorporate Train Park upgrade in the Master Plan.
South Esk River Parklands Concept Plan (Lange Design)	Nov-18		<ul style="list-style-type: none"> March 2021: Application submitted to Building Better Regions Fund for grant to extend the walkway and installation of footbridge. Outcome anticipated second quarter 2021-2022.
Ross			
Recreation Ground Master Plan (Lange Design)	July-21		<ul style="list-style-type: none"> Project brief being developed.
Swimming Pool Master Plan (Loop Architecture)	Dec-15		<ul style="list-style-type: none"> Draft Master Plan received May 2016: structural assessment approved August 2016 Final plan received June 2017 Council resolved at October 2017 Meeting to undertake a survey of the use of the pool across the 2017-2018 swimming season. Pool usage data received May 2018. Council resolved at June 2020 Meeting to develop a Swimming Pool Strategy. Item on August 2021 Council Meeting agenda.
Village Green Master Plan (Lange Design, Loop Architecture)	Jun-16		<ul style="list-style-type: none"> Master Plan accepted in principle at Council December 2016 Meeting. January 2017: cost estimate for design and documentation, tender process and project management received from JMG. January 2017: Council advised State Government has approved \$300,000 loan through the Northern Economic Stimulus Package for the implementation of the Master Plan. February 2017: Application lodged with Building Better Regions Fund for \$237,660 to enable the Master Plan to be implemented in its entirety. Application unsuccessful. February 2017: Lange Design and Loop Architecture contracted to manage the implementation of the master plan. Concept design presented to Council workshop on 8 May. Planning approval with conditions to be met passed at January 2018 Council Meeting. March 2018: Lange Design submitted full project package for Village Green, ready for planning application to be prepared by Council Officers. July 2021: Final work underway - Pavilion/amenities building works, landscaping and entry arbour Annual report being prepared for the Local Roads and Community Infrastructure Program.
TRANSlink/Western Junction			
Launceston Gateway Precinct Master Plan	Oct-15		<ul style="list-style-type: none"> Council approved the preparation of a brief for the precinct master plan at the Sept 2016 Council Meeting.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
Freight Demand Analysis Report (SGS) Master Plan			<ul style="list-style-type: none"> Liberal election commitment of \$5.5million upgrade of Evandale Main Road between the Breadalbane roundabout and the airport, and \$1million for edge-widening and other works to improve safety along Evandale Main Road from the airport to Evandale. June 2021: Roadworks underway.
TRANSLink Stormwater Upgrade Project			<ul style="list-style-type: none"> Applications lodged with National Stronger Regions Fund 2015/ 2016: unsuccessful. Application submitted February 2017 to the Building Better Regions Fund for \$2,741,402 (total project cost is \$5,482,805: council's contribution is \$1,525,623 and private investors \$1,215,780). Application unsuccessful. Application submitted December 2017 for Round Two Building Better Regions Fund: notified July 2018 unsuccessful. March 2021: Local Roads and Community Infrastructure grant of \$126,270 secured towards Gatty Street stormwater detention basin. Preferred tender accepted at June 2021 Council Meeting.

COMPLETED ACTION ITEMS FOR DELETION

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
Municipal wide			
Integrated Priority Projects Plan (Jacobs, Evergreen Lab)	Apr-20	June 2021	<ul style="list-style-type: none"> Consultancy Agreement signed June 2020. Plan accepted at June 2021 Council Meeting.

16 TOURISM & EVENTS, & HERITAGE HIGHWAY TOURISM REGION ASSOCIATION (HHTRA) UPDATE

Prepared by: *Fiona Dewar, Tourism Officer*

Tourism update:

- Assisted local event organisers to fulfil Council compliance requirements.
- Keep event list updated and distribute. Update NMC website calendar.
- Working with Brand Tasmania on the Town Video project to put together a comprehensive brief and seek further quotes.

HHTRA update:

- Current marketing activities continue and include website blog posts and social media.
- The HHTRA website project status: a temporary 'watch this space' landing page has been set up. DST site rebuild is expected to be complete by the end of August, on which HHTRA will have a comprehensive landing page with links to Heritage Highway images, articles, blogs, tourism product.
- Ross Revealed, augmented reality experience: project is complete. Final acquittal/reports submitted.
- Skulduggery initiative to supply to local school. Meetings with board member and local teacher to progress.
- Planning continues for AGM on 9 September 2021.

17 BICENTENARY PLANNING UPDATES

Prepared by: *Fiona Dewar, Tourism Officer*

Ross

The Ross Bicentenary Committee are planning a series of events throughout the year.

- Completed: 21 Feb: Bike Ride with Picnic Lunch
- Completed: 13 March: If These Halls Could Talk – Ten Days on the Island.
- Completed: 18 April: Bicentenary Ramble
- Completed: 8 May: Bush Feast
- Completed: 27 May – 10 June: Dressing the Trees Installation
- Completed: 2 June: formal ceremony at the Town Hall. Quilt unveiling. Visitors Book.
- Completed: 3 June: Ross Bridge presentation by Dr Jennie Jackson.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

- Completed: 4 June: Bicentenary Quilt exhibition open to public.
- Completed: 17 July: Bicentenary Dinner at the Ross Sports Club
- Current: Education exhibition at the Tasmanian Wool Centre Museum called: It Takes a Village.
- 3 – 26 Sept: Ross Tin Can Sculpture Show at the Thistle Inn.
- 26 Sept: Ross Running Festival.
- Sept. Ross Village Green Official Opening.
- 10 Oct: Bicentenary Concert Camerata Obscura, at the Ross Town Hall.
- 17 Oct: Ross Remembered at the Ross Community Sports Club.
- 29 – 31 Oct: Set In Stone | David Bleakley Art Exhibition and Auction / Arts Festival.
- 13 Nov: Remembrance Day Dance. 50s Swing Band and Period Dress.
- 27 Nov: Open Houses and Gardens
- 4 – 5 Dec: Bicentenary Gala Day of Cricket.
- 31 Dec: New Year's Eve on the Green Village Fair

Campbell Town

The Campbell Town Bicentenary Committee are planning a series of events throughout the year:

- Completed: January. Picnic in the Park, with food, music, entertainment, vintage car display.
- Completed: February. Senior Citizens lunch at bowling Club.
- Completed: March. Lake Leake trout fishing competition.
- Completed: April. Historical guided walking tours.
- Completed: 31 May. Official naming day at Town Hall.
- Completed: 13 June. Bicentenary golf day.
- Completed: July. St Luke's organ recital.
- August. Historical house/farm tour weekend.
- September. School sports day (colonial games and costumes).
- October. Campbell Town garden tours.
- November. Bush dance at Wool Pavilion at Showgrounds, with old skills, hand shearing, wood chopping displays.
- December. School children costumed Christmas caroling.

Perth

The Perth Bicentenary Committee are planning a series of events throughout the year:

- Completed: 25 Feb: Primary School Bicentenary Picnic
- Completed: 18 April: History Scavenger Hunt (postponed)
- Completed: 29 May: Bonfire and music celebration.
- Completed: 30 May: Perth Bicentenary history presentation and official commemoration.
- 21 Sept: Seniors High Tea
- 23 Oct: Perth Bicentenary Memorial Celebration.

18 ORGANIC WASTE STREAMS

Prepared by: Jonathan Galbraith; Engineering Officer

On the 22 July 2021 Council's Waste Management Officer attended a meeting facilitated by the State Government regarding Organic Waste Streams in Tasmania. Representatives from most northern councils were in attendance.

The State Government has just started looking at how organic waste streams can be better processed on a state-wide basis and have engaged a consultant to run some workshops, etc. This meeting was mainly an opportunity for councils to discuss what is happening in their area and share ideas. The group running the meeting haven't advised yet when the next meeting will be, but have indicated that there would be several more meetings before they provide their report to Government.

The initiative by the State to look into organics is well received as there has been little progress in this space, this is a waste stream that can be processed and used within the State unlike a lot of recyclables. Council's Waste Management Officer is to provide updates as discussions progress.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

19 REASSIGN HERITAGE TOURISM INTERPRETATION PROJECT

Prepared by: Lorraine Green, Project Officer

In early 2021, the Australian Government called for applications to the recently established Recovery for Regional Tourism Program, a program under the COVID-19 \$1 billion Relief and Recovery Fund which provides assistance to sectors, regions and communities disproportionately affected by the economic impacts of COVID-19.

Eligible projects needed to create and retain jobs directly and indirectly related to tourism in the region, and drive interstate tourism (recognising that interstate tourism is only possible when the borders are open). Applications had to have the support of the local regional tourism organisation.

Council Officers collaborated with Visit Northern Tasmania staff to prepare an application for the REASSIGN Heritage Tourism Interpretation Project that would encourage, advise and assist as necessary, major Northern Plains heritage sites to develop soundly researched, innovative tourism experiences via contemporary interpretation to reveal the stories of the assignment and gentry systems, and aboriginal significance of the northern landscape.

A grant of \$353,050 was requested to meet the cost associated with the project's management, historian(s), interpretation consultant(s), experiences' development, website and marketing. Council was not required to make a cash contribution to the project.

The project committed to working with four heritage sites: proposed as Brickendon Estate, Clarendon House, Woolmers Estate and a fourth yet to be determined. Deliverables for each site comprise:

- 1) Completion of a situation analysis, researching of interpretation work previously undertaken, and the development of a defined work plan
- 2) A three stage production plan
- 3) Implementation of stage one of the three stage production plan.

The thematic experiences developed and documented in the production plans include but are not limited to, site specific heritage performances, wayfinding systems, multi-media interpretation products, and interpretation Guides resourcing and professional development.

Visit Northern Tasmania is contracting a Project Manager for a number of recently funded tourism initiatives, and management of the REASSIGN project (in collaboration with a project management team of key stakeholders) will be part of this officer's role.

20 PROPOSED ROAD WORKS TO ILLAWARRA ROAD BETWEEN LONGFORD ROUNDABOUT AND BISHOPSBOURNE ROAD

Attachments: Section 1 – Page 42

Report prepared by: Paul Godier, Senior Planner

An application for a planning permit for the attached proposal became valid on Tuesday 27 July 2021. Advertising of the application ran from Saturday 31 July 2021 to Friday 13 August 2021. As of writing, seven representations had been received to the application.

The statutory time in which Council is required to decide on the application expires Tuesday 7 September 2021. If the applicant does not grant an extension of time for the application to be considered at Council's meeting of Monday 20 September 2021, the application will need to be decided under delegation.

DECISION

Cr

That the information items be received.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

GOV 9 LONGFORD URBAN DESIGN PROJECT

Responsible Officer: Des Jennings, General Manager
Report prepared by: Lorraine Green, Project Officer

1 PURPOSE OF REPORT

To seek Council's approval for the variation of the scope and funding allocations for the Longford Urban Design Project.

2 INTRODUCTION/BACKGROUND

During the federal election campaign in 2019, the Nationals in Government made a commitment of \$4million for the implementation of the Longford Urban Design Project to revitalise the town's public space, community facilities and streetscape.

Following the election Council submitted documentation that included detailing the proposed project components and the costs associated with each component, as follows:

- The renovation of the memorial hall on the Village Green: \$1,501,141
- The development of a new BBQ facility and additional public toilet facilities on the Village Green: \$333,236
- The upgrade of the main street streetscape infrastructure between Smith and William Streets: \$1,393,628
- The construction of a new walkway and viewing platform on the Longford flood levee adjacent to the Village Green: \$814,933.

Council advised the total cost of the project was \$4,042,938 and that Council committed to contributing the \$42,938 over and above the \$4million election commitment to the project.

In June 2020 Council signed a Deed of Agreement with the Australian Government that committed the \$4million funding through the Community Development Grants Program.

The project's on site works have yet to commence due to unanticipated delays with the design work, and the impact of the pandemic on Council workload and priorities.

Since the inception of the Longford Urban Design Project, work has progressed on the Perth bypass which includes a shared pathway intended to eventually link Perth and Longford. At present the new shared pathway stops at the intersection of Pateena and Illawarra Roads approximately 1.5kms short of Longford – leaving cyclists and pedestrians to ride/run/walk on the side of the highway into Longford. An old highway route could connect the end of the shared pathway with Longford via a footbridge across the South Esk River, arriving in Longford near the Union Street boat ramp.

Significant safety risks are posed by the current requirement for cyclists and pedestrians to travel on the highway between the end of the shared pathway and Longford. One option identified to resolve this situation would be to divert the budget associated with the walkway and viewing platform to instead contribute to funding the shared pathway extension and footbridge.

The State and Australian Governments have allocated \$80million for the upgrade of the Illawarra Road from the Bass highway to the Pateena/Illawarra Roads intersection – with construction expected from 2021-2023. Council has requested the incorporation of the shared pathway extension and footbridge in the plans for the highway upgrade.

Given the delays experienced with the Longford Urban Design Project, Council has not been able to meet several project milestones by the dates agreed to in the Deed of Agreement. A Deed Variation Request was drafted that included proposed new milestone dates for the memorial hall upgrade, new BBQ and toilet facilities on the Village Green, and the

streetscape upgrade. The option to reallocate the funding from the walkway and viewing platform to the shared pathway and footbridge was included in the draft Variation, however, no milestone dates could be provided as this option is only at the concept stage.

The draft Deed of Variation Request was discussed with the Community Development Grants Program Project Officer who after consultation with her supervisor, advised:

“If the entire Australian Government funding of \$4million will be used up within the three components of this project that you are ready to move forward with we would suggest putting forward to the Department that we use all the funding for these three projects and remove the fourth one from the project outline. The reason we are putting this forward is so that the project can move forward as a whole allowing it to be easier to clarify exactly what has happened and the percentage of the project completion on milestones. And it also removes the unknown of the fourth project along with additional information and variations down the track, allowing payments to continue to flow.”

The budget for this project was developed in September 2019 and it is anticipated the tenders received for the main street streetscape upgrade will exceed the current budget allocation for this project component. It is therefore proposed that the Council submit the Deed Variation requesting the \$814,933 currently allocated for the walkway and viewing platform be reallocated towards the streetscape upgrade component of the project.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ♦ Budgets are responsible yet innovative
 - ♦ Improve community assets responsibly and sustainably
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Council complies with all Government legislation
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth & Changes
 - ♦ Towns are enviable places to visit, live & work
 - ♦ Maximise external funding opportunity
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
- Place –
 - History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ♦ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

The Deed of Agreement with the Australian Government must be varied as Council is unable to achieve the milestone dates stated in the Agreement.

6 FINANCIAL IMPLICATIONS

The total cost of the Longford Urban Design Project is \$4,042,938. It is proposed that the Deed Variation request the removal of the walkway and viewing platform component, and budget allocations to the remaining three project components as follows:

- The renovation of the memorial hall on the Village Green: \$1,501,141
- The development a new BBQ facility and additional public toilet facilities on the Village Green: \$333,236
- The upgrade of the main street streetscape infrastructure between Smith and William Streets: \$2,208,561

7 RISK ISSUES

Council is currently not complying with the terms and conditions of the Deed of Agreement with the Australian Government as milestone dates in the Agreement have not been achieved. A Deed Variation needs to be submitted to enable the Deed of Agreement to be amended to reflect the new milestone dates.

8 CONSULTATION WITH STATE GOVERNMENT

Consultation with the State Government is not required to establish new milestone dates for the Deed of Agreement or to alter budget allocations between project components.

9 COMMUNITY CONSULTATION

Community consultation is not required to establish new milestone dates for the Deed of Agreement or to alter budget allocations between project components.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can approve/not approve the proposed Deed Variation.

11 OFFICER'S COMMENTS/CONCLUSION

Council is currently not complying with the terms and conditions of the Deed of Agreement with the Australian Government as milestone dates in the Agreement have not been achieved. A Deed Variation needs to be submitted to enable the Deed of Agreement to be amended to reflect the new milestone dates.

12 ATTACHMENTS

Nil

RECOMMENDATION

That Council submit a Deed Variation to the Community Development Grants Program with relation to the Longford Urban Design Project, requesting the removal of the walkway and viewing platform component of the project, and the reallocation of the funding for this component to the main street streetscape project component.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

GOV 10 FURTHER EDUCATION BURSARY PROGRAM 2021

Attachments: Section 1 – Page 48

Responsible Officer: Des Jennings, General Manager

Report prepared by: Lorraine Green, Project Officer

1 PURPOSE OF REPORT

To seek Council's approval of the proposed process for the selection of the 2021 recipients of Council's Further Education Bursaries.

2 INTRODUCTION/BACKGROUND

In 2014 Council introduced the bursary program to provide bursaries on an annual basis to Year Ten Northern Midlands' students to provide a confidence boost at the public recognition of their educational potential, as well as funding to assist with the cost of their further education.

Over the years the program has evolved, including:

- Cape Hope Foundation collaborated with Council to increase the number of bursaries offered between 2016 and 2019;
- the value of the bursary has increased from \$1,000 over two years, to \$2,000 over two years;
- Council initially appointed a Bursary Committee to select the recipients (with the committee receiving depersonalised applications), and after several years decided to allocate the bursaries to selected schools and the schools then selected the recipients as part of their overall bursary process. In 2020 the Council Bursary Committee (Cr Knowles, Cr Lambert and Cr Calvert) again managed the selection of the bursary recipients.

Council currently funds five bursaries annually: each worth \$2,000 over two years.

Council managing the selection of the students has the advantage of enabling all Northern Midlands Year Ten students, regardless of the school attended or the nature of their schooling experience (including homeschooling via eSchool) to be eligible to receive a Council bursary. The disadvantage of this approach is that a student selected for a Council bursary could be eligible through their school bursary selection process, for a higher value bursary.

Council considered this matter at the October 2020 Council Meeting and resolved that Council's Bursary Committee nominate two applicants each year as reserves, with these reserves to receive bursaries in the event that a previously nominated student (or students) was selected by the school to receive a higher value bursary through the school's bursary allocation system.

The following process is proposed for the selection of the 2021 Council bursary recipients.

On 18 August 2021 the campaign to advise Northern Midlands' students in Year Ten in public, private and ESchool is launched. The communication channels to be used include Council website, facebook and Northern Midlands Courier page, as well as fliers to the schools to promote on noticeboards, in newsletters and facebook. Students can either download the application from Council's website or receive a hard copy from their school office. The proposed deadline for applications is 15 September 2021.

Council's Bursary Committee will review the applications received to select the five recommended applicants and two reserves, and will seek Council's approval of these recommended recipients and reserves at closed Council on 18 October 2021. The schools will be advised of the approved recipients by 20 October and requested to inform Council if any of the

recipients have been selected via the school bursary process for a higher value bursary. In the event of this occurrence, the recommendation to substitute one of both reserve recipients will be made in closed Council at the 15 November 2021 Council Meeting.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ♦ Budgets are responsible yet innovative
- People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
 - ♦ Caring, Healthy, Safe Communities – Awareness, education & service

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

N/A

6 FINANCIAL IMPLICATIONS

Council funds five bursaries at a cost of \$10,000 annually.

7 RISK ISSUES

There is a risk that students receiving a Council bursary will not be eligible for a higher value bursary through the school bursary system.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

The school bursary committee that raised the issue highlighted in this report advises the implementation of the reserve recipient process is a workable solution to the issue.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can either approve/not approve the proposed process for the selection of the 2021 Further Education Bursary recipients.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

11 OFFICER'S COMMENTS/CONCLUSION

The Northern Midlands Further Education Bursary Program demonstrates Council's commitment to assisting prepare Northern Midlands students to successfully navigate their post Year Ten educational pathway by nurturing within them the desire, motivation and opportunity to succeed.

The bursary program is highly valued by the schools and bursary recipients alike; with the feedback received from bursary recipients across the years confirming the program is achieving its desired goals.

12 ATTACHMENTS

Draft 2021 Further Education Bursary Application Form

RECOMMENDATION

That Council approve the proposed process for the selection of the 2021 recipients of Council's Further Education Bursaries.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

GOV 11 REVIEW OF THE NORTHERN MIDLANDS STRATEGIC PLAN 2017-2027

Attachments: Section 1 – Page 50

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of this report is to review and adopt the updated Northern Midlands Strategic Plan 2017-2027.

2 INTRODUCTION/BACKGROUND

At the completion of the General Manager's last review, Council requested that the current Strategic Plan be reviewed and that the plan be updated, aligned and based upon the community's main priorities and aspirations for the future of the Council area.

The report and Strategic Plan 2017-2027 were received and adopted at the 12 December 2016 Council Meeting (Minute Reference 350/16), at which time the following was the decision of Council:

DECISION

Cr Calvert/Cr Knowles

That Council receive the report; and

- 1) adopt the Northern Midlands Strategic Plan 2017–2027,*
- 2) Departmental Managers report bi-monthly to Council on key areas of Strategic Department Outcomes.*

Carried unanimously

The December 2016 report to Council recognised that

This Plan is versatile and flexible, and must undergo constant review to ensure its remains relevant in the face of change. Its aim is to meet community expectations and seize positive economic development in a timely manner.

The review of the Plan is aligned with Council's Vision, Values and Mission:

Vision:

Northern Midlands is an enviable place to live, work and play.

Connected communities enjoy safe, secure lives in beautiful historical towns and villages. Our clean, green agricultural products are globally valued. Local business and industry is strongly innovative and sustainable.

Values:

Honesty: Treat all with honesty, respect and trust

Integrity: Listen, learn and proactively deliver Council's vision

Innovation: Explore, expand and adapt to achieve a shared vision

Pride: Serve community with pride and energy

Mission:

Lead and Progress

Leadership: Serve with honesty, integrity, innovation and pride

Progression: Nurture and support economic health and wealth

People and Place

People: Build a vibrant society that respects the past

Place: Nurture our heritage environment

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ◆ Communicate – Connect with the community
 - ◆ Lead – Councillors represent honestly with integrity
 - ◆ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ◆ Budgets are responsible yet innovative
 - ◆ Efficiency in resource sharing and Council reform
 - ◆ Improve community assets responsibly and sustainably
 - Best Business Practice & Compliance
Core Strategies:
 - ◆ Council complies with all Government legislation
 - ◆ Continuous improvement is embedded in staff culture
 - ◆ Effective and efficient marketing, communications & IT
 - ◆ Excellent standards of customer service
 - Workforce Standards
Core Strategies:
 - ◆ People & Culture Framework generates professionalism
 - ◆ Workplace Health & Safety is fully compliant
 - ◆ Emergency Management & Safety Plans work well
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ◆ Strategic, sustainable, infrastructure is progressive
 - ◆ Proactive engagement drives new enterprise
 - ◆ Collaborative partnerships attract key industries
 - ◆ Attract healthy, wealth-producing business & industry
 - Economic Development – Supporting Growth & Changes
 - ◆ New & expanded small business is valued
 - ◆ Support new businesses to grow capacity & service
 - ◆ Towns are enviable places to visit, live & work
 - ◆ Minimise industrial environment impact on amenity
 - ◆ Developers address climate change challenges
 - ◆ Maximise external funding opportunity
 - Tourism Marketing & Communication
 - ◆ Tourism thrives under a recognised regional brand
 - ◆ Tourism partnerships build sense of place identity
- People –
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ◆ Planning benchmarks achieve desirable development
 - ◆ Council nurtures and respects historical culture
 - ◆ Developments enhance existing cultural amenity
 - ◆ Public assets meet future lifestyle challenges
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ◆ Living well – Valued lifestyles in vibrant, eclectic towns
 - ◆ Communicate – Communities speak & leaders listen
 - ◆ Participate – Communities engage in future planning
 - ◆ Connect – Improve sense of community ownership
 - ◆ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ◆ Cherish & sustain our landscapes
 - ◆ Meet environmental challenges

- ♦ Eco-tourism strongly showcases our natural beauties
- History – Preserve & Protect our Built Heritage for Tomorrow
- Core Strategies:
 - ♦ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

Council have numerous policies which guide and constrains subsequent decision-making and actions (choices) as well as delegated authority and tasks to deploy resources – where, how, when to implement the Strategic Plan.

5 STATUTORY REQUIREMENTS

5.1 Local Government Act 1993, S66, S68 and S69:

66. *Strategic plan*
- (1) *A council is to prepare a strategic plan for the municipal area.*
 - (2) *A strategic plan is to be in respect of at least a 10 year period.*
 - (3) *In preparing a proposed strategic plan, a council is to consult with the community in its municipal area and any authorities and bodies it considers appropriate.*
 - (4) *The general manager is to make a copy of a proposed strategic plan available for public inspection at the public office during ordinary office hours.*
68. *Proposed strategic plan*
- After preparing a proposed strategic plan, a council is to –*
- (a) *invite submissions in respect of the plan; and*
 - (b) *consider the submissions before adopting the plan.*
69. *Public inspection of strategic plan*
- As soon as a council adopts a strategic plan, the general manager is to–*
- (a) *make a copy of the strategic plan available for public inspection at the public office during ordinary office hours; and*
 - (b) *provide the Director with a copy of the strategic plan.*

6 FINANCIAL IMPLICATIONS

No costs have been identified with regard to the review of the Strategic Plan at this time.

7 RISK ISSUES

Council is obliged by the Local Government Act, Section 66, 68 and 69 to prepare this Plan.

8 CONSULTATION WITH STATE GOVERNMENT

N/a.

9 COMMUNITY CONSULTATION

Prior to adopting the Northern Midlands Strategic Plan 2017-2027 Council consulted the community.

The review document before Council is a condensed version of the 2017-2027 plan and maintains the integrity of the document.

Council may wish to consult the community on the revised document.



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10 OPTIONS FOR COUNCIL TO CONSIDER

Council may:

- Adopt the revised Strategic Plan with or without amendment.
- Seek community comment on the revised Strategic Plan prior to adopting with or without amendment.

11 OFFICER'S COMMENTS/CONCLUSION

The Strategic Plan helps to create a sense of purpose and define the direction in which the Council may travel and establishes realistic strategic outcomes that are in line with the vision and mission that are set.

The Plan as presented maintains the integrity of the document previously adopted and incorporates the revised Strategic Plan Schedule of projects 2021-2027.

Providing a clear and manageable list of strategic outcomes. At the heart of the Strategic Plan is a clear set of priorities, which provide the focus for resource allocation, leadership assignment and capital expenditure over the foreseeable future.

The Strategic Plan shares the Council's vision for the future, with the annual budget laying out how Council will get there on annual basis, with Council reporting on those outcomes in its Annual Report each year.

12 ATTACHMENTS

12.1 Strategic Plan 2021-2027, including Strategic Plan Schedule

RECOMMENDATION

That Council adopts the revised Northern Midlands Strategic Plan 2021-2027 along with the Strategic Projects Plan Schedule.

DECISION

Cr



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GOV 12 POLICY REVIEW: COUNCIL'S CCTV PROGRAM AND CODE OF PRACTICE

Attachments: Section 1 – Page 53

Responsible Officer: Des Jennings, General Manager

Report prepared by: Lorraine Green, Project Officer

1 PURPOSE OF REPORT

The purpose of the report is for Council to endorse updates to the CCTV Program and Code of Practice Policy.

2 INTRODUCTION/BACKGROUND

The objectives of the policy is to reduce personal and property crime, deter anti-social behaviour, and promote public safety in association with a range of other crime prevention strategies. The Code of Practice contains standards to guide the operation of the CCTV Program.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ♦ Budgets are responsible yet innovative
 - ♦ Improve community assets responsibly and sustainably
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth & Changes
 - ♦ New & expanded small business is valued
 - ♦ Support new businesses to grow capacity & service
 - ♦ Towns are enviable places to visit, live & work
- People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
 - ♦ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
 - History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ♦ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

The purpose of this report is to update the existing CCTV Program and Code of Practice Policy last reviewed in August 2018.



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5 STATUTORY REQUIREMENTS

Provisions under the *Local Government Act 1993* and Regulations under the Act.

6 FINANCIAL IMPLICATIONS

Budget permitting, Council will fund up to 75% of the cost of purchasing and installing a CCTV system at an eligible business or community organisation's premises, with an upper cap of \$1,000. This is a one-off grant.

7 RISK ISSUES

There are no risk issues identified with this policy update.

8 CONSULTATION WITH STATE GOVERNMENT

Tas Police were consulted during the initial development of this policy.

9 COMMUNITY CONSULTATION

Community consultation underpinned the initial development of this policy.

10 OPTIONS FOR COUNCIL TO CONSIDER

To endorse the CCTV Program and Code of Practice Policy updates, or not.

11 OFFICER'S COMMENTS/CONCLUSION

That Council consider the amendments to the policy.

12 ATTACHMENTS

12.1 Council's CCTV Program and Code of Practice Policy.

RECOMMENDATION

That Council endorses the amended CCTV Program and Code of Practice Policy.

DECISION

Cr



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GOV 13 POLICY REVIEW: REPORTING

Attachments: Section 1 – Page 59

Responsible Officer: Des Jennings, General Manager

Report prepared by: Gail Eacher, Executive Assistant

1 PURPOSE OF REPORT

The purpose of this report is for Council to endorse the draft updated to the Reporting Policy.

2 INTRODUCTION/BACKGROUND

Council's Reporting Policy was adopted on 20 November 2006, with subsequent reviews in April 2014 and June 2016. The objective of the policy is to provide Council with relevant information covering external reports sought by Council Officers.

The policy also identifies the objectives and functions of the Councillors and its staff.

In June 2016 Council officers recommended that this be rescinded as the reporting and responsibility functions identified in the policy are covered in existing legislation, and in other documentation prepared by the Local Government Division of the Department of Premier and Cabinet. At that time Council resolved to retain and update the policy.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Council complies with all Government legislation

4 POLICY IMPLICATIONS

There are no policy implications should Council rescind the policy.

5 STATUTORY REQUIREMENTS

Provisions under the *Local Government Act 1993* and *Local Government (General) Regulations 2015* are detailed below:

5.1 Local Government Act 1993

27. Functions of mayors and deputy mayors

- (1) The functions of a mayor are–
- (a) to act as a leader of the community of the municipal area; and
 - (b) to carry out the civic and ceremonial functions of the mayoral office; and
 - (c) to promote good governance by, and within, the council; and
 - (d) to act as chairperson of the council and to chair meetings of the council in a manner that supports decision-making processes; and
 - (e) to act as the spokesperson of the council; and
 - (f) to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels; and

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- (g) to lead and participate in the appointment, and the monitoring of the performance, of the general manager; and
- (h) to liaise with the general manager on –
 - (i) the activities of the council and the performance and exercise of its functions and powers; and
 - (ii) the activities of the general manager and the performance and exercise of his or her functions and powers in supporting the council; and
- (i) any function imposed by an order under section 27A ; and
- (j) any other function imposed by this or any other Act.
- (aa)
- (ba)
- (1A) The mayor or deputy mayor is to represent accurately the policies and decisions of the council in performing the functions of mayor or deputy mayor.
- (2) The deputy mayor is to act in the position of mayor and exercise the powers and perform the functions of mayor if–
 - (a) the mayor is absent from duty as Mayor or from the State, otherwise unavailable for duty as mayor or unable to perform the functions of mayor; and
 - (b) the mayor or the council, by notice in writing, appoints the deputy mayor to act in the position.
- (2A) The mayor, by notice in writing, may delegate for a specified period –
 - (a) either or both of the functions referred to in subsection (1)(e) and (f) to the deputy mayor, a councillor or the general manager; and
 - (b) any other power or function of the mayor, other than the function referred to in subsection (1)(d) , to the deputy mayor.
- (3) An appointment under subsection (2) remains in force –
 - (a) for the period specified in the notice; or
 - (b) until sooner revoked.

28. Functions of councillors

- (1) A councillor, in the capacity of an individual councillor, has the following functions:
 - (a) to represent the community;
 - (b) to act in the best interests of the community;
 - (c) to facilitate communication by the council with the community;
 - (d) to participate in the activities of the council;
 - (e) to undertake duties and responsibilities as authorised by the council.
- (2) The councillors of a council collectively have the following functions:
 - (a) to develop and monitor the implementation of strategic plans and budgets;
 - (b) to determine and monitor the application of policies, plans and programs for –
 - (i) the efficient and effective provision of services and facilities; and
 - (ii) the efficient and effective management of assets; and
 - (iii) the fair and equitable treatment of employees of the council;
 - (c) to facilitate and encourage the planning and development of the municipal area in the best interests of the community;
 - (d) to appoint and monitor the performance of the general manager;
 - (e) to determine and review the council's resource allocation and expenditure activities;
 - (f) to monitor the manner in which services are provided by the council.
- (3) In performing any function under this Act or any other Act, a councillor must not –
 - (a) direct or attempt to direct an employee of the council in relation to the discharge of the employee's duties; or
 - (b) perform any function of the mayor without the approval of the mayor.
- (4) A councillor is to represent accurately the policies and decisions of the council in performing the functions of councillor.

62. Functions and powers of general manager

- (1) The general manager has the following functions:
 - (a) to implement the policies, plans and programs of the council;
 - (b) to implement the decisions of the council;
 - (c) to be responsible for the day-to-day operations and affairs of the council;
 - (d) to provide advice and reports to the council on the exercise and performance of its powers and functions and any other matter requested by the council;
 - (e) to assist the council in the preparation of the strategic plan, annual plan, annual report and assessment of the council's performance against the plans;
 - (f) to coordinate proposals for the development of objectives, policies and programs for the consideration of the council;
 - (g) to liaise with the mayor on the affairs of the council and the performance of its functions;
 - (h) to manage the resources and assets of the council;
 - (i) to perform any other function the council decides.
- (2) The general manager may do anything necessary or convenient to perform his or her functions under this or any other Act.

65. Qualified persons

- (1) *A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*
- (2) *A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –*
 - (a) *the general manager certifies, in writing –*
 - (i) *that such advice was obtained; and*
 - (ii) *that the general manager took the advice into account in providing general advice to the council or council committee; and*
 - (b) *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 or council committee with the general manager's certificate.*

6 FINANCIAL IMPLICATIONS

There are no financial implications identified.

7 RISK ISSUES

Existing legislation covers much of what is addressed in Council's Reporting Policy. Legislation takes precedent over a Council policy. There is a risk that over regulating an area creates confusion.

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

Not applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

There are three options for Council to consider:

- i) Rescind the Reporting Policy; or
- ii) Endorse the amendments to the Reporting Policy; or
- iii) Not endorse the amendments to the Reporting Policy.

11 OFFICER'S COMMENTS/CONCLUSION

The existing reporting policy gives a detailed overview and purpose of the policy. The policy goes on to identify the functions of Council and the General Manager. The functions of Council and the General Manager are defined in sections 27, 28 and 62 of the Local Government Act 1993. It is not considered necessary to have a Council policy identifying functions that are defined in legislation.

The policy also defines the functions of senior management. Senior management positions are appointed by the General Manager and according to the position description for the specific role. It is inherent in a senior management position that the person should provide leadership and ensure the department meets its requirements and the targets under Council's Strategic Plan. It is not considered necessary, or appropriate, to define the functions of senior management in a Council policy.

The last section of the policy relates to procedures for information sharing between Council officers and Councillors, and the preparation of Council reports.

Council has in place a standard reporting format for the preparation of reports to Council. The General Manager has a statutory obligation, pursuant to section 65 of the *Local Government Act 1993* to "... ensure that any advice, information



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*or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.” It is not considered necessary to have a policy specifying reporting requirements when the General Manager’s overall obligation is defined within the *Local Government Act 1993*.*

For the reasons specified above, it is not considered necessary for Council to maintain a Reporting Policy. However, should Council wish to maintain the policy, a marked-up copy of the amended policy is included in the attachments. Amendments to the policy are highlighted, wording to be deleted is highlighted with a ~~strikethrough~~.

12 ATTACHMENTS

12.1 Northern Midlands Council Reporting Policy – marked up revision

RECOMMENDATION

That Council

a) rescinds the Reporting Policy;

OR

b) endorses the minor amendments to the Reporting Policy as indicated in the attachment 12.1 to this report.

DECISION

Cr



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GOV 14 NOMINATION AS LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT) REPRESENTATIVE TO THE TASMANIAN HERITAGE COUNCIL

Attachments: Section 1 – Page 14

Responsible Officer: Des Jennings, General Manager

Report prepared by: Gail Eacher, Executive Assistant

1 PURPOSE OF REPORT

The Local Government Association of Tasmania (LGAT) is seeking nominations to provide to the Minister for Heritage for the LGAT representative on the Tasmanian Heritage Council.

2 INTRODUCTION/BACKGROUND

A vacancy for the position of LGAT Representative on the Tasmanian Heritage Council will soon become available, following the end of term of Councillor Jim Cox on 31 December 2021.

LGAT will be seeking three nominations to provide the Minister for Heritage for the LGAT Representative role, due to commence from 1 January 2022.

This upcoming vacancy is open to appropriately experienced people within council, noting the representative may be an elected member or professional council officer.

Nominees will need to provide a curriculum vitae and a supporting statement outlining their interest, skills and experience.

Nominations close on 31 August 2021.

The Heritage Council

The Heritage Council is a 15-member statutory body appointed by the Government to implement the Historic Cultural Heritage Act 1995 (the Act). Membership comprises a Chairperson, members with technical expertise and representatives of specific community organisations, as specified in the Act.

The current Chairperson is Ms Brett Torossi. The Heritage Council's role is to promote the identification, assessment, protection and conservation of places of historic cultural heritage significance to Tasmania. It does this by entering places of State significance to the Tasmanian Heritage Register and applying a development control process to protect their historic heritage values.

The Heritage Council has broad functions and powers, outlined in Section 7 of the Act, and uses a Strategic Plan to prioritise and guide its work in these areas.

Membership

Membership of the Heritage Council is usually for a term of up to three-years.

It meets for half a day on the third Wednesday of every second month, and according to need. When required, it may conduct some business out-of-session, via email.

Most meetings are held in Hobart, with one meeting usually also held in a regional area each year. Reimbursement of reasonable travel expenses can be made.

Members receive an annual sitting fee (paid fortnightly) in accordance with a Department of Premier and Cabinet (DPAC) Sizing Statement for the Heritage Council.

Vacancies that arise on the Heritage Council are usually filled in one of two ways:

- i) representative bodies are asked to nominate up to three candidates who are interested and they consider are suitable to fill the vacancy; and*
- ii) vacancies for all other positions are usually advertised in Tasmania's three regional newspapers.*

Those interested are asked to provide a curriculum vitae that provides two referees and a statement outlining knowledge, skills or experience of relevance to the position, including previous experience in contemporary governance and statutory decision-making.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
 - Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
 - Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth & Changes
 - ♦ Towns are enviable places to visit, live & work
- People –
 - Sense of Place – Sustain, Protect, Progress
 - Core Strategies:
 - ♦ Planning benchmarks achieve desirable development
 - ♦ Council nurtures and respects historical culture
 - ♦ Developments enhance existing cultural amenity
 - ♦ Public assets meet future lifestyle challenges
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
 - Core Strategies:
 - ♦ Participate – Communities engage in future planning
- Place –
 - History – Preserve & Protect our Built Heritage for Tomorrow
 - Core Strategies:
 - ♦ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

N/a

5 STATUTORY REQUIREMENTS

N/a

6 FINANCIAL IMPLICATIONS

N/a



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7 RISK ISSUES

N/a.

8 CONSULTATION WITH STATE GOVERNMENT

LGAT will be seeking three nominations to provide the Minister for Heritage to fill the roles of the LGAT Representatives on the Tasmanian Heritage Council.

9 COMMUNITY CONSULTATION

N/a.

10 OPTIONS FOR COUNCIL TO CONSIDER

To endorse or not endorse the nominations as LGAT Representative on the Tasmanian Heritage Council.

11 OFFICER'S COMMENTS/CONCLUSION

LGAT is calling for nominations to fill the vacancies as LGAT Representative on the Tasmanian Heritage Council. Appointments are due to commence from 1 January 2022.

Nominations for the LGAT Representative role are to be provided to the Minister for Heritage

Nominees will need to provide a curriculum vitae and a supporting statement outlining their interest, skills and experience.

Nominations close on 31 August 2021.

12 ATTACHMENTS

12.1 Fact Sheet

12.2 Nomination form

RECOMMENDATION

That Council endorse the nomination of as the Local Government of Tasmania's (LGAT) representative to the Tasmanian Heritage Council.

DECISION

Cr



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GOV 15 LOCAL GOVERNMENT CODE OF CONDUCT FRAMEWORK REVIEW

Attachments: Section 1 – Page 65

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

Council has been invited by the Minister for Local Government & Planning, Roger Jaensch, to provide comment on the Local Government Code of Conduct Framework review.

2 INTRODUCTION/BACKGROUND

The Minister for Local Government & Planning, Roger Jaensch, has written to all Councils regarding proposed changes to the Code of Conduct Framework, a Discussion Paper has been provided along with key points for consideration.

The following information is provided in the discussion paper:

Background

Tasmanians need to be confident that the councillors they elect to represent them will uphold and abide by certain standards of conduct and behaviour. The local government Code of Conduct Framework (the framework) plays an important role in supporting this outcome.

Following requests from the sector a statewide framework applying to all elected councillors first commenced on 13 April 2016. The framework was established through changes to the Local Government Act 1993 (the Act) and replaced a patchwork of previous code of conduct arrangements that were in place at the individual council level.

The framework was developed through extensive consultation with the local government sector and the Integrity Commission, and provides for greater uniformity and enforceability than pre-2016 arrangements, which were widely seen as lacking consistency and credibility.

In early 2017, the then Government agreed to a request by the sector for a review of the framework. A number of changes were made to improve its operation in late 2018 and early 2019 following substantial consultation with the local government sector.

Recent scrutiny of the framework

Since October 2019, there has been significant public interest and commentary surrounding the Code of Conduct process, decisions and determinations.

Recent concerns include the types of complaints that have proceeded to investigation, the costs involved and whether some complaints could have been resolved between the parties, preventing the need for a Code of Conduct investigation.

As a result, the then Minister tasked the Local Government Division (the Division) with conducting further analysis and providing advice on potential administrative and legislative changes. In further understanding a number of the key issues, the Division led four regional forums with councils in October 2020. The forums aimed to update the sector on further policy measures which could support the framework, foreshadow potential targeted legislative changes, discuss options for council dispute resolution policies and better understand the concerns of councillors.

Immediate policy response – Initial Assessment Guidelines

In October 2020 the Code of Conduct Panel members accepted revised Initial Assessment Guidelines (the Guidelines) for the review of complaints. The endorsement of the Guidelines is representative of the ongoing commitment of Panel members to be responsive to feedback and provide a framework that is fair, measured and consistently applied.

The purpose of the Guidelines is to:

- 1. provide additional clarity and support to the Panel Chairperson during initial assessments of complaints;*

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2. ensure the consistent and appropriate use of provisions in the Act that limit instances when a complaint will proceed to investigation, such as limiting trivial, vexatious and frivolous complaints; and
3. empower the Panel Chairperson to liaise with the Solicitor-General's Office at their discretion if there is a question at law which requires clarification.

Further proposed reforms

The framework is important to promote public confidence in councillors as respected leaders in their local community. Equally however, it is important that complaints be made in good faith, and only where there are genuine and serious concerns about a councillor's behaviour.

Some people in the sector have been asking for a wholesale review of the framework. The Government's view is that the intent of the framework is sound and that most of the concerns being raised by the sector can be addressed in a progressive manner.

On this basis, and in considering feedback from the sector collected during forums, there is a clear benefit in:

1. the consideration of changes to the legislation; and
2. the sector developing alternative dispute resolution policies.

Changes to the legislation

The then Government committed to working with the sector to identify areas where the framework could be improved through legislative changes.

While a variety of issues have been raised by individual councillors from time to time, councillors have consistently raised issues with the nature of certain complaints that have proceeded to investigation, the absence of any awareness that their conduct had raised concerns with the complainant, that the complaints process may be inappropriately used against person/s involved in the complaint (or 'weaponised') and that the costs of an investigation are a significant expense for councils to incur.

It is proposed that the following legislative amendments will address these concerns and reinforce the administrative and policy improvements that have already been implemented through the Guidelines:

1. Further strengthening and clarifying the grounds for the Panel to dismiss complaints at the initial assessment stage.
 - The current provisions within the Act provide a relatively rigid framework for the dismissal of complaints on initial assessment, including the following:
 - the complaint is frivolous, vexatious or trivial;
 - the complainant has not made reasonable effort to resolve the issue; and
 - the complaint does not substantially relate to a breach of the Code of Conduct.
 - It is proposed that a broader public interest test be included in the Act as part of the initial assessment process, to empower the Chairperson to consider a variety of other relevant factors and allow for a more holistic consideration of the impact of the alleged conduct and the subsequent complaint.
 - A public interest test would provide the Chairperson with greater flexibility in their assessment of the merits of a complaint and the impact of the alleged conduct on the functions and effectiveness of a council and its relationship with the community.
 - In addition to the introduction of a public interest test, it is also proposed that consideration be given to strengthening the requirement for the complainants to utilise the council administered dispute resolution processes, including mediations, before submitting a complaint.
2. Removing a perceived conflict of interest and empowering a legal member of the Panel to undertake the initial assessment process.
 - The Government recognises that the Code of Conduct Panel members undertake their functions with a high degree of integrity. However, the current framework exposes the member conducting the initial assessment to a perception of a conflict of interest in the investigation process – the Chairperson conducting an initial assessment of a complaint will financially benefit from their decision to proceed to a full investigation of the complaint (if the person who undertakes the initial assessment subsequently becomes the Chairperson of the Panel conducting the investigation process).
 - For each complaint, it is proposed that a member of the Code of Conduct Panel be appointed to undertake the initial assessment. Should that member determine to proceed to investigation, a panel will be convened to investigate, that will not include the person who undertook the initial assessment.
 - Currently, initial assessments are undertaken by a member of the Code of Conduct Panel, who is required to be a person experienced in matters of local government. Initial assessments may include the consideration of a

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range of legal and procedural matters. For this reason, and in keeping with the introduction of a new public interest test, it is also proposed that a legal member will undertake the initial assessment process.

3. *Wherever practicable, improve confidentiality requirements in relation to the complaints process.*
 - *While there are existing requirements under the Act to maintain the confidentiality of determination reports before they are tabled at council meetings, there have been multiple instances of draft reports (or findings) being disclosed to third parties before they have been tabled.*
 - *It is proposed that additional legislative provisions be made to minimise the ability for people to inappropriately disclose information of this nature prior to it being made public.*

Council dispute resolution policies

In the context of considering any targeted legislative changes, it is important to reiterate that the current framework provides that complaints should only proceed to investigation where there have first been reasonable efforts to resolve the issue that is the subject of the complaint.

The framework does not limit a council's ability to implement dispute resolution policies which provide an alternative method to resolve complaints. At this stage, the majority of councils have not implemented a dispute resolution process to provide any aggrieved person with an opportunity to resolve a dispute in advance of submitting a Code of Conduct complaint.

Following the regional forums conducted with the sector in October 2020, the Local Government Association of Tasmania (LGAT) confirmed that it is supportive of further work to develop relatively standardised dispute resolution policies that provide for the informal resolution of complaints lodged by any complainant. As the vast majority of Code of Conduct complaints are submitted by non-councillors, it is important that such policies are accessible to all complainants, including members of the public.

The Government's position is that the effectiveness of legislative changes will be strengthened by council dispute resolution policies. This will require changes driven by the sector. To maintain the confidence of all relevant parties, it is expected that the sector will ultimately design and implement an appropriately independent dispute resolution framework capable of resolving a broad range of conduct related disputes.

While dispute resolution will not be appropriate for every complaint, alternative dispute resolution would provide councils with a more economical, less adversarial and enduring resolution process for certain types of complaints.

Consideration 1 - Further strengthening and clarifying the grounds for the Initial Assessor to dismiss complaints at the initial assessment stage

- *The Initial Assessor can dismiss complaints if they believe the complaint was not made in good faith or if the complaint is vexatious or trivial.*
- *Use of a public interest test would provide the Initial Assessor with a tool to assess if a complaint should or should not continue to an investigation based on a more holistic analysis of a variety of matters relevant to the circumstances of each complaint.*
- *A public interest test may include assessing complaints for seriousness, the availability of evidence, the level of public concern, demonstrated actions taken to deal with the matter, and whether the matter may be a sign of more widespread or systemic problems.*
- *Ensuring that the legislation clearly establishes an expectation that complainants must utilise council dispute resolution processes.*

Consideration 2 - Removing a perceived conflict of interest for the Code of Conduct Panel Chairperson and providing consistency in relation to the initial assessment process

- *Code of Conduct Panel members, including the Chairperson get paid for the time they spend on each complaint. It could be considered a conflict of interest if the Chairperson deciding that a complaint should be investigated remains on the Panel for that investigation. The conflict arises because the Chairperson receives a financial benefit if they choose to investigate the complaint.*
- *Removing potential perceived conflicts of interest for the Panel Chairperson will promote consistency in decisions made during the initial assessment of the complaint and promote confidence in the decision-making process.*

Consideration 3 - Wherever practicable, improve confidentiality requirements in relation to the Code of Conduct complaints process

- *The Code of Conduct Panel's final determination report is confidential however, there have been multiple instances of draft reports (or findings) being disclosed to third parties before they have been tabled at a council meeting.*
- *Providing clarification about when information from Code of Conduct complaints must be kept confidential will help protect all parties involved in a complaint.*

Consideration 4 – Implementation of council dispute resolution policies

- *While the Government's view is that the implementation and design of council dispute resolution policies should be a matter for LGAT and councils to administer, it is considered essential for complainants to have alternative means to resolve conduct related grievances, before submitting a Code of Conduct complaint.*
- *A dispute resolution policy may not always be appropriate for every grievance. However, a failure to attempt to resolve a grievance by utilising such policies (where appropriate) may be considered in the context of identifying vexatious complainants.*
- *In many circumstances, an opportunity to resolve grievances in a less adversarial environment may provide an avenue for a more genuine, lasting and cost effective resolution and further, improve long-term community relations for councillors.*

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Council complies with all Government legislation
 - ♦ Continuous improvement is embedded in staff culture
 - ♦ Excellent standards of customer service
 - Workforce Standards
Core Strategies:
 - ♦ People & Culture Framework generates professionalism
 - ♦ Workplace Health & Safety is fully compliant

4 POLICY IMPLICATIONS

N/a

5 STATUTORY REQUIREMENTS

N/a

6 FINANCIAL IMPLICATIONS

N/a

7 RISK ISSUES

N/a



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

8 CONSULTATION WITH STATE GOVERNMENT

Councils have been invited to provide feedback in relation to the proposed changes to the Code of Conduct Framework.

9 COMMUNITY CONSULTATION

N/a

10 OPTIONS FOR COUNCIL TO CONSIDER

To either provide a response or not.

11 OFFICER'S COMMENTS/CONCLUSION

This is the final stage of a review process which will ultimately lead to some potential legislative amendments. The latest review process addresses some concerns which have been raised by a number of Councils in over the last few years since late 2019 including the types of complaints which have proceeded to investigation; the costs involved in the complaint process; and whether some complaints could have been resolved between the parties preventing the need for a Code of Conduct investigation. The review focus is very much on providing additional clarity and fine tuning

The review process is focussed on four key considerations:

1. Further strengthening and clarifying the grounds for the Initial Assessor to dismiss complaints at the initial assessment stage;
2. Removing a perceived conflict of interest for the Code of Conduct Panel Chairperson and providing consistency in relation to the initial assessment process;
3. Wherever practicable, improve confidentiality requirements in relation to the Code of Conduct complaints process
4. Implementation of council dispute resolution policies.

The General Manager notes that there have been some significant concerns raised in relation to 'due process' for some investigations but it seems that this is not being considered in the scope.

Notwithstanding, a number of matters are listed below and may be expanded upon with comments provided by Councillors:

- The General Manager MAY be expected to deliver the dispute resolution process. A concern here is that the General Manager may not be seen as independent in a dispute resolution process, as complaints may relate to actions of individuals in relation to their Council activities, as the General Manager has no direct authority over the conduct of Councillors;
- Where an elected representative has a complaint made against them, that once the initial assessment of the complaint is made and, depending on the seriousness of that complaint:
 - should the confidentiality requirements be broadened to protect the reputation of elected representatives, particularly until a determination is made, as complaints may be vexatious in nature;
 - Clarity around sanctions, for example: depending on the severity of the complaint, should the elected representative be required to stand-down while the investigation is underway.
 - The need for natural justice and procedural fairness to Councillors.

A copy of the consolidated LGAT response is attached.

The Discussion Paper is attached. The General Manager asks that Councillors review the Discussion Paper and provide further comment for inclusion with the response.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

12 ATTACHMENTS

- 12.1 Discussion Paper – Local Government Code of Conduct Framework
- 12.2 Submission Form
- 12.3 LGAT's consolidated response

RECOMMENDATION

That Council respond to the request for comments on the proposed changes to the Code of Conduct Framework with the following points:

-
-
-

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

GOV 16 WORKPLACE SAFETY AND PROPOSED REVIEW

Attachments: Section 1 – Page 88

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of this report is to seek Council's feedback on a proposal by the Director of Local Government that each council develop a workplace equality and respect Statement of Intent to be signed by all councillors.

2 INTRODUCTION/BACKGROUND

On 4 August 2021 Tasmanian Councils received correspondence from the Director of Local Government regarding confidentiality and the need to provide safe environments at councils for all councillors, employees and visitors.

He has expressed the importance of each council developing a workplace equality and respect Statement of Intent and for this to be signed by all councillors. In his view, this commitment is a valuable first step to ensure safe workplaces for all people; and has requested advice whether council is supportive of such a measure in writing by 30 August 2021.

The Director advised further:

As you will be aware, an independent review into the Tasmanian Parliamentary practices and procedures has recently been announced by the Government (refer to Attachment). I recognise that a number of councillors have proposed a similar review of the Local Government sector. It is my view, should the sector want to undertake a similar process, that the Mayors and the Local Government Association of Tasmania (LGAT) should sponsor the review with the support of the Government. Such a review may assist in building a positive, safe environment in line with your obligations under the Anti-Discrimination Act 1998 and the Work Health and Safety Act 2012.

As the elected leaders of your respective communities you are well placed to understand the needs of a range of stakeholders, including your fellow councillors, council staff and the ratepayers whom you serve. For this reason, should you collectively determine to sponsor a review, I would like to arrange a meeting with all Mayors and LGAT to seek agreement on next steps.

In considering this issue holistically however, I also believe that it would be prudent for the sector to initially determine the need to further develop a comprehensive understanding of the relevant legislative responsibilities in a work environment. In my view, councillors should consider whether they clearly understand their responsibilities under the Anti-Discrimination Act and the Work Health and Safety Act - appropriate training and education in this regard may support the sector progressing toward real cultural improvement. In supporting the sector in this matter, I have had initial discussions with the Anti-Discrimination Commissioner in relation to training opportunities and she is supportive of working with the sector to develop appropriate training modules and participating in sessions.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Council complies with all Government legislation
 - ♦ Continuous improvement is embedded in staff culture
 - Workforce Standards

Core Strategies:

- ♦ People & Culture Framework generates professionalism
 - ♦ Workplace Health & Safety is fully compliant
 - People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
- Core Strategies:
- ♦ Caring, Healthy, Safe Communities – Awareness, education & service

4 POLICY IMPLICATIONS

N/a

5 STATUTORY REQUIREMENTS

N/a

6 FINANCIAL IMPLICATIONS

N/a

7 RISK ISSUES

Should Council not support the review it may damage the reputation of Council and Councillors; and Council's status as an Employer of Choice.

8 CONSULTATION WITH STATE GOVERNMENT

The Director of Local Government has proposed the development of a workplace equality and respect Statement of Intent and has requested advice from council as to whether they support the proposal.

9 COMMUNITY CONSULTATION

N/a

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can either support or not support the proposal.

11 OFFICER'S COMMENTS/CONCLUSION

The Director of Local Government has expressed the importance of each council developing a workplace equality and respect Statement of Intent and for this to be signed by all councillors. In his view, this commitment is a valuable first step to ensure safe workplaces for all people; and has requested advice whether council is supportive of such a measure in writing by 30 August 2021.

He has advised that a number of councillors have proposed a similar review of the Local Government sector. It is his view that should the sector want to undertake a similar process, that the Mayors and the Local Government Association of Tasmanian (LGAT) should sponsor the review with the support of the Government.

The development of a workplace equality and respect Statement of Intent for Council would ensure:

- a safe workplace is provided for all persons
- consistency across Tasmanian Councils.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

The outcome of such a review may assist in building a positive, safe environment in line with Council's obligations under the *Anti-Discrimination Act 1998* and the *Work Health and Safety Act 2012*.

12 ATTACHMENTS

- 12.1 4 August 2021 letter from the Local Government Director
- 12.2 Review of Tasmanian Parliamentary Practices and Procedures

RECOMMENDATION

That Council,

- A) liaise with the Local Government Association of Tasmania with regard to the coordinated response to the Director of Local Government.

and

- B) in principle
 - i) support / not support the proposal to develop a workplace equality and respect Statement of Intent to be signed by all councillors;
 - ii) support / not support the proposal that the Local Government sector (Local Government Association of Tasmania and councils) sponsor the review;
 - iii) support/ not support the development of appropriate training modules and participating in sessions relating to Councillors responsibilities under the *Anti-Discrimination Act 1998* and the *Work Health and Safety Act 2012*.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021

GOV 17 ROSS SWIMMING POOL

Attachments: Section 1 – Page 93

Responsible Officer: Des Jennings, General Manager

Report prepared by: Lorraine Green, Project Officer

1 PURPOSE OF REPORT

To seek Council's advice on the future of the Ross Swimming Pool; that is, should Council continue to manage the pool, transfer management of the pool to a community organisation, or close and demolish the pool.

2 INTRODUCTION/BACKGROUND

On 18 May 2020 (Minute Reference 152/20) Council unanimously decided to consult with the Ross community on the disposal of the swimming pool.

Council at its meeting on 29 June 2020 agreed to seek from Council officers a report detailing the costs associated with preparing a Municipal Swimming Pool Strategy to provide Council with direction for provision, planning, operating, and funding of swimming pools now and into the future. The strategy was to include a recommendation as to the future management of the Ross pool: that is, should Council continue to manage the pool or dispose of the pool?

At the 17 August 2020 meeting, Council approved the appointment of Watershed Solutions to concurrently develop the Swimming Pool Strategy across the Campbell Town, Cressy and Ross Swimming Pools. The term of the contract was anticipated to be five months from the signing of the contract in October 2020.

Ms Anna Bonython, Director of Watershed Solutions, consulted widely with community members in Campbell Town, Cressy and Ross: both face-to-face and by community survey. Ms Bonython submitted a draft discussion paper to Council in December 2020 and attended the 12 April 2021 Council Workshop to discuss the paper. The final report, "Northern Midlands Swimming Pool Review May 2021", submitted by Ms Bonython is held as an Attachment.

With regard to the Ross pool, the report's recommendations include:

"...that the NMC defer making any decision regarding the Ross swimming pool for 12 months to give the Ross community time to establish regular fund raising events with the aim of being able to progressively increase the communities financial contribution to pool operating costs into the future..... At the end of the 12 months, NMC and the Ross community assess whether it is feasible for the Ross community to take over all aspects of pool operation to either:

- i Enter into a partnership agreement that maps out a framework for how all pool operations will be handed over to the Ross community under a Community Management Arrangement, and what level of operational assistance will be provided by NMC; or*
- ii If the Ross community are unable to take over full operational control of the facility within a reasonable period of time, the facility be closed and NMC negotiate with the Ross community regarding repurposing the land where the pool is located."*

With regard to Council's three pools, the Watershed Solutions Report recommends that Council support the use of volunteer lifeguards to increase patronage by extending opening hours. Advice regarding this option was sought from Council's insurers. The risk consultant's response follows

"It will be critical to ensure volunteers are appropriately qualified, including Pool Lifeguard and First Aid Qualifications (at an annual expense of approximately \$350 for the Pool Lifeguard qualification and approximately \$150 for the First Aid certification every three years). Council will either have to manage them as Council volunteers, or ensure that any 3rd party volunteer organisation/group has sufficient systems in place to ensure they are appropriately qualified, trained and equipped and all



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

records maintained and kept..... Ultimately the community group would have to meet the same level of “best practice” as any other organisation in terms of qualifications, procedures, insurances etc.”

Council’s People and Culture Business Partner who has managed the pool operations for Council for the past 5 years/seasons reports it is increasingly difficult to recruit lifeguards to paid positions and does not anticipate it being easier to recruit lifeguards to fill volunteer positions.

The Watershed Solutions report documents the advantages and disadvantages of a number of potential management models for the Ross Pool including contracting an external operator to manage the pool. Council’s Insurer’s risk consultant advised:

“A popular means of operating public pools owned by Councils is with a contractor, as it can be an effective method of transferring the risks and associated logistical complexities of operating such facilities internally. It is important however to ensure your procurement processes are sufficient to select an appropriate contractor (i.e. experience, qualifications, safety systems, etc.), and that contract specs enable effective ongoing reporting & monitoring of performance. We would say that in some remote areas it can be a challenge to attract the likes of YMCA or other reputable operators, particular if the facility is low patronage”.

Note – Council’s People and Culture Business Partner reports she has looked into the option of having an external contractor operate each of the public pools. The contractor was not interested in Cressy, Campbell Town or Ross pools as they are all low patronage pools, and due to the rural and remote locations of the facilities. The cost associated with lifeguards, travel and insurance would far outweigh any benefit the contractor would reap.

Council officers have investigated options for Community Management Arrangements, including the leasing of the pool to a community organisation to operate under a management model where the public is admitted to the pool as an entitlement of membership of the organisation. This model, utilised by many sporting clubs and private operators, allows members to use the pool at any time at the swimmer’s own risk (with children only permitted to use the facility if accompanied and supervised by an adult member). Lifeguards do not necessarily need to be present during opening hours, thus lessening operational costs and administrative demands eg. staffing, rostering . Advice regarding this option was sought from Council’s insurers. The risk consultant’s response follows.

“Firstly we can only advise against operating a public swimming pool as an unmanned facility. Recent coroners investigations into drownings at public pools (albeit in Victoria) have invariably been very focused on supervision issues and in response there has been a lot of changes to the Guidelines for Safe Pool Operations (the national guidelines for public swimming pools) specifically on the issue of supervision.

In many of the mainland states there have now been specific Codes of Practice introduced which effectively prohibit the operation of a public pool without effective supervision (even in many hotels/motels and caravan parks).....and while this is not yet the case in Tasmania as far as I’m aware, it would be particularly “risky” to go against that trend by running a public pool without active supervision”.

With regard to the proposed Community Management Arrangement as a potential management model for the Ross Pool, the Watershed Solutions Report acknowledges that this model places a heavy reliance on the committee managing the facility. The committee must adhere to best practice in facility policy and procedures, staff qualifications/training and supervision, insurances etc... as well as undertaking significant fundraising activities to subsidise the facility’s operational and ongoing maintenance/upgrading costs.

The question has been asked: “Could Council excise the land, sell it to a community body and remove Council from all its obligations?” Council’s Development Supervisor advised:

Ross pool site is zoned Community Purpose. In this zone, subdivision must:

- a) *be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a Council, or*
- b) *be a combined application for subdivision and subsequent development and use of the land; and*
- c) *facilitate the provision or augmentation of public services, utilities or recreational use; and*
- d) *have regard to:*

- i) the topographical or natural features of the site; and
- ii) the pattern of existing development; and
- iii) the ability of vegetation to provide buffering; and
- iv) any features of natural, historical or cultural significance; and
- v) the presence of any natural hazards; and
- e) provide sufficient area and dimension having regard to the:
 - i) nature of the proposed use and development; and
 - ii) need to accommodate vehicles on the lot; and
 - iii) proximity of neighbouring residential development; and
- f) provide access and services appropriate to the intended use, and;
- g) have regard to the local area objectives and desired future character statements, if any.

Subdivision would therefore be dependent on the future use of the land.

Currently, it appears that access to the site utilises the Uniting Church ground however, there is no formal right of way to facilitate this. The only other frontage is to Bridge Street.

The site is within a Heritage Precinct (not Tasmanian Heritage Council listed) but this shouldn't cause too many issues provided any subdivision was consistent with and reflects the historic development pattern of the precinct and does not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area.

Braddon Building Surveying has inspected the pool and provided a report on maintenance and areas of non-compliance at the pool. The report is prefaced with the statement:

"While legislation generally allows for buildings and the like to remain compliant with the legislation when constructed, major renovations (greater than 50%), compliant with regards to access, or consideration to safety matters, triggers compliance with current legislation."

The report estimates achieving compliance with current legislation will cost in the vicinity of \$500,000-\$650,000. The report is held as an Attachment.

The six monthly inspect report (dated 13-04-2021) on the pool prepared by Council's Assistant Works Supervisor – Building and Maintenance, is also held as an attachment.

The community has raised the question as to what upgrade work is required to enable the pool to remain open that is, a lesser extent of work that does not trigger compliance with current legislation. Council's Project Manager advises that Council either upgrades the facility to today's compliance or leaves it and does general repairs and maintenance only. He advised that relining the pool was the first maintenance action required at a cost estimate of \$35,000 and that this work needs to be undertaken within the next 2-3 years – noting that the longer this work is delayed, there is the increased likelihood of OHS incidents and filter blockages as the gel coat is starting to peel off. He concluded that apart from the relining and joint repair of the pool the facility will last for many years with regular maintenance.

It must be noted that not upgrading the pool exposes Council to further risk as Ross has an ageing population and the pool environment poses a number of hazards to users with mobility and/or sight limitations.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:

- ♦ Budgets are responsible yet innovative
- ♦ Improve community assets responsibly and sustainably
- Best Business Practice & Compliance
 - Core Strategies:
 - ♦ Council complies with all Government legislation
 - ♦ Effective and efficient marketing, communications & IT
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
 - Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth & Changes
 - ♦ Towns are enviable places to visit, live & work
 - ♦ Maximise external funding opportunity
- People –
 - Sense of Place – Sustain, Protect, Progress
 - Core Strategies:
 - ♦ Developments enhance existing cultural amenity
 - ♦ Public assets meet future lifestyle challenges
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
 - Core Strategies:
 - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
 - ♦ Communicate – Communities speak & leaders listen
 - ♦ Participate – Communities engage in future planning
 - ♦ Connect – Improve sense of community ownership
 - ♦ Caring, Healthy, Safe Communities – Awareness, education & service

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

N/A

6 FINANCIAL IMPLICATIONS

Industry trends indicate that the majority of aquatic facilities are not profitable. The Ross pool is no exception to this. The Ross pool has over the past three years had an average operational cost of \$33,075 and across the same period, an average expense recovery of \$5,391. With the attendance in the 2020/2021 swimming season, this equates to a subsidisation per visit of \$27.30.

The cost of bringing the pool up to achieve compliance with current legislation has been estimated in the vicinity of \$500,000- \$650,000. The Building Inspection Report identified four key areas for improvement or replacement to address non-compliance and maintenance, and provided the following estimates of cost (as of September 2020):

- | | |
|--------------------------|-----------------------------------------------------------------------|
| • Amenities Block | \$ 480,000 |
| • Relining Pool | \$ 25,000 (current cost estimate for relining Cressy pool - \$35,000) |
| • Pool hoist | \$ 15,000 |
| • Compliant access path: | \$ 35,000 |

The cost of the upgrade work required to enable the pool to remain open (i.e. a lesser extent of work that does not trigger compliance with current legislation) has been estimated as \$35,000 to reline the pool within the next 2-3 years, as well as regular maintenance including wear and tear repairs, painting, replacement of rotten timbers, fence repair etc. (cost yet to be determined).

Council has received an estimate for the cost of demolition of the Ross Swimming Pool and the return of the site for repurposing of \$45,905, comprising:

- Asbestos removal: \$ 4,625
- Electrical removal: \$ 1,000
- Temporary road: \$ 8,000
- Pool demolition and removal: \$ 32,280

7 RISK ISSUES

The following risk issues have been identified:

- Increasing recurrent operating cost of the facility and the funding of same needing to be sourced from general revenue.
- The pool will continue to operate at a loss and without the substantial support of local volunteers the cost would be significantly increased.
- The difficulties experienced each season with recruiting lifeguards to work at Ross Pool.
- The building inspection report identified the need for significant improvements and a number relate to long-term Work Health and Safety matters that would need to be attended to if any major structural changes were made.
- Adverse community response to the closure and demolition of the pool.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

Extensive community consultation underpinned the development of the Northern Midlands Council Swimming Pool Review Report.

The Ross community has expressed strong support for the ongoing operation of the pool and has indicated willingness to continue, and to strengthen, the community's volunteer support of the facility including undertaking fundraising towards the cost of operating the facility.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can either

- i) Determine/not determine to close and demolish the pool.
- ii) Accept or not accept the Northern Midlands Swimming Pool Review Report recommendation to defer making any decision regarding the Ross Swimming Pool for 12 months to give the Ross community time to establish regular fund raising events with the aim of being able to progressively increase the community's financial contribution to pool operating costs.
- iii) Accept or not accept the recommendation to progressively hand the management of the pool facility to the Ross Community under a Community Management Arrangement.

11 OFFICER'S COMMENTS/CONCLUSION

If Council continues to invest in the operation of the Ross swimming pool facility, key focus areas need to be worked on to ensure the facility's sustainability. These include maintenance and renewal of infrastructure, increasing utilisation, capitalising on the community's commitment to partner with Council to ensure the facility's viability, efforts to reduce operational costs and effectively manage operations.

If Council disposes of the pool, the Ross community will need to be consulted about the repurposing of the site, and options for facilitating ease of access to the Campbell Town pool facility.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

The Northern Midlands Swimming Pool Review Report recommendations regarding the Campbell Town and Cressy swimming pool facilities will be presented to Council at a forthcoming Council Meeting.

12 ATTACHMENTS

- 12.1 Northern Midlands Swimming Pool Review Report
- 12.2 Northern Midlands Swimming Pool Review Report – supporting statement
- 12.3 Building Inspection Report 6-8 Bridge Street Ross: Braddon Building Surveying
- 12.4 Ross Swimming Pool 6 monthly inspection report – 13-04-2021
- 12.5 Letter from Sue and Kay Owen dated 23 July 2021, with the request that the letter be tabled for discussion when the pool is being considered at the relevant Council meeting
- 12.6 Letter from Barbara Stansbie dated 4 August 2021

RECOMMENDATION

That Council

- i) Determine/not determine to close and demolish the pool.
- ii) Accept/not accept the Northern Midlands Swimming Pool Review Report recommendation to defer making any decision regarding the Ross Swimming Pool for 12 months to give the Ross community time to establish regular fund raising events with the aim of being able to progressively increase the community's financial contribution to pool operating costs.
- iii) Accept/not accept the recommendation to progressively hand the management of the pool facility to the Ross Community under a Community Management Arrangement.

DECISION

Cr

C&D 1 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

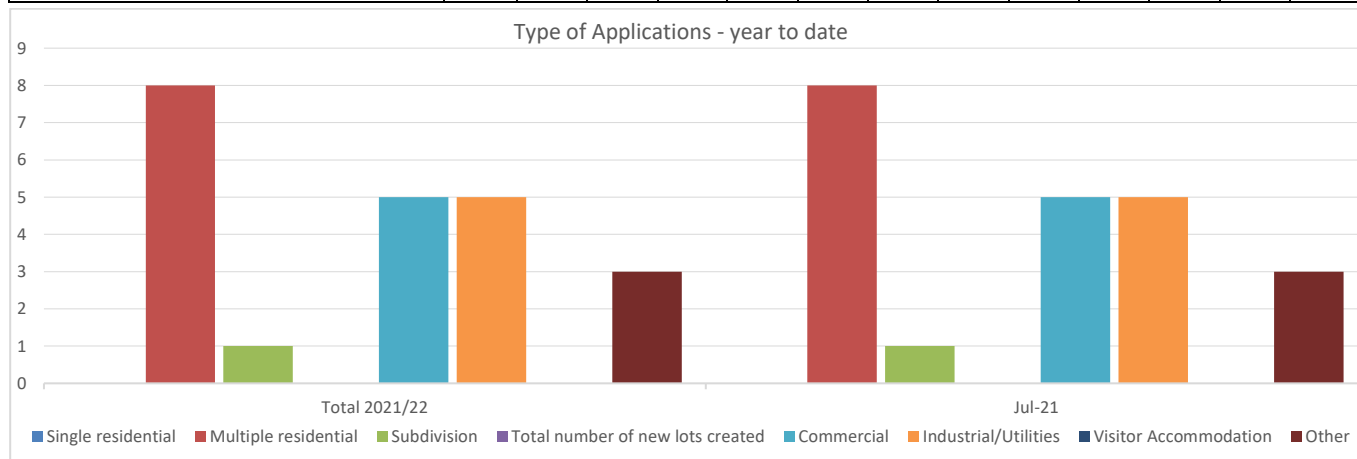
1 PURPOSE OF REPORT

The purpose of this report is to present the Development Services activities as at the month end.

2 DEVELOPMENT SERVICES REPORTING

2.1 Planning Decisions

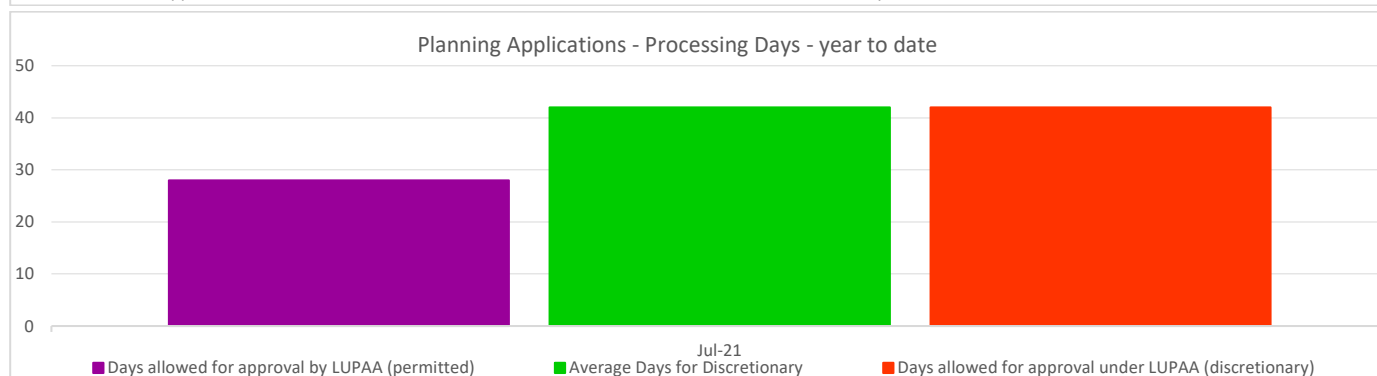
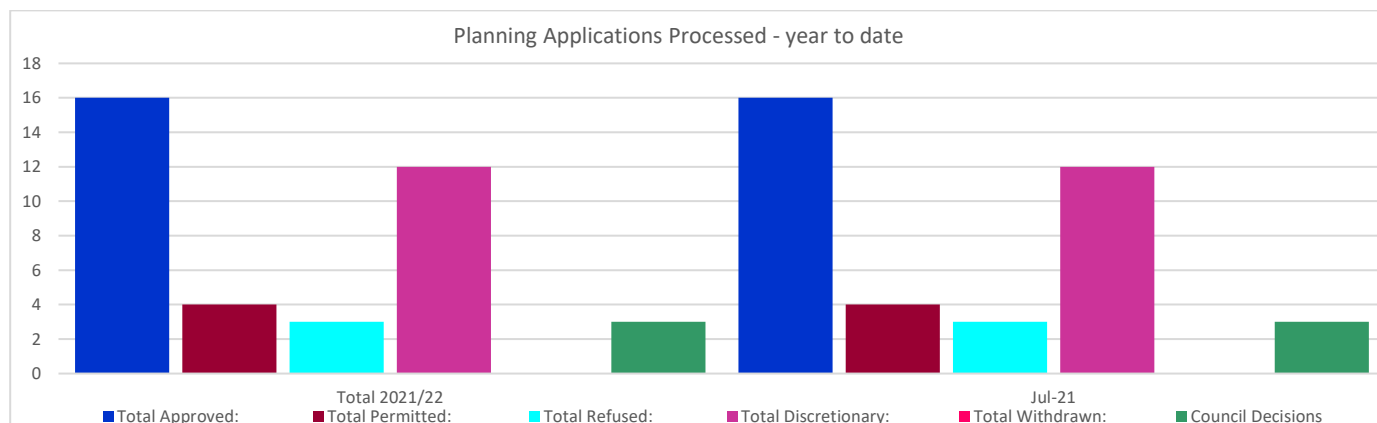
	Total YTD	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
Number of valid applications	14	14											
Single residential	0	0											
Multiple residential	8	8											
Subdivision	1	1											
Total number of new lots created	0	0											
Commercial	5	5											
Industrial/Utilities	5	5											
Visitor Accommodation	0	0											
Total permitted	0	0											
Total discretionary	0	0											
Other (includes all residential development on existing dwellings [alterations/additions, sheds, solar, fences, pools etc])	3	3											
Total No. Applications Approved:	16	16											
Total Permitted:	4	4											
Average Days for Permitted	23	23											
Days allowed for approval by LUPAA	28	28											
Total Exempt under IPS:	8	8											
Total Refused:	3	3											
Total Discretionary:	12	12											
Average Days for Discretionary:	42	42											
Days allowed for approval under LUPAA:	42	42											
Total Withdrawn:	0	0											
Council Decisions	3	3											
Appeals lodged by the Applicant	1	1											
Appeals lodged by third party	0	0											



NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021



July 2021

Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
PLN-21-0074	Upgrade to existing telecommunications infrastructure (vary height)	Midland Highway (CT 170423/1), Perth TAS 7300	Telstra Corporation Ltd	42	D
PLN-21-0096	Additions/alterations for use as medical centre, signage (illuminated) and carparking (heritage precinct)	101 High Street, Campbell Town TAS 7210	S. Group	46	D
PLN-21-0097	Upgrade existing Telecommunications infrastructure (Vary height, Heritage listed property)	(CT107326/1), White Hills Road, Evandale TAS 7212	Telstra Corporation Ltd	42	D
PLN-21-0120	Multiple Dwelling x6 (vary private open space - within frontage & fence)	10-12 Monastery Court, LONGFORD TAS 7301	Prime Design	29	D
PLN-21-0141	Alterations & additions to dwelling (Vary front and side setbacks, Scenic Management Area)	8 Denison Avenue, Poatina TAS 7302	My Build Collective	48	D
PLN-21-0144	Garage over existing hardstand (Extension to existing non-conforming use)	7-7A Wellington Street, Longford TAS 7301	All Urban Planning Pty Ltd obo Hill Street North Property Group Pty Ltd	46	D
PLN-21-0145	Extend police station (vary setbacks)	443 Cressy Rd, LONGFORD TAS 7301	All Urban Planning Pty Ltd obo Department of Police, Fire & Emergency Management	42	D
PLN-21-0146	Alterations to Existing Residence, Addition of Conservatory & Garage Conversion into a Sunroom/Courtyard (Heritage Listed)	26 Main Road, Perth TAS 7300	Bruce Cleland	39	D
PLN-21-0149	Alterations & additions to dwelling (Heritage Listed Place, Heritage Precinct)	77 Clarence Street, Perth TAS 7300	Roger & Sandra Butorac	48	D
PLN-21-0154	Solar panels (retrospective) (Heritage Precinct)	80 Main Road, Perth TAS 7300	Harold Eilander	42	D
PLN-21-0155	Upgrade existing telecommunications infrastructure (vary height)	Lake Leake Road (CT18951/1), Campbell Town TAS 7210	Telstra Corporation Ltd	42	D
PLN-21-0109	Earthworks and fencing	26A Tannery Road, Longford TAS 7301	Woolcott Surveys	22	P
PLN-21-0168	Mural	181 Fairtlough Street, Perth TAS 7300	Northern Midlands Council	34	P
PLN-21-0171	Minor Boundary Adjustment (Heritage Precinct, Heritage Listed)	103 & 105 Wellington Street, Longford TAS 7301	D J McCulloch Surveying	15	P
PLN-21-0175	2x multiple dwellings	1 Gemihu Court, Longford TAS 7301	Wilson Homes	21	P

NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021

COUNCIL DECISIONS					
PLN-21-0139	Dog Washing Facility	1 Wellington Street, Longford TAS 7301	Colin Cook	42	C
COUNCIL DECISIONS - REFUSAL					
PLN-21-0129	Demolish outbuilding, construct garage (vary secondary frontage; Heritage Precinct)	51 Wellington Street, Longford TAS 7301	The Shed Company	42	C
PLN-21-0137	Multiple dwellings (2) (cars reversing from property)	3 Banksia Grove, Perth TAS 7300	Wilson Homes	42	C
DELEGATED DECISIONS - REFUSAL					
PLN-21-0085	Multiple Dwellings (5) (Heritage listed, Road & Railway Assets Code)	24 Main Road, Perth TAS 7300	Design to Live	42	R
RMPAT DECISIONS					
PLN21-0006	Multiple Dwellings (3)	7 Church St Cressy	Wilkin Design & Drafting		
TPC DECISIONS					

2.2 Value of Planning Approvals

Council	2021/2022				2020/21	2019/20	2018/19
	State	Residential	Total	Total	Total	Total	Total
July	0	1,327,500	2,310,000	743,247	4,380,747	3,377,500	1,429,000
YTD Total	0	1,327,500	2,310,000	743,247	4,380,747	3,377,500	1,429,000
Annual Total					59,101,247	55,891,900	36,482,950



2.3 Matters Awaiting Decision by TPC & RMPAT

TPC	TASMANIAN PLANNING COMMISSION
LPS-NOR-TPS	Tasmanian Planning Scheme. The State Planning Provisions (SPPs) came into effect on 2/3/2017. They will have no practical effect until the Local Provisions Schedule (LPS) is in effect in a municipal area. Northern Midlands Council’s Draft Local Provisions Schedule submitted to the Commission 19/12/2019. Post lodgement meeting held 5/5/2020. Matters raised by the Commission and recommended response tabled at the 29/6/2020 Council meeting. Remaining responses to post lodgement enquiries provided 28/08/2020. Submission of response to post lodgement enquiries made by TPC due 5/2/2021. Meeting held between Council and Commission staff to discuss these matters held 20/1/2021. Response provided to TPC 12/2/2021. TPC requested further clarifications 16/3/2021. Response provided 8/4/2021. Section 32(4) responses to final TPC queries provided 6/5/2021. Minister’s declarations issued 31 May 2021 – included in 28 June Council agenda. GIS consultant made map changes required by the Minister. Provided to TPC 19/7/2021.
PLN-20-0230	Draft Amendment 04/2020. Low Density Residential Land at the south of Longford. Report on representation considered at Council meeting of 27/1/2021. Section 39 report on representation sent to TPC 12/2/2021. Hearing held 20 May 2021. 27 May 2021 - Commission asked for a submission on the draft amendment. Considered at Council meeting of 28 June 2021. Response sent to Commission.
PLN-21-0029	Draft Amendment 01/2021. Site specific amendment to allow Resource Processing as a permitted use on at 13 Richard Street, in conjunction with a s43 development application for a food freeze drying enterprise. Advertised until 26/4/2021. Commission noted that the advertisement referred to a permitted development rather than a discretionary development. Re-advertised until 7 June 2021. Section 39 report, advising of no representations, sent to the Commission.
Decisions received	
-	-
RMPAT	RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL
PLN20-0269	Appeal 86/21P. 49 George Street, Perth. Appeal against Council’s refusal of 15 multiple dwellings. RMPAT held a preliminary conference 23/7/2021. Mediation being undertaken.
PLN21-0085	Appeal 95-21P. 24 Main Road, Perth. Appeal against refusal under delegation of 5 multiple dwellings. RMPAT has set a preliminary conference for 11/8/2021.

TPC TASMANIAN PLANNING COMMISSION

Decisions received

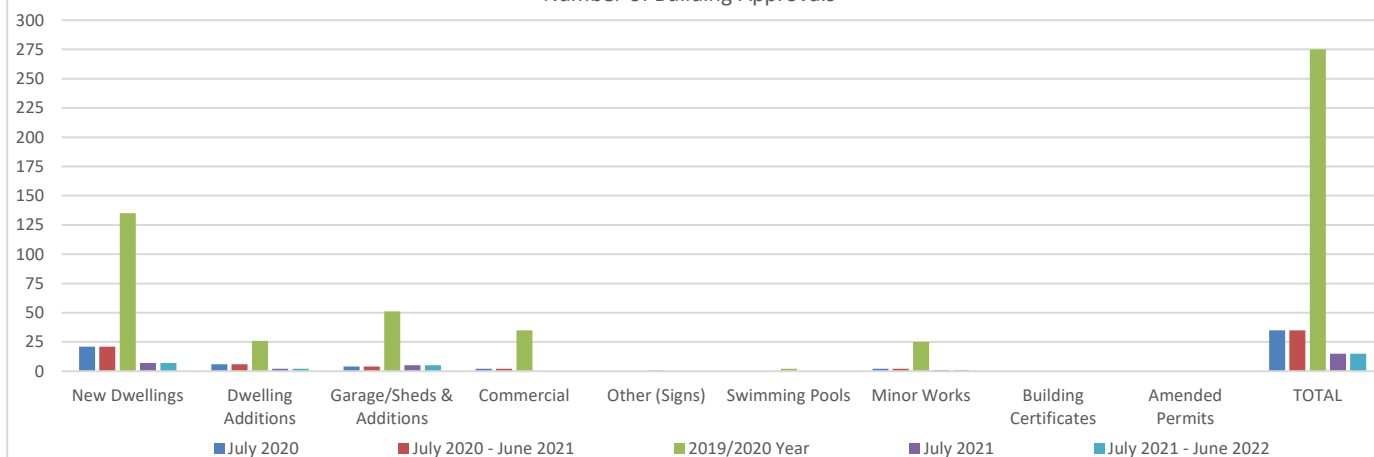
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2.4 Building Approvals

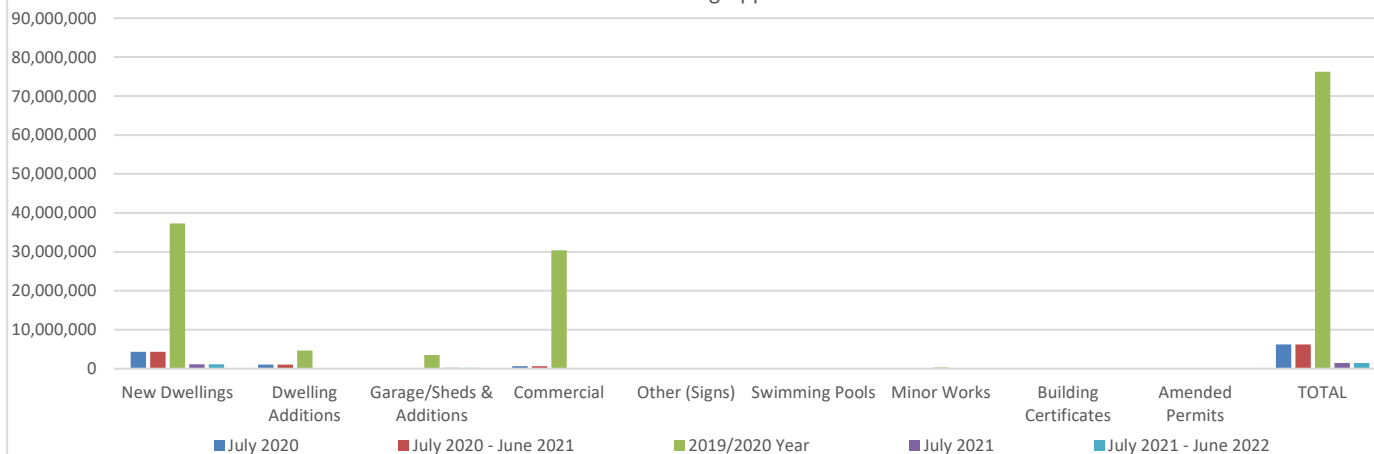
The following table provides a comparison of the number and total value of building works for 2020/21 – 2021/22 (figures do not include Building Approvals processed under Resource Sharing Agreements).

	YEAR: 2019-2020				YEAR		YEAR: 2020-2021			
	July 2020		YTD 2020-2021		July 2020 - June 2021		July-2021		YTD 2021-2022	
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$
New Dwellings	21	4,370,960	21	4,370,960	135	37,308,797	7	1,155,501	7	1,155,501
Dwelling Additions	6	1,046,650	6	1,046,650	26	4,678,970	2	125,000	2	125,000
Garage/Sheds & Additions	4	101,700	4	101,700	51	3,494,830	5	188,000	5	188,000
Commercial	2	630,000	2	630,000	35	30,391,057	0	0	0	0
Other (Signs)	0	0	0	0	1	12,000	0	0	0	0
Swimming Pools	0	0	0	0	2	104,000	0	0	0	0
Minor Works	2	35,000	2	35,000	25	266,844	1	20,000	1	20,000
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	0	0	0	0	0	0	0	0
TOTAL	35	6,184,310	35	6,184,310	275	76,256,498	15	1,488,501	15	1,488,501
Inspections										
Building	0		0		30		1		1	
Plumbing	20		20		299		43		43	

Number of Building Approvals



Value of Building Approvals



2.5 Planning and Building Compliance – Permit Review

There has been a spike in compliance issues this month. Generally, the response to complaints raised is positive with property owners working with Council to remedy the issue, whether it be by removing the works or applying for the appropriate permits.

Below are tables of inspections and action taken for the financial year.

Planning Permit Reviews	This Month	2021/2022	Total 2020/2021
Number of Inspections	10	10	31
Property owner not home or only recently started			
Complying with all conditions / signed off	2	2	11
Not complying with all conditions			1
Re-inspection required	8	8	9
Notice of Intention to Issue Enforcement Notice			
Enforcement Notices issued			
Enforcement Orders issued			
Infringement Notice			
No Further Action Required			10

Building Permit Reviews	This Month	2021/2022	Total 2020/2021
Number of Inspections			14
Property owner not home or only recently started			
Complying with all conditions / signed off			2
Not complying with all conditions			
Re-inspection required			2
Building Notices issued			
Building Orders issued			
No Further Action Required			10

Illegal Works - Building	This Month	2021/2022	Total 2020/2021
Number of Inspections	7	7	35
Commitment provided to submit required documentation			11
Re-inspection required	7	7	11
Building Notices issued			5
Building Orders issued			5
Emergency Order			3
No Further Action Required			13

Illegal Works - Planning	This Month	2021/2022	Total 2020/2021
Number of Inspections	18	18	81
Commitment provided to submit required documentation	2	2	9
Re-inspection required	13	13	48
Enforcement Notices issued			1
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			6
No Further Action Required	3	3	24

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Progress – Economic Health and Wealth – Grow and Prosper
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth and Change
Core Strategies:
 - ♦ Towns are enviable places to visit, live and work
- People – Culture and Society – A Vibrant Future that Respects the Past
 - Sense of Place – Sustain, Protect, Progress



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

Core Strategies:

- ♦ Planning benchmarks achieve desirable development
 - ♦ Council nurtures and respects historical culture
 - ♦ Developments enhance existing cultural amenity
 - Place – Nurture our Heritage Environment
 - Environment – Cherish and Sustain our Landscapes
- Core Strategies:
- ♦ Meet environmental challenges
 - History – Preserve and Protect our Built Heritage for Tomorrow
 - ♦ Our heritage villages and towns are high value assets

4 STATUTORY REQUIREMENTS

4.1 *Land Use Planning & Approvals Act 1993*

The planning process is regulated by the *Land Use Planning & Approvals Act 1993*, section 43 of which requires Council to observe and enforce the observance of its planning scheme.

4.2 *Building Act 2016*

The *Building Act 2016* requires Council to enforce compliance with the Act.

5 RISK ISSUES

Lack of public awareness is a risk to Council. If people are not aware of requirements for planning, building and plumbing approvals, this may result in work without approval. Council continues to promote requirements to ensure the public is aware of its responsibility when conducting development.

6 COMMUNITY CONSULTATION

Discretionary applications are placed on public notification in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*.

From time to time articles are placed in the Northern Midlands Courier and on Council's Facebook page, reminding the public of certain requirements.

7 OFFICER'S COMMENTS/CONCLUSION

There have been no commercial building approvals in the first month of 2021/22, compared to 2 commercial building approval valued at \$630,000 (year to date) for 2020/21.

In total, there were 15 building approvals valued at \$1,488,501 (year to date) for 2021/22, compared to 35 building approvals valued at \$6,184,310 (year to date) for 2020/21.

RECOMMENDATION

That the report be noted.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

C&D 2 ROAD WIDENING: KING STREET, PERTH

Attachments: Section 1 – Page 178

File: 10760
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner

1 PURPOSE OF REPORT

The purpose of this report is to seek Council's decision on whether to obtain land for road widening from 50 Main Road, Perth, adjacent to King Street, Perth.

2 INTRODUCTION/BACKGROUND

Council has received applications for planning permits to:

- Subdivide 50 Main Road, Perth, on the corner of Main Road and King Street into two lots; and
- Develop a dwelling on the new lot.

The applications are included in the planning section of this agenda.

Section 108 (1) (a) of the *Local Government (Buildings and Miscellaneous Provisions) Act 1993* allows Council to obtain a dedication of land within 9 metres of the middle line of King Street for road widening.

Four options are considered:

- A. Obtain 1m of land from 50 Main Road for a footpath on the northern side of King Street.
- B. Obtain 2.4m of land from 50 Main Road for car parking on the northern side of King Street.
- C. Obtain 4m of land from 50 Main Road for footpath and car parking on the northern side of King Street.
- D. Obtain no land from 50 Main Road for road widening in King Street.

Figure 1 – Option A – footpath only

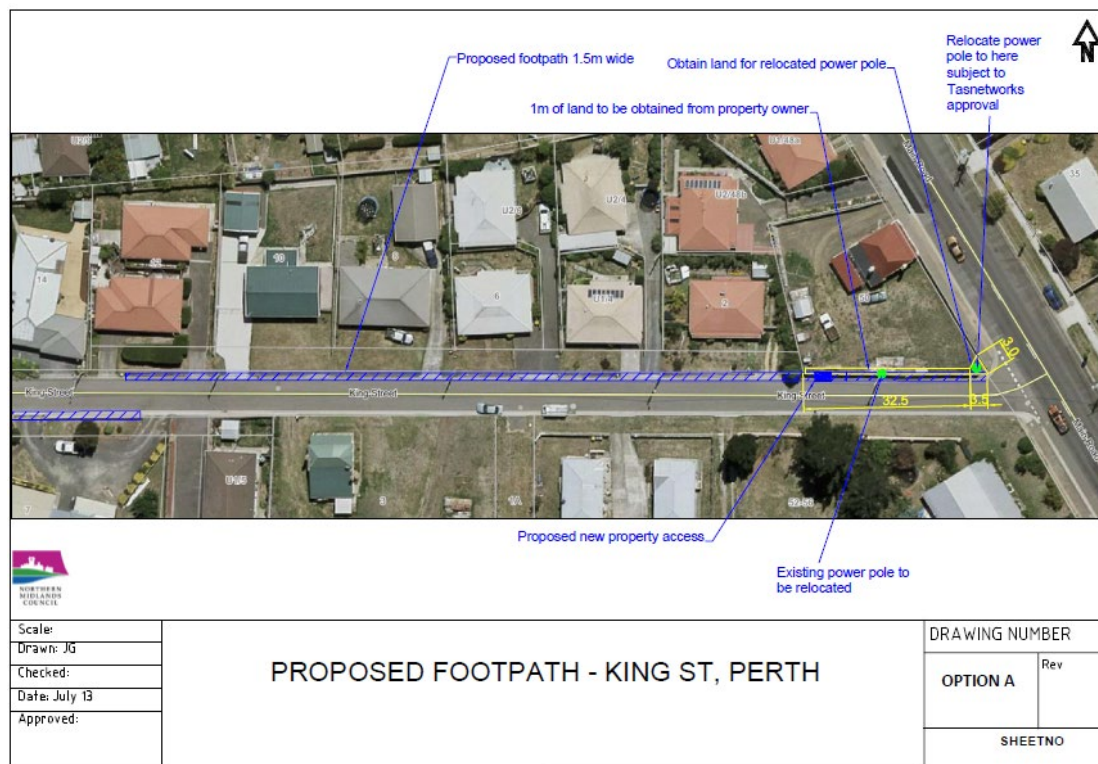


Figure 2 - Option B - car parking only

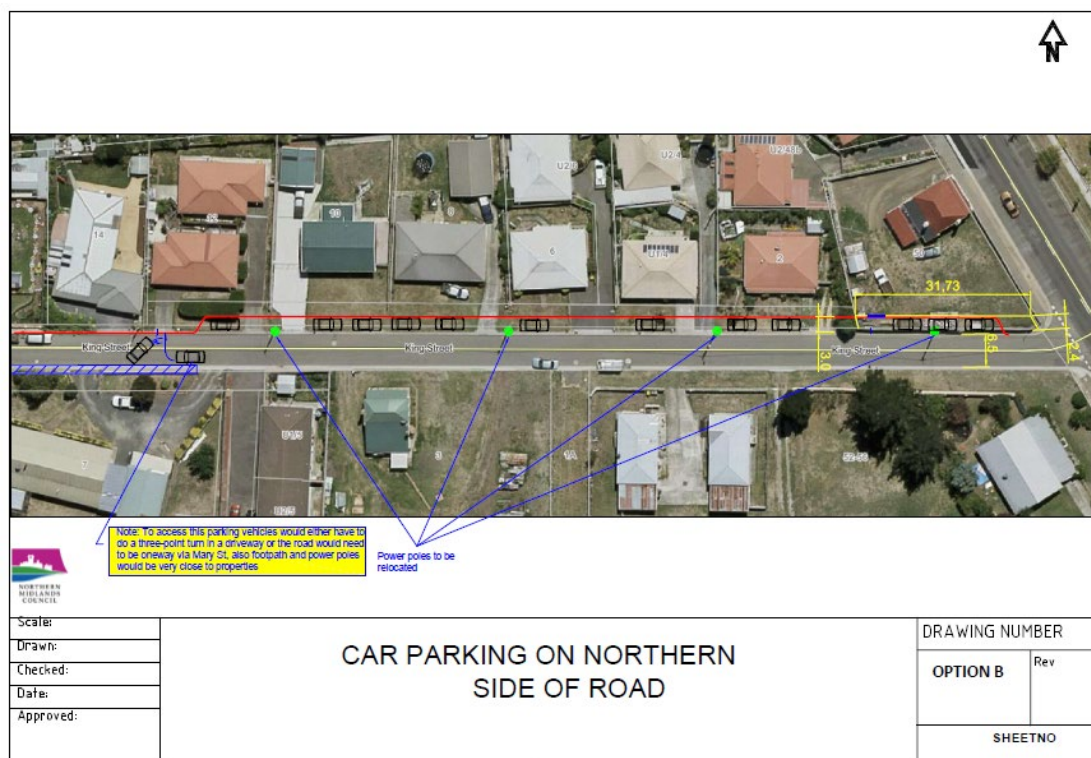


Figure 3 - Option C - footpath and car parking

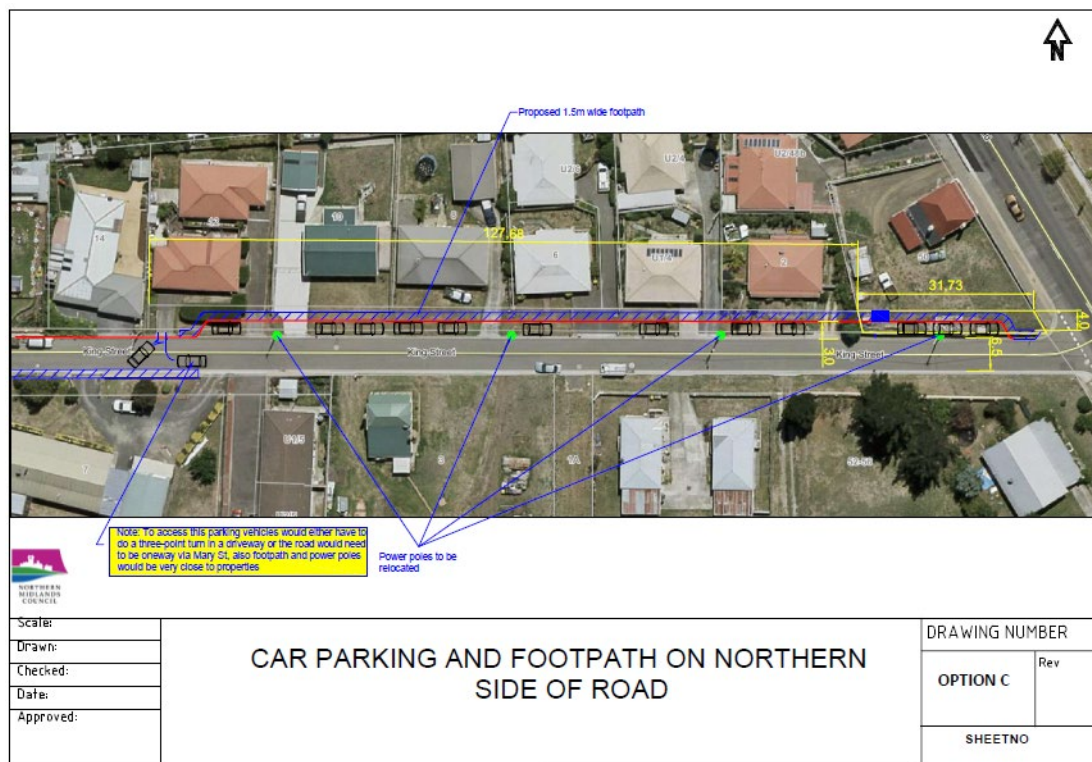
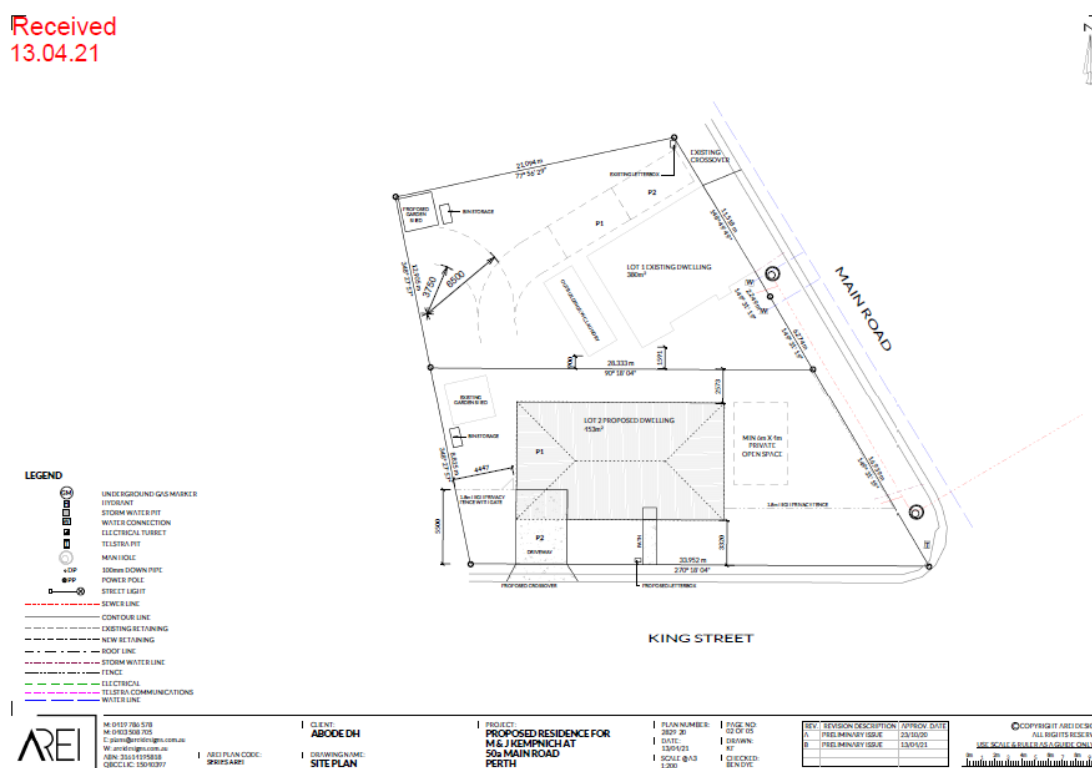


Figure 4 - Dwelling proposed with current application for planning permit

Received
13.04.21



Option A: Footpath only

- Need to obtain 1m of land from 50 Main Road for a 1.5m wide footpath on the northern side of King Street.
- This would:

- Place the proposed dwelling 2.32m from the new King Street boundary.
- Remove one of the two proposed on-site car parking spaces, which could be replaced with a car parking space to the west of the proposed dwelling.
- Require relocation of 1 power pole.
- Place the dwelling at 1 / 4 King Street approximately 4.2m from the footpath.

Option B: Car parking only

- Need to obtain 2.4m of land from 50 Main Road for 3m wide car parking on the northern side of King Street.
- This would:
 - Place the proposed dwelling 0.92m from the new King Street boundary.
 - Remove one of the two proposed on-site car parking spaces, which could be replaced with a car parking space to the west of the proposed dwelling.
 - Require relocation of 4 power poles.
 - Place the dwelling at 1 / 4 King Street approximately 2.8m from the car parking.

Option C: Footpath and car parking

- Need to obtain 4m of land from 50 Main Road for footpath and car parking on the northern side of King Street.
- This would:
 - Mean the proposed dwelling could not fit wholly on the title – it would be over by 0.68m.
 - Require relocation of 4 power poles.
 - Place the dwelling at 1 / 4 King Street approximately 1.2m from the footpath.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
 - Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
 - Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
- People –
 - Sense of Place – Sustain, Protect, Progress
 - Core Strategies:
 - ♦ Developments enhance existing cultural amenity
 - ♦ Public assets meet future lifestyle challenges

4 POLICY IMPLICATIONS

There are no policy implications.

5 STATUTORY REQUIREMENTS

5.1 Local Government (Buildings and Miscellaneous Provisions) Act 1993

85. Refusal of application for subdivision

The council may refuse to approve a plan of subdivision if it is of the opinion –

- (a) that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is; or*
- (b) that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of; or*
- (ba) that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block; or*
- (c) that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets; or*
- (d) that the layout should be altered to include or omit –*
 - (i) blind roads; or*
 - (ii) alleys or rights of way to give access to the rear of lots; or*
 - (iii) public open space; or*
 - (iv) littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake; or*
 - (v) private roads, ways or open spaces; or*
 - (vi) where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides; or*
 - (vii) licences to embank highways under the [Highways Act 1951](#); or*
 - (viii) provision for widening or deviating ways on or adjoining land comprised in the subdivision; or*
 - (ix) provision for the preservation of trees and shrubs; or*
- (e) that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision; or*
- (f) that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on; or*
- (g) that one or more of the lots ought not to be sold because of –*
 - (i) easements to which it is subject; or*
 - (ii) party-wall easements; or*
 - (iii) the state of a party-wall on its boundary.*

108. Road widening

- (1) If a council does not approve a plan for a subdivision because of any matter referred to in section 85, a council, in respect of an existing highway, may obtain –*
 - (a) a dedication of land for widening or diverting; or*
 - (b) a licence to embank.*
- (2) Subject to subsection (4), when the sealed plan takes effect the owner is entitled to compensation as if the dedication or licence were an estate in land that had been acquired by compulsory process under the Land Acquisition Act 1993.*
- (3) The land dedicated or subject to the licence is to be valued as at the date of lodgment of the plan of subdivision.*
- (4) Compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands.*
- (5) If the highway varies in width because in parts land has already been acquired or dedications made for the purpose of widening it, its middle line is to be determined as if no such acquisitions or dedications have been made.*

RMPAT Decision [2017] TASRMPAT 15 indicates that when s85 is read in conjunction with s108 of the Act, a power to condition development by requiring the dedication of land for road widening, may, to all intents and purposes be inferred, as an alternative to refusing the application.

6 FINANCIAL IMPLICATIONS

There are no financial implications in obtaining the land for road widening, as compensation is not payable for land which lies within 9 metres of the middle line of King Street and no building stands on the land to be obtained.

There will be costs associated with constructing carparking or footpath.

The cost of relocating power poles is estimated at around \$12,000 per pole.

7 RISK ISSUES

No risk issues are identified.

8 CONSULTATION WITH STATE GOVERNMENT

Not required for this matter.

9 COMMUNITY CONSULTATION

Community consultation has not been undertaken.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can:

- A. Obtain 1m of land from 50 Main Road for a footpath on the northern side of King Street.
- B. Obtain 2.4m of land from 50 Main Road for car parking on the northern side of King Street.
- C. Obtain 4m of land from 50 Main Road for footpath and car parking on the northern side of King Street.
- D. Obtain no land from 50 Main Road for road widening in King Street.

11 OFFICER'S COMMENTS/CONCLUSION

The aerial photograph shows that unit 1, 4 King Street is particularly close to the widened King Street boundary. Council's records show that the plans for this house were approved in 1990 and had the front wall of the house 5.5m from the widened King Street boundary. It appears that when the house was constructed in 1990 it was not setback 5.5m from the widened King Street boundary, rather it was setback approximately 1.5m.



It is considered that both car parking options will bring car parking unacceptably close to the dwelling at 4 King Street. Both car parking options also mean that car parking would be unacceptably close to the proposed dwelling on 50 Main Road.

The footpath option would place the new King Street boundary 2.32m from the proposed dwelling. Although the dwelling would be set forward of most of the other dwellings in King Street, it is not considered to be inconsistent with the setbacks.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

It is recommended that Council obtain 1m of land from 50 King Street for road widening, to allow for the construction of a footpath, and a 3m x 3m splay on the corner of Main Road and King Street.

12 ATTACHMENTS

- Footpath option
- Car parking option
- Footpath and car parking option

RECOMMENDATION

That Council, pursuant to sections 85 and 108 of the *Local Government (Buildings and Miscellaneous Provisions) Act 1993* require the plan of subdivision for 50 King Street, Perth be altered to include:

- A 1m wide strip of land along King Street to be dedicated for road widening; and
- A 3m (Main Road) x 3.5m (King Street) splay of land to be dedicated for road widening.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

CORP 1 MONTHLY FINANCIAL STATEMENT

Attachments: Section 1 – Page 181

File: Subject 24/023
Responsible Officer: Maree Bricknell, Corporate Services Manager
Report Prepared by: Maree Bricknell, Corporate Services Manager

1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 31 July 2021.

2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 31 July 2021 is circulated for information.

3 ALTERATIONS TO 2020-21 BUDGET

Following a budget review of income and expenditure items the following alterations/variances are highlighted and explained:

SUMMARY FINANCIAL REPORT

For Month Ending: 31-Jul-21 1

A. Operating Income and Expenditure						
	Budget	Year to Date Budget	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$12,271,834	-\$12,271,834	-\$12,230,866	-\$41	99.7%	
Recurrent Grant Revenue	-\$4,723,956	-\$393,663	-\$493,850	\$100	125.4%	* Advanced Grants
Fees and Charges Revenue	-\$2,387,167	-\$198,931	-\$289,961	\$91	145.8%	
Interest Revenue	-\$741,548	-\$61,797	-\$90,090	\$28	145.8%	
Reimbursements Revenue	-\$53,978	-\$4,498	-\$3,416	-\$1	75.9%	
Other Revenue	-\$1,786,968	-\$148,914	-\$25,569	-\$123	17.2%	
	-\$21,965,451	-\$13,079,636	-\$13,133,752	\$54	100.4%	
Employee costs	\$6,028,712	\$502,393	\$399,991	\$102	79.6%	
Material & Services Expenditure	\$5,612,165	\$467,680	\$553,855	-\$86	118.4%	
Depreciation Expenditure	\$6,519,158	\$543,263	\$543,188	\$0	100.0%	
Government Levies & Charges	\$961,484	\$80,124	\$0	\$80	0.0%	
Councillors Expenditure	\$205,180	\$17,098	\$6,716	\$10	39.3%	
Interest on Borrowings	\$272,007	\$22,667	\$87,216	-\$65	384.8%	
Other Expenditure	\$1,315,204	\$109,600	\$598,979	-\$489	546.5%	Pension rebates for full year
Plant Expenditure Paid	\$538,650	\$44,888	\$86,902	-\$42	193.6%	
	\$21,452,560	\$1,787,713	\$2,276,847	-\$489	127.4%	
	-\$512,891	-\$11,291,923	-\$10,856,905			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$505,860	\$42,155	\$0	\$42	0.0%	
Underlying (Surplus) / Deficit	-\$7,031	-\$11,249,768	-\$10,856,905		1*	
Capital Grant Revenue	-\$8,697,948	-\$724,829	-\$45,450	-\$679	6.3%	
Subdivider Contributions	-\$330,765	-\$27,564	0	-\$28	0.0%	
Capital Revenue	-\$9,028,713	-\$752,393	-\$45,450			
Budget Alteration Requests						
- For Council authorisation by absolute majority						
		Budget Operating	Budget Capital	Actuals		
Capital works budget variances above 10% or \$10,000 are highlighted						
July						
No adjustments for July.						

NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

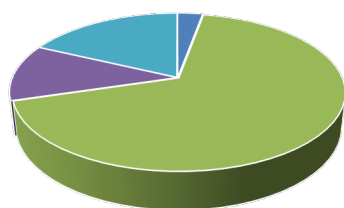
B. Balance Sheet Items

	Year to Date Actual	Monthly Change	Same time last year	Comments
Cash & Cash Equivalents Balance				
- Opening Cash balance	\$19,432,295	\$19,432,295		
- Cash Inflow	\$2,038,902	\$2,038,902		
- Cash Payments	-\$2,455,060	-\$2,455,060		
- Closing Cash balance	\$19,016,137	\$19,016,137		
	-	-		
Account Breakdown				
- Trading Accounts	\$429,279			
- Investments	\$18,586,858			
	\$19,016,137			
	-			

Summary of Investments

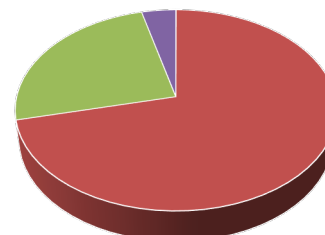
	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value
Tasmanian Public Finance Corporation Call Account	1/07/2021	31/07/2021	0.10	\$5,396	\$5,396
CBA Call Account	1/07/2021	31/07/2021	0.15	\$1,574	\$1,574
CBA Business Online Saver	28/07/2021	31/07/2021	0.20	\$2,165,745	\$2,165,780
Westpac Corporate Regulated Interest Account	31/07/2021	31/07/2021	0.35	\$3,990,177	\$3,990,177
Bank of Us	29/01/2021	29/08/2021	0.45	\$530,957	\$532,345
Westpac - Green Deposit	25/11/2020	28/09/2021	0.45	\$2,000,000	\$2,007,570
My State Financial	25/05/2021	25/05/2022	0.85	\$3,343,010	\$3,371,425
Westpac	5/07/2021	4/07/2022	3.37	\$5,500,000	\$5,684,842
Westpac	29/06/2021	29/06/2023	3.30	\$1,050,000	\$1,119,300
Total Investments				\$18,586,858	\$18,878,409
					-

Investments by Institution



■ Bank of Us (B&E) ■ Tascorp ■ Westpac ■ CBA ■ MyState

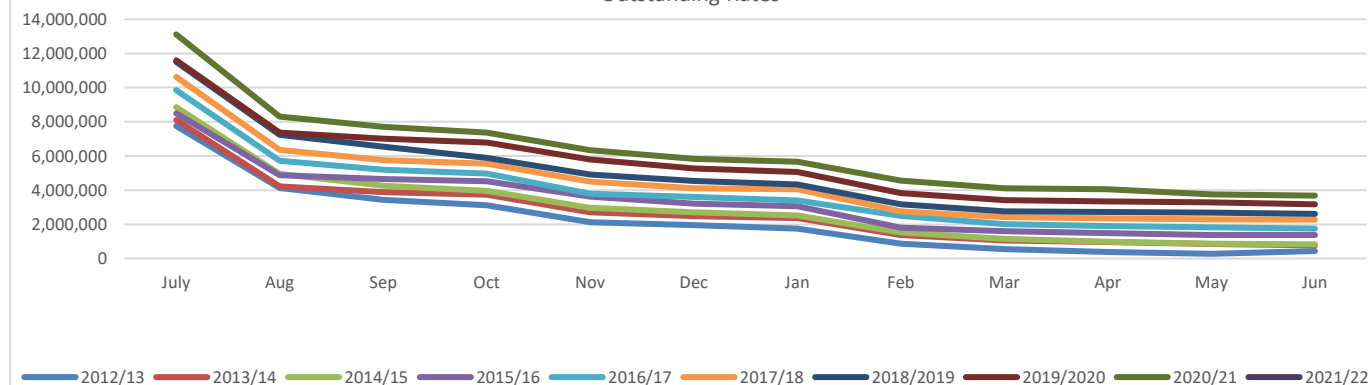
Total Investments by Rating (Standard & Poor's)



■ AA+ ■ AA- ■ BBB ■ Unrated

Rate Debtors	2020/21	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$3,205,341		\$2,275,315	
Rates Raised	\$12,239,336		\$11,566,732	
	\$15,444,678		\$13,842,047	
Rates collected	\$1,836,983	15.0%	\$10,386,813	89.8%
Pension Rebates	\$481,915	3.9%	\$457,514	4.0%
Discount & Remissions	\$9,030	0.1%	\$40,930	0.4%
	\$2,327,928		\$10,885,256	
Rates Outstanding	\$13,116,749	107.2%	\$3,282,398	28.4%
Advance Payments received	-\$140,683	1.1%	-\$325,606	2.8%

Outstanding Rates





NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021

Trade Debtors

Current balance	\$693,000		
- 30 Days	\$519,386		
- 60 Days	\$138,971		
- 90 Days	\$2,077		
- More than 90 days	\$32,566		
Summary of Accounts more than 90 days:	-		
- Norfolk Plains Book sales	171		Paid by outlet as sold
- Hire/lease of facilities	2,963		
- Removal of fire hazards	6,314		
- Dog Registrations & Fines	17,220		Send to Fines Enforcement
- Private Works	5,632		
- Regulatory Fees	266		
- Govt Reimbursements	-		
	-		

C. Capital Program

	Budget	Actual (\$,000)	Target 8%	Comments
Renewal	\$10,972,585	\$456,074	4%	
New assets	\$9,505,961	\$103,162	1%	
Total	\$20,478,546	\$559,236	3%	

Major projects:

- Longford Sports Centre lift & level 1	\$217,000	\$0	0%	
- Cressy Rec Ground Amenities	\$930,426	\$0	0%	
- Cressy Pool Improvements	\$800,000	\$0	0%	
- Ross Village Green	\$158,000	\$0	0%	
- Longford Victoria Square Hall	\$1,501,141	\$0	0%	
- Longrod Victoria Square Amenities	\$333,236	\$0	0%	
- Perth Childcare Centre	\$2,648,190	\$0	0%	
- Lake Leake Amenities	\$145,256	\$0	0%	
- Translink Detention Basin	\$252,540	\$0	0%	
- Footpath Program	\$713,000	\$0	0%	
- Bryants Lane Bridge	201,777	\$0	0%	
- William Street Footbridge	270,000	\$0	0%	
- Glen Esk Road Reconstruction	411,400	\$0	0%	

* Full year to date capital expenditure for 2021/22 provided as an attachment.

D. Financial Health Indicators

	Target	Actual	Variance	Trend	
Financial Ratios					
- Rate Revenue / Total Revenue	55.9%	93.1%	-37.3%	↘	
- Own Source Revenue / Total Revenue	78%	96%	-17.7%	↘	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	0.0%	82.7%	-82.6%	↘	
- Debt / Own Source Revenue	43.0%	58.7%	-15.7%	↔	
Efficiency Ratios					
- Receivables / Own Source Revenue	80.1%	26.0%	54.1%	↘	
- Employee costs / Revenue	27.4%	3.0%	24.4%	↗	
- Renewal / Depreciation	168.3%	84.0%	84.4%	↗	
Unit Costs					
- Waste Collection per bin	\$10.53	#DIV/0!		↔	
- Employee costs per hour	\$50.24	\$38.08		↗	
- Rate Revenue per property	\$1,727.45	\$1,721.69		↔	
- IT per employee hour	\$3.30	\$15.06		↘	

E. Employee & WHS scorecard

	YTD	This Month	
Number of Employees	90	90	
New Employees	3	3	
Resignations	1	1	
Total hours worked	10,504	10,504	
Lost Time Injuries	0	0	
Lost Time Days	1	1	
Safety Incidents Reported	1	1	
Hazards Reported	7	7	
Risk Incidents Reported	2	2	
Insurance claims - Public Liability	0	0	
Insurance claims - Industrial	0	0	



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Insurance claims - Motor Vehicle
IT - Unplanned lost time
Open W/Comp claims

1	1
0	0
1	1



F. Waste Management

Waste Transfer Station	2019/20	2020/21	2021/22 Budget	2021/22 Year to Date
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Takings

- Refuse	\$92,611	\$119,842	\$128,043	\$0
- Green Waste	\$50,996	\$80,904	\$83,844	\$0
- Concrete	\$1,551	\$2,293	\$2,140	\$0
- Tyres		727	\$700	\$0
Total Takings	\$142,782	\$203,767	\$214,727	\$0



Tonnes Disposed

WTS Refuse Disposed Tonnes	1388	1432	1532	0
WTS Green Waste Disposed Tonnes	5400	4670	4894	0
WTS Concrete Disposed Tonnes	0	0		0
Kerbside Refuse Disposed Tonnes	2326	2435	2239	0
Kerbside Recycling Disposed Tonnes	1036	1051	1194	0
Total Waste Tonnes Disposed	10150	9588	9859	0



4 OFFICER COMMENTS

Copies of the financial reports are also made available at the Council office.

5 ATTACHMENTS

- 5.1 Income & Expenditure Summary for period ending July 2021.
- 5.2 Capital Works Report to end July 2021.

RECOMMENDATION

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 July 2021.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

CORP 2 POLICY REVIEW: CUSTOMER SERVICE CHARTER

Attachments: Section 1 – Page 187

Responsible Officer: Des Jennings, General Manager

Report Prepared by: Maree Bricknell, Corporate Services Manager and Gail Eacher, Executive Assistant

1 PURPOSE OF REPORT

The purpose of this report is for Council to endorse updates to the Customer Service Charter.

2 INTRODUCTION/BACKGROUND

Pursuant to section 339F of the *Local Government Act 1993* Council must have a Customer Service Charter.

Regulation 31 of the *Local Government (General) Regulations 2015* specifies the matters a Customer Service Charter is to include.

The Charter must be reviewed every two years. Council's Customer Service Charter was last reviewed in July 2018. The Customer Service Charter is due for review.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Council complies with all Government legislation
 - ♦ Excellent standards of customer service

4 POLICY IMPLICATIONS

It is a statutory requirement that Council have in place a Customer Service Charter and that it be reviewed within 12 months after a council election.

5 STATUTORY REQUIREMENTS

Provisions under the *Local Government Act 1993* and *Local Government (General) Regulations 2015* are detailed below:

5.1 Local Government Act 1993

339F. Customer service charter

- (1) A council must adopt a customer service charter on or before 1 January 2006.
- (2) The customer service charter is to –
 - (a) specify the principles relating to services provided by the council; and
 - (b) specify a procedure for dealing with complaints relating to services provided by the council; and
 - (c) include any prescribed matter.
- (3) The general manager is to make the customer service charter available –
 - (a) for public inspection at the public office during ordinary office hours; and
 - (b) on the council's internet site free of charge; and
 - (c) for purchase at a reasonable charge.
- (4) A council is to review its customer service charter within 12 months after a council election.

- (5) *The general manager is to provide the council with a report at least once a year of the number and nature of complaints received.*

5.2 Local Government (General) Regulations 2015

31. Customer service charter

For the purposes of [section 339F](#) of the Act, a customer service charter adopted under that section is to include the following matters:

- (a) *the manner in which a complaint referred to in [section 339E](#) of the Act may be made;*
- (b) *the manner in which a response to a complaint is to be made;*
- (c) *opportunities for a review of a response by the general manager;*
- (d) *the periods within which complaints are to be dealt with;*
- (e) *other actions that may be taken if a complainant is dissatisfied by the response;*
- (f) *reporting of the complaints received.*

6 FINANCIAL IMPLICATIONS

There are no financial implications identified with this policy update.

7 RISK ISSUES

Failure to have a Customer Service Charter and review within the prescribed timeframes will result in Council being in breach of section 339F of the *Local Government Act 1993*.

If Council's Customer Service Charter does not contain the identified matters detailed in regulation 31 of the *Local Government (General) Regulations 2015*, Council is in breach of that regulation.

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

Not applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

There are two options for Council to consider:

- i) Adopt the revised Customer Service Charter; or
- ii) Request further amendment to the revised Customer Service Charter.

11 OFFICER'S COMMENTS/CONCLUSION

A Customer Service Charter should be a brief but informative, user-friendly document.

Only minor changes have been made to the policy, specifically in relation to the period of review specified by the LGA and the contact details of the Ombudsman.

Attached to this report is a marked-up copy of the amended Customer Service Charter. Amendments to the policy are highlighted, wording to be deleted is highlighted with a strikethrough.

12 ATTACHMENTS

12.1 Northern Midlands Council Customer Service Charter – marked up revision

RECOMMENDATION

That Council endorse the minor amendments to the Northern Midlands Council Customer Service Charter as indicated in the attachment 12.1 to this report.



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DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

PUBLIC QUESTIONS & STATEMENTS

PUBLIC ATTENDANCE DURING THE COVID-19 DISEASE EMERGENCY DECLARATION

Public Attendance Meeting Guidelines during the COVID-19 Disease Emergency

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This has necessarily meant that public attendance at meetings has been restricted. Under these arrangements Council meetings have been undertaken remotely via online platforms.

While COVID-19 restrictions remain in place, Council is mindful of the need to ensure community safety and compliance with regard to social distancing and limitations on the number of persons who may gather. This obligation is balanced with the need to minimise disruption to the business of Council.

Council determined that limited public access to Council meetings would be permitted from the Council Meeting scheduled for 14 December 2020.

Attendance of the public will be restricted to those who wish to make representation or present a statement in person at the meeting, preference is to be given to individuals

1. making representations to planning applications which are subject to statutory timeframes (limit of 4 persons per item),
- and
2. those making statements or representations on items listed in the Agenda for discussion (limited to 2 persons).

To ensure compliance with Council's COVID-19 Safety Plan, any person wishing to attend will be required to register their interest to attend, which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting by emailing council@nmc.tas.gov.au or phoning Council on 6397 7303.

On arrival attendees will:

- be required to complete the health declaration section of their registration form to support COVID-19 tracing (in the event that it is necessary); and
- receive direction from council officers (or Council's delegate) in relation to their access to the meeting room.

Access to the Municipal Building will only be permitted until 6.45pm, at which time Public Question Time will commence.

Members of the public who would prefer not to attend the meeting, but would like to ask a question or make a representation to the Council that would normally be heard during Public Question Time, may forward their question/representation to council@nmc.tas.gov.au which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting.

Any questions/representations received will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

These arrangements are subject to review based on any change in circumstance relating to the COVID-19 Disease Emergency.

Council will continue to ensure minutes and audio recordings of Council meetings are available on Council's website.

PUBLIC QUESTIONS AND STATEMENTS

Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* makes provision for Public Question Time during a Council meeting.

Public question time is to commence immediately after the meal break at approximately 6:45pm and is to be conducted in accordance with the following guidelines:

- At each Council Meeting up to 20 minutes, or such longer period as Council may determine by resolution at that meeting, is to be provided for persons at the meeting to ask questions.



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- A person seeking to ask a question must firstly identify himself or herself by stating their name and the town they reside in.
- If more than one person wishes to ask a question, the Mayor is to determine the order in which those questions are asked.
- Questions must be directed to the Mayor who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is known otherwise taken on notice and responded to in writing within 10 working days.
- Questions should preferably be in writing and provided to the General Manager 7 days prior to the Council Meeting.
- A person is entitled to ask no more than 2 questions on any specific subject. If a person has up to two questions on several subjects, the Mayor may defer those questions until other questions have been asked and refer back to that person only if time permits.
- Each submission speaker is limited to a maximum of 3 minutes.

1 PUBLIC QUESTIONS



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

COUNCIL ACTING AS A PLANNING AUTHORITY

Section 25 (1) of the Local Government (meeting procedures) Regulations require that if a Council intends to act at a meeting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, the Chairperson is to advise the meeting accordingly.

DECISION

Cr

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda item/s PLAN 1 – PLAN 5.

2 STATEMENTS

REPRESENTATIONS ON PLANNING ITEMS

A maximum of 4 persons per item (2 for and 2 against) will be permitted to address Council on a planning item. After the representation has been made, Councillors are permitted to ask questions of the party who made the representation.

Each speaker is limited to a maximum of 3 minutes.

- | | |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------|
| PLAN 1 | PLANNING APPLICATION PLN-21-0152: 80 MAIN ROAD, PERTH |
| PLAN 2 | PLANNING APPLICATION PLN-21-0151: 2 GIBBET HILL RISE, PERTH |
| PLAN 3 | PLANNING APPLICATION PLN-20-0297: 50 MAIN ROAD, PERTH |
| PLAN 4 | PLANNING APPLICATION PLN-20-0296: 50 MAIN ROAD, PERTH |
| PLAN 5 | DRAFT AMENDMENT 02/2021 TO THE NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013: 74 & 86 EVANDALE ROAD & 2 TRANSLINK AVENUE, WESTERN JUNCTION |

PLAN 1 PLANNING APPLICATION PLN-21-0152: 80 MAIN ROAD, PERTH

Attachments: Section 1 – Page 190

File Number: 108900.7
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report assesses an application for 80 Main Road, Perth for a change of use to Food Services.

2 BACKGROUND

Applicant:
Southern Sky Cheese

Zone:
General Business

Classification under the Scheme:
Food Services

Deemed Approval Date:
21 August 2021

Owner:
Harold Johannes Eilander

Codes:
Car Parking and Sustainable Transport Code, Heritage Code

Existing Use:
Service Industry

Recommendation:
Approve with conditions

Discretionary Aspects of the Application:

- Variation to car parking provision.

Planning Instrument:

- *Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26 April 2021*

Preliminary Discussion:

- Prior to submission of the application, the applicant held discussions with Council officers regarding the application.

Image 1 - Subject site from Main Road



Image 3 - Existing floor plan

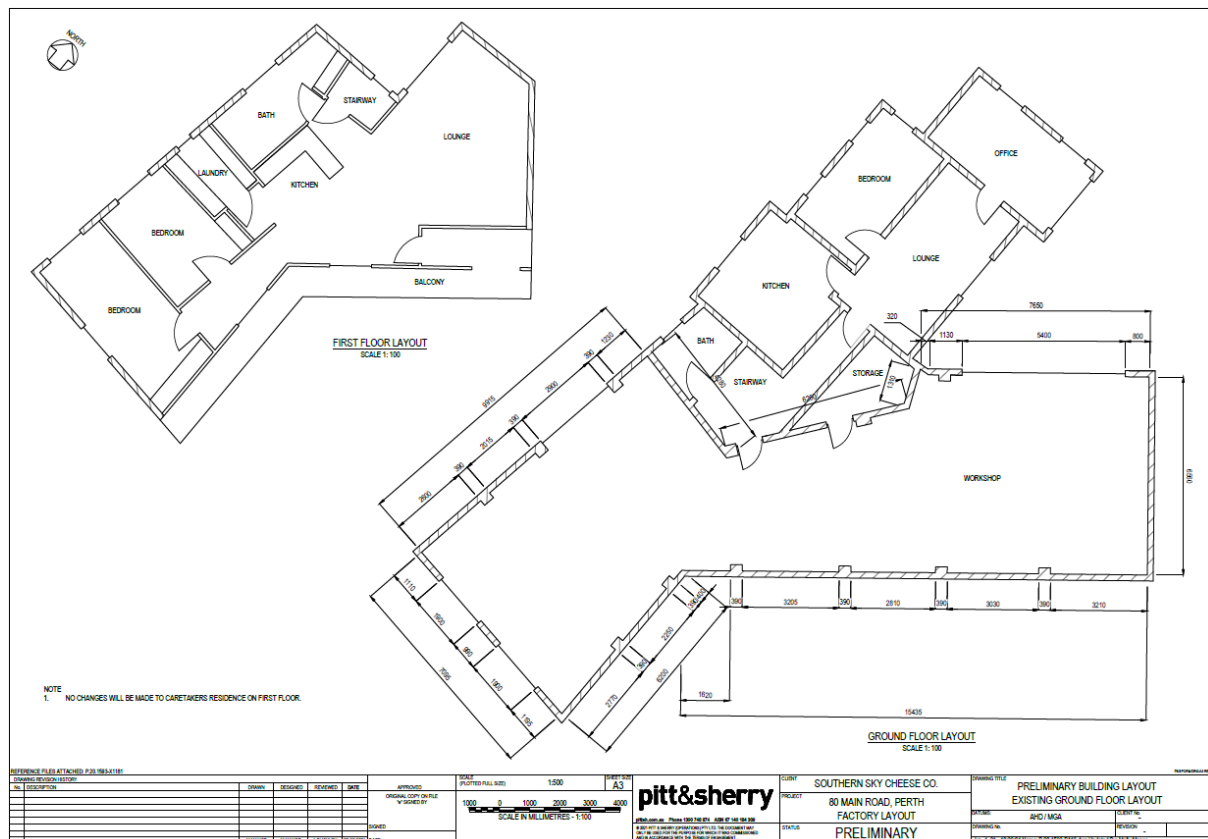
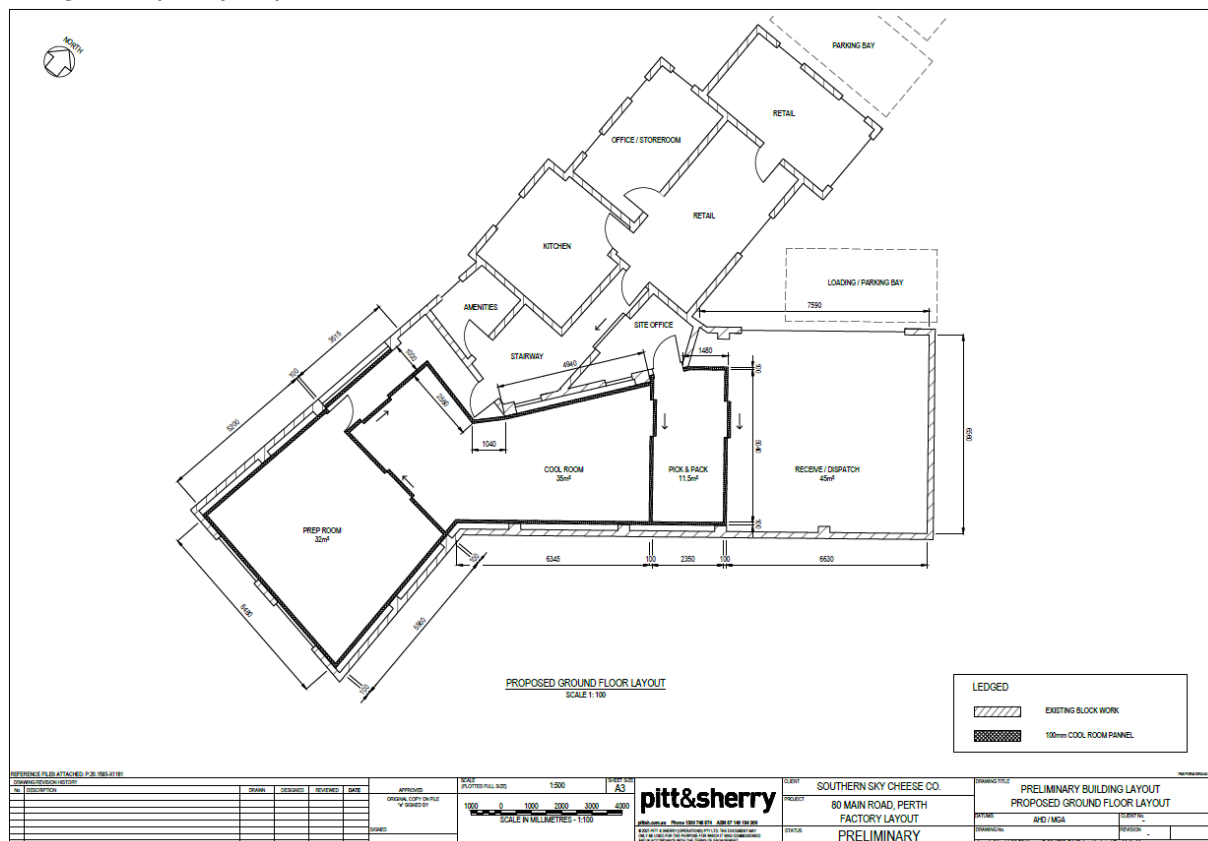
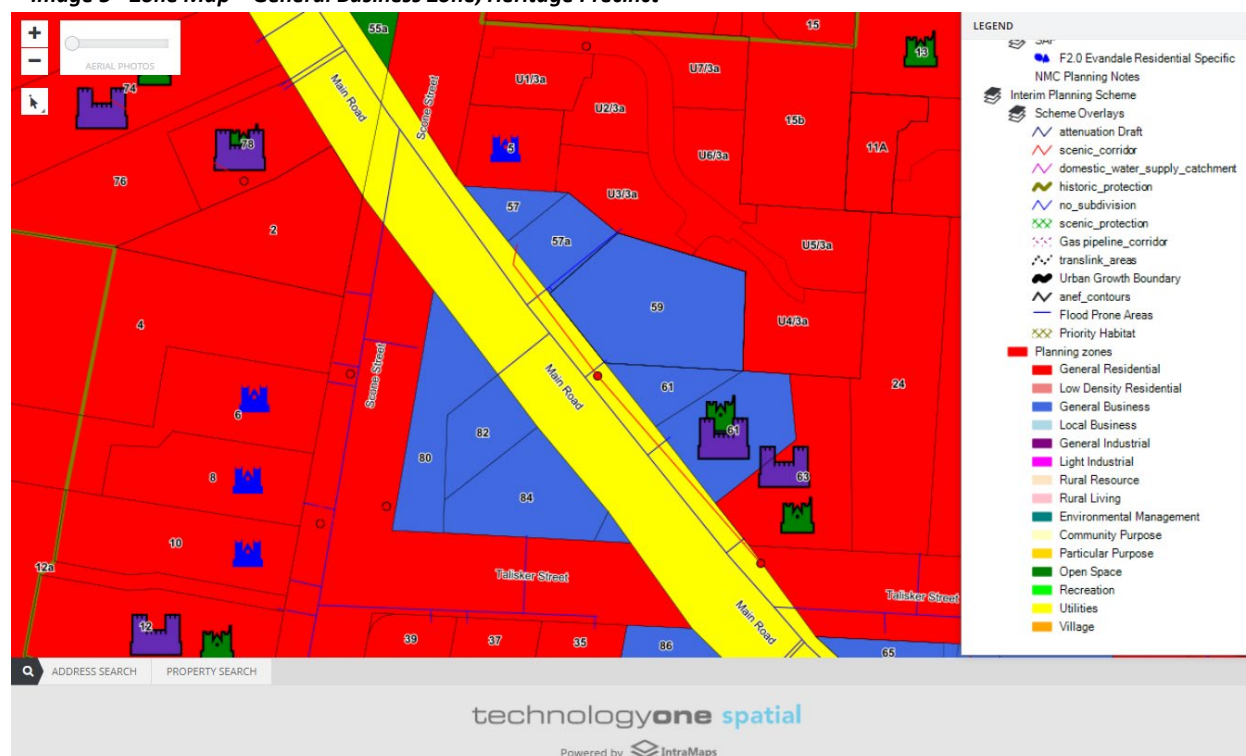


Image 4 - Proposed floor plan



4.2 Zone and land use

Image 5 - Zone Map – General Business Zone, Heritage Precinct



The land is zoned General Business and is within a Heritage Precinct.

The relevant Planning Scheme definition is:

Food services	<i>use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.</i>
---------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------

Food Services is Permitted (with permit) in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on 4th August 2021.

The site contains a motor vehicle repair centre, and a dwelling and yard. Adjoining the site, and opposite the site in Scone Street are single dwellings. Opposite the site in Main Road are single dwellings and cafes.

4.4 Permit/site history

Relevant permit history includes:

- PLN21-0154 – Solar array
- 68/81 – Service station addition (dwelling and garage)

4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's Records management system after completion of the public exhibition period revealed that representations (attached) were received from:

- Rev Warwick Cuthbertson, 78 Main Road, Perth
- Nerrilee Chalmers, 4/11 Adelaide Street, George Town (owner of 5 Scone St Perth)
- Susanne Gatto, 2 Scone Street, Perth

Image 6 - Map showing location of representor properties (outlined in red) in relation to subject site (highlighted)



The matters raised in the representations are outlined below followed by the planner's comments.

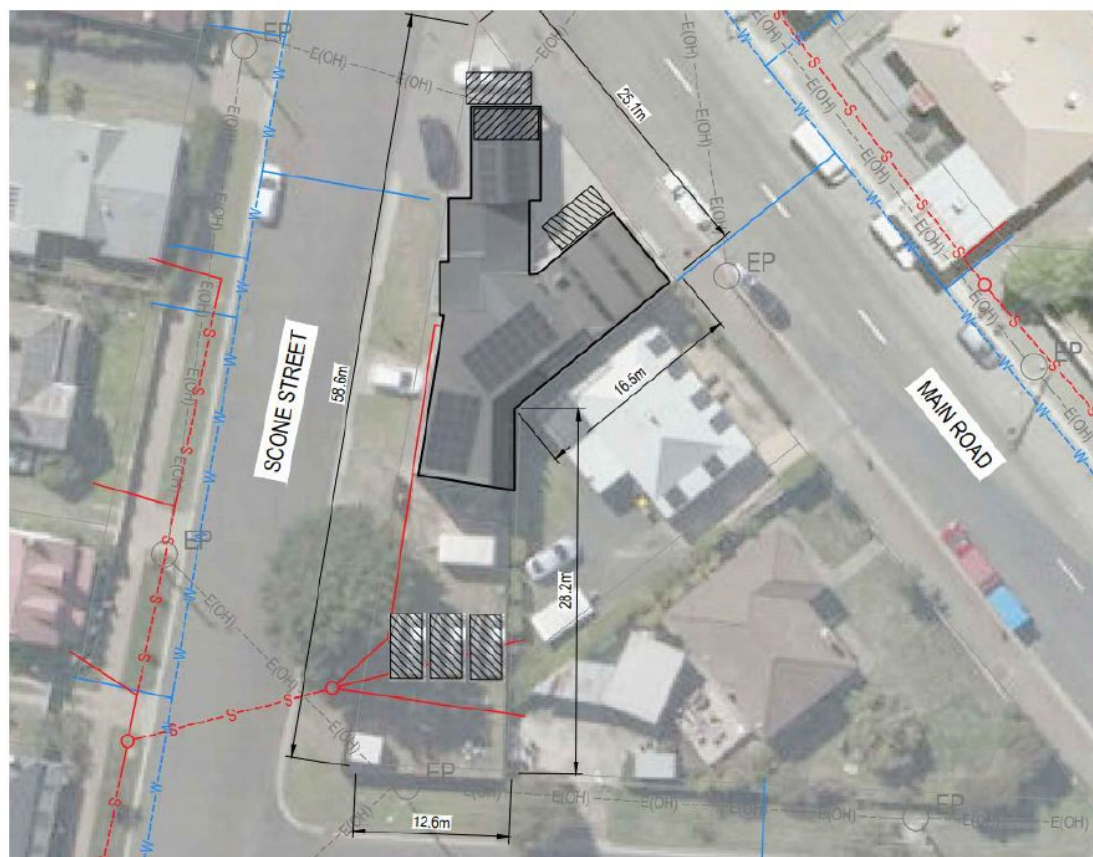
- Concern with the proposal to provide only 3 on site car parking spaces when 10 are required based on the floor area of the proposed use.

Planner's comment: In response to the representations, the applicant has suggested providing an additional 3 car parking spaces in the rear yard for staff, providing a total of 6 car parking spaces. With up to 3 staff on site at any time, the 6 proposed spaces are considered adequate to provide for staff and customers.

- Concern with the proposal to provide no on site bicycle parking.

Planner's comment: In response to the representations, the applicant has suggested providing a steel loop on the rear wall of the building to chain up a bike. The applicant has further indicated he would accept providing the steel loop on an indented section of the Scone Street wall where it would be more accessible to customers.

Image 7 - Additional 3 car parking spaces to the south proposed by the applicant



4.6 Referrals

Council's Works Department

Council's Engineering Officer advised of no comment to make.

TasWater

TasWater provided a Submission to Planning Authority Notice (Ref: TWDA 2021/01292-NMC) which is to be referenced and appended to Council's planning permit.

4.7 Planning Scheme Assessment

Clause 8.7 of the planning scheme states:

8.7 Determining Applications

8.7.1 In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

8.7.2 In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;
 - (b) any relevant local area objective or desired future character statement for the applicable zone;
 - (c) the purpose of any applicable code; and
 - (d) the purpose of any applicable specific area plan.
- but only insofar as each such purpose is relevant to the particular discretion being exercised.

8.7.3 In determining an application for any permit the planning authority must not take into consideration matters referred to in clauses 2.0 and 3.0 of the planning scheme.

GENERAL BUSINESS ZONE

21.1 Zone Purpose

21.1.1 Zone Purpose Statements

21.1.1.1 To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.

Comment: Not applicable. The proposal does not rely on any discretion relevant to this statement.

21.1.1.2 To create through good urban design:

- a) an attractive and safe environment; and
- b) activity at pedestrian levels with active road frontages offering interest and engagement to shoppers and; and
- c) appropriate provision for car parking, pedestrian access and traffic circulation.

Comment: The only statement applicable to the discretion of variation in carparking is c). The assessment against the Carparking and Sustainable Transport Code is that the proposal complies with this statement.

21.1.2 Local Area Objectives

To consolidate growth within the existing urban land use framework of the towns of Campbell Town, Longford and Perth.

To manage development in the General business zone so as to conserve and enhance the quality of the Heritage Precincts in the Campbell Town, Longford, and Perth town centres.

To ensure developments within street reservations contribute positively to the context of the Heritage Precincts in each settlement.

Comment: Not applicable. The proposal does not rely on any discretion relevant to these objectives.

21.1.3 Desired Future Character Statements

There are no desired future character statements

21.2 Use Table

No Permit Required	
Use Class	Qualification
Passive recreation	
Natural and cultural values management	
Permitted	
Use Class	Qualification
Bulky goods sales	
Business and professional services	
Food services	
General retail and hire	
Hotel industry	
Research and development	
Utilities	If for minor utilities
Visitor accommodation	
Vehicle fuel sales and service	
Discretionary	
Use Class	Qualification
Emergency services	
Community meeting & entertainment	
Recycling and waste disposal	If not for refuse disposal site, scrap yard, vehicle wrecking yard
Educational and occasional care	
Manufacturing and processing	
Residential	
Service industry	Must incorporate a shopfront for customer service
Sport and recreation	
Storage	
Transport depot and distribution	

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Tourist operation	
Vehicle parking	
Utilities	If not for minor utilities
Prohibited	
All other uses	

21.3 Use Standards

21.3.1 Amenity

Objective To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.	
Acceptable Solutions	Performance Criteria
A1 Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday.	P1 Commercial vehicles (except for visitor accommodation and recreation) must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, odour, dust and illumination.
Comment: Complies. Proposed operating hours are 7am to 4pm (packing and cutting) and 9am to 4pm (retail).	N/a
A2 Noise levels at the boundary of the site with any adjoining land must not exceed: a) 50dB(A) day time; and b) 40dB(A) night time; and c) 5dB(A) above background for intrusive noise.	P2 Noise must not cause unreasonable loss of amenity to nearby sensitive uses.
Comment: The applicant advises that the cutting and packing of chesese is not a noise generating activity and to comply with Health Department requirements the process happens in a sealed room from the outside area. It is considered that A2 is complied with. A condition on the permit is required to ensure compliance.	N/a

21.4 Development Standards

21.4.1 Siting, Design and Built Form

Objective To ensure that buildings are visually compatible with surrounding development.	
Acceptable Solutions	Performance Criteria
A1 The entrance of a building must be: a) clearly visible from the road or publically accessible areas on the site; and b) provide a safe access for pedestrians.	P1 No performance criteria.
Not applicable. No building is proposed.	N/a
A2 Building height must not exceed: a) 8m; or b) 1m greater than the average of the heights of buildings on immediately adjoining lots.	P2 Building height must: a) be consistent with the local area objectives if any, and b) have regard to the streetscape and the desirability of a greater setback for upper floors from the frontage; and c) avoid unreasonable levels of overshadowing to public places or adjoining properties.
Not applicable. No building is proposed.	N/a
A3.1 Buildings must be: set back the same as or less than the setback of an immediately adjoining building; A3.2 Extensions or alterations to existing buildings must not reduce the existing setback.	P3 Building setbacks must: a) provide for enhanced levels of public interaction or public activity; and b) ensure the efficient use of the site; and c) be consistent with the established setbacks within the immediate area and the same zone; and d) be consistent with the local area objectives, if any; and e) provide for emergency vehicle access.
Not applicable. No building is proposed.	N/a

21.4.2 Subdivision

Not applicable.

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	N/a
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	N/a
E5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	See code assessment below
E7.0	SCENIC MANAGEMENT CODE	N/a
E8.0	BIODIVERSITY CODE	N/a
E9.0	WATER QUALITY CODE	N/a
E10.0	RECREATION AND OPEN SPACE CODE	N/a
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	See code assessment below
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

Acceptable Solutions

A1 The number of car parking spaces must not be less than the requirements of:

- a) Table E6.1; or
- b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).

Comment:

Existing dwelling

For a dwelling in the General Business zone, Table E6.1 requires 1 space per bedroom. The existing dwelling will contain two bedrooms resulting from the change of use, therefore 2 car parking spaces are required.

Proposed food services

For Food Services, Table E6.1 1 space per 15m² net floor area.

The new use for food services will have a floor area of around 150m², therefore 10 car parking spaces are required.

Proposed parking

Three spaces were proposed with the application. The applicant provided revised plans with another 3 spaces, totalling 6 (see Image 7).

As the application does not provide 12 car parking spaces, it must be assessed against the performance criteria.

Performance Criteria

The number of car parking spaces provided must have regard to:

- a) the provisions of any relevant location specific car parking plan.

Comment: There is no relevant location specific car parking plan.

- b) the availability of public car parking spaces within reasonable walking distance.

Comment: On-road public car parking is available within reasonable walking distance, see Image 6.

- 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.

Comment: There will be some reduction in demand with the dwelling able to share the staff parking spaces at the rear when not in use. The application proposes to share a car parking space with a loading space. This is considered acceptable due to the number of delivery vans expected to use the loading bay being 1 – 2 per week.

- d) the availability and frequency of public transport within reasonable walking distance of the site.

Comment: The Perth bus stop in the Main Road is within reasonable walking distance approximately 280m away. Weekdays it has 15 services to Launceston and 14 services from Launceston. Saturdays, Sundays and public holidays it has 6 services each way.

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- e) *site constraints such as existing buildings, slope, drainage, vegetation and landscaping.*
Comment: The site is unable to provide the required 12 car parking spaces due to its size and coverage by existing buildings.
- 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.*
Comment: The adjacent streets have speed limits of 50km/hr. On-road parking is available and accessible. Uses in the vicinity include single dwellings and cafes.
- g) *an empirical assessment of the car parking demand.*
Comment: An empirical assessment of the car parking demand has not been undertaken.
- h) *the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience.*
Comment: Council's Heritage Adviser advises that the parking bays will not be detrimental to the streetscape. The three northern car parking spaces are existing and are not fenced, so have adequate visibility for vehicles, pedestrians and cyclists. There is enough area for cars from the 3 additional southern parking spaces to turn on site and exit in a forward direction for safety.
- i) *the recommendations of a traffic impact assessment prepared for the proposal.*
Comment: A traffic impact assessment was not required by the planning scheme and was not provided.
- j) *any heritage values of the site.*
Comment: Council's Heritage Adviser has advised that, *The existing building structure has been used for many years as a service station and mechanical workshop. Therefore the external form and character of the building reflects this long term use. The access and existing parking areas are also common to such a use. The building has low heritage value the parking bays will not be detrimental to the setting of the building and the streetscape. Therefore the proposal meets the Performance Criteria with respect to heritage impacts.*
- k) *for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:*
 i) *the size of the dwelling and the number of bedrooms; and*
 ii) *the pattern of parking in the locality; and*
 iii) *any existing structure on the land.*
Comment: Not applicable the proposal is not for a residential building or multiple dwelling.

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Food services (restaurant, café, take-away)	1 space per 15m ² net floor area + 6 queuing spaces for drive-through	1 space per 75m ² net floor area.
Residential use in any zone other than General Residential	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings.	1 space per unit or 1 space per 5 bedrooms in other forms of accommodation.

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions		Performance Criteria	
A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1	Permanently accessible bicycle parking or storage spaces must be provided having regard to the:
A1.2	The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	a)	likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
		b)	location of the site and the distance a cyclist would need to travel to reach the site; and
		c)	availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: With a floor area of around 150m ² , 2 bicycle parking spaces are required. None were proposed, must address the performance criteria.		Comment: The applicant has suggested providing a steel loop on the rear wall of the building to chain up a bike and further indicated he would accept providing the steel loop on the Scone Street wall where it would be more accessible to customers. It is considered that this complies with the performance criteria. The permit should be conditioned as such.	

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions		Performance Criteria	
A1	One dedicated taxi drop-off and pickup space must be provided for	P1	No performance criteria.

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every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	
Comment: Less than 50 car spaces are required, so a taxi drop-off and pickup space is not required.	-

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: Less than 20 car spaces are required by Table E6.1 so a motorbike parking space is not required.	-

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: The existing parking spaces comply with a) and b). A condition is required for c). The 3 spaces proposed at the rear of the site do not comply, must be assessed against the performance criteria.	Comment: The applicant proposes that the three spaces at the rear be drained and finished in hardstanding (not sealed). This complies with the performance criteria. A condition is required.

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: The application seeks to use 3 existing spaces, one of which is forward of the building line. In response to the representations the applicant suggests an additional 3 spaces which will be behind the building line. Must address the performance criteria.	Comment: Council's Heritage Adviser advises that, 'the existing building structure has been used for many years as a service station and mechanical workshop. Therefore the external form and character of the building reflects this long term use. The access and existing parking areas are also common to such a use. The building has low heritage value the parking bays will not be detrimental to the setting of the building and the streetscape'. The 3 additional parking spaces in the rear yard will be largely screened by an existing fence. It is considered that the proposal complies with the performance criteria.
A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and

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<p><i>prescribed in Table E6.2 and Table E6.3, and</i></p> <p>A2.2 <i>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</i></p>	<p><i>convenience of users and passing traffic.</i></p>
<p>Comment:</p> <p>A2.1 a) Complies.</p> <p>A2.1 b) Complies</p> <p>A2.1 c) Complies.</p> <p>A2.2 Does not comply.</p>	<p>Comment: The existing car parking is considered to be convenient, safe and efficient given its previous use for parking associated with a motor repair centre. The proposed parking for staff at the rear of the site has sufficient space to turn on site.</p> <p>It is considered that the proposal complies with the performance criteria.</p>

Table E6.2: Access Widths for Vehicles

Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
1 to 5	3.0m	Every 30m

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.

Acceptable Solutions	Performance Criteria
<p>A1 <i>Car parking areas with greater than 20 parking spaces must be:</i></p> <p>a) <i>secured and lit so that unauthorised persons cannot enter or;</i></p> <p>b) <i>visible from buildings on or adjacent to the site during the times when parking occurs.</i></p>	<p>P1 <i>Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the:</i></p> <p>a) <i>levels of activity within the vicinity; and</i></p> <p>b) <i>opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.</i></p>
Comment: Not applicable as less than 20 parking spaces	N/a

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.

Acceptable Solutions	Performance Criteria
<p>A1 <i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i></p>	<p>P1 <i>The location and design of parking spaces considers the needs of disabled persons, having regard to:</i></p> <p>a) <i>the topography of the site;</i></p> <p>b) <i>the location and type of relevant facilities on the site or in the vicinity;</i></p> <p>c) <i>the suitability of access pathways from parking spaces, and</i></p> <p>d) <i>applicable Australian Standards.</i></p>
Comment: The requirement to provide parking for persons with a disability is controlled by the Building Code of Australia. A condition is required that All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	N/a
<p>A2 <i>Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with Australian Standards AS/NZ 2890.6 2009.</i></p>	<p>P2 <i>The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:</i></p> <p>a) <i>characteristics of the populations to be served;</i></p> <p>b) <i>their means of transport to and from the site; and</i></p> <p>c) <i>applicable Australian Standards.</i></p>
Comment: A condition is required.	N/a

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Acceptable Solutions	Performance Criteria
<p>A1 <i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i></p> <p>a) <i>at least one loading bay must be provided in</i></p>	<p>P1 <i>For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles</i></p>

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b) <i>accordance with Table E6.4; and loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i>	<i>associated with delivering and collecting people and goods where these are expected on a regular basis.</i>
Comment: A1 a) Does not comply. A1 b) Does not comply.	Comment: The applicant advises that there will be 1-2 small, insulated vans per week. A loading area is indicated next to the receipt/dispatch area. The application complies with the performance criteria.

Table E6.4: Loading bays

Floor area of the Building	Minimum Loading Bay Dimensions	
2600m ² or less in a single occupation	<i>Required Area</i>	27.4m ²
	<i>Required Length</i>	7.6m
	<i>Required Width</i>	3.6m
	<i>Required Height Clearance</i>	4.0m
For every additional 1,800m ² or part thereof of building floor area	An additional 18m ² of area	

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective:

To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Acceptable Solutions	Performance Criteria
<p>A1.1 <i>Bicycle parking spaces for customers and visitors must:</i></p> <p>a) <i>be accessible from a road, footpath or cycle track; and</i></p> <p>b) <i>include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and</i></p> <p>c) <i>be located within 50m of and visible or signposted from the entrance to the activity they serve; and</i></p> <p>d) <i>be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i></p> <p>A1.2 <i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i></p>	<p>P1 <i>Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</i></p>
Comment: Complies. Condition required to meet Australian Standard.	N/a
<p>A2 <i>Bicycle parking spaces must have:</i></p> <p>a) <i>minimum dimensions of:</i></p> <p>i) <i>1.7m in length; and</i></p> <p>ii) <i>1.2m in height; and</i></p> <p>iii) <i>0.7m in width at the handlebars; and</i></p> <p>b) <i>unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</i></p>	<p>P2 <i>Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</i></p>
Comment: Condition required for visitor parking.	Comment: Complies for staff parking inside the building.

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development

Acceptable Solution	Performance Criteria
A1 <i>Pedestrian access must be provided for in accordance with Table E6.5.</i>	P1 <i>Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</i>
Comment: Less than 10 parking spaces provided, therefore no separate pedestrian access required.	N/a

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Table E6.5: Pedestrian Access

Number of Parking Spaces Required	Pedestrian Facility
1–10	No separate access required (i.e. pedestrians may share the driveway). [Note (a) applies].
11 or more	A 1m wide footpath separated from the driveway and parking aisles except at crossing points. [Notes (a) and (b) apply].

Notes

- a) In parking areas containing spaces allocated for disabled persons, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the principal building.
- b) Separation is deemed to be achieved by:
 - i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
 - ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
 - iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

ASSESSMENT AGAINST E13.0 HERITAGE CODE

E13.6.10 Access Strips and Parking

Objective
To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.

Acceptable Solutions	Performance Criteria
A1 Car parking areas for non-residential purposes must be: <ul style="list-style-type: none"> a) located behind the primary buildings on the site; or b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in Table 1: Heritage Precincts, if any. 	P1 Car parking areas for non-residential purposes must not: <ul style="list-style-type: none"> a) result in the loss of building fabric or the removal of gardens or vegetated areas where this would be detrimental to the setting of a building or its historic heritage significance; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
Comment: Does not comply.	Heritage Adviser's comments: The existing building structure has been used for many years as a service station and mechanical workshop. Therefore, the external form and character of the building reflects this long term use. The access and existing parking areas are also common to such a use. The building has low heritage value, and the parking bays will not be detrimental to the setting of the building and the streetscape. Therefore, the proposal meets the Performance Criteria with respect to heritage impacts.

Management Objectives

To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct.

To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.

SPECIFIC AREA PLANS

F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a – the Specific Area Plan does not contain provisions relevant to this proposal.

SPECIAL PROVISIONS

9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a



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9.9 Port and Shipping in Proclaimed Wharf Areas	N/a
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
Strategic Plan 2017-2027	
<ul style="list-style-type: none">Statutory Planning	

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

Approve subject to conditions or refuse and state reasons for refusal.

7 DISCUSSION

Discretion to refuse the application is limited to the variation to the on-site car and bicycle parking.

Conditions that relate to any aspect of the application can be placed on a permit.

It is recommended that the application be approved with conditions requiring one bicycle parking space and an additional 3 car parking spaces be provided on site.

8 ATTACHMENTS

- Application & plans
- Responses from referral agencies
- Representations, applicant's response, representors' responses.

RECOMMENDATION

That land at 80 Main Road, Perth be approved to be developed and used for a change of use to Food Services (vary car parking provision) in accordance with application PLN-21-0152, and subject to the following conditions:

1 Layout not altered

The use and development must be in accordance with the endorsed documents:

- P1 (Site Plan, 25/5/2021);
- P2 (Existing Ground Floor Layout, 25/5/2021);
- P3 (Proposed Ground Floor Layout); and
- P4 (Proposed Hydraulic Services Layout).

2 Revised Plans Required

Before the use commences, revised plans must be submitted. The plans must be in accordance with the endorsed plans but revised to show 3 car parking spaces in the rear yard, surfaced with gravel or crushed rock and drained to council's stormwater system.

3 Bicycle Parking

Before the retail component commences, a rail or hoop to lock a bicycle to, that meets Australian Standard AS 2890.3 1993, must be installed on the Scone Street wall of the retail section.

4 Car Parking

- 4.1 Before the use commences, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed and drained in accordance with the endorsed plans.
- 4.2 Before the use commences, car parking spaces must be line marked or provided with other clear physical means to delineate car spaces.
- 4.3 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.

5 Noise Levels

Noise levels at the boundary of the site with any adjoining land must not exceed:

- a) 50dB(A) day time; and
- b) 40dB(A) night time; and
- c) 5dB(A) above background for intrusive noise.

6 TasWater conditions

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (Reference No. TWDA 2021/01292-NMC, 10/8/2021).

[DECISION](#)

Cr



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PLAN 2 PLANNING APPLICATION PLN-21-0151: 2 GIBBET HILL RISE, PERTH

Attachments: Section 1 – Page 287

File Number: 203300.3; CT 36262/1
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Development Supervisor

1 INTRODUCTION

This report assesses an application for 2 Gibbet Hill Rise, Perth to develop a 3-lot subdivision.

2 BACKGROUND

Applicant:

Jaffa International Pty Ltd

Zone:

Low Density Residential Zone

Owner:

Anthony Wayne King

Codes:

Bushfire Prone Areas Code
Road and Railway Assets Code
Car Parking and Sustainable Transport Code
Scenic Management Code
Recreation and Open Space Code

Classification under the Scheme:

Discretionary

Existing Use:

Residential

Deemed Approval Date:

16/08/2021

Recommendation:

Approve

Discretionary Aspects of the Application:

- Reliance on the performance criteria of the Low-Density Residential Zone (vary lot size and no reticulated services).
- Reliance on the performance criteria of the Road and Railway Assets Code (increase in movements at access with speed limit greater than 60km/h).

Planning Instrument:

- *Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26th April 2021*

Preliminary Discussion:

- Prior to the application becoming valid / being placed on public exhibition, further information was requested from the applicant for title information, submission addressing zone and code provisions and a Traffic Impact Assessment.

Subject site



3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required without such permit.

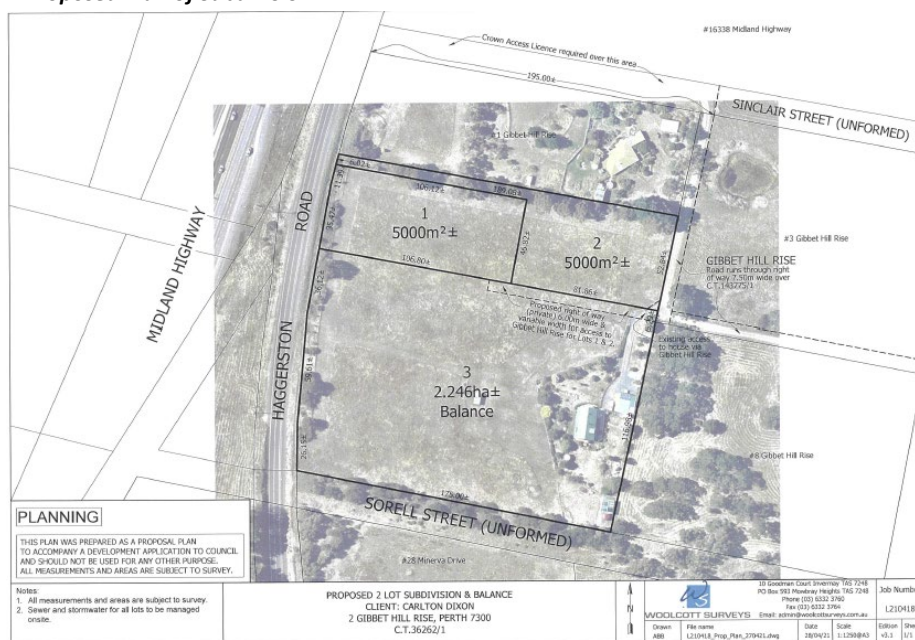
4 ASSESSMENT

4.1 Proposal

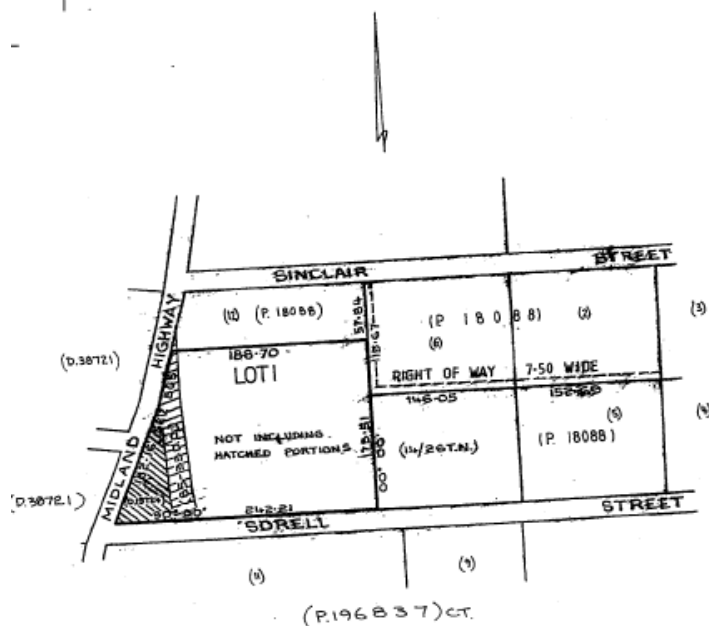
It is proposed to:

- Develop a 3 lot subdivision, incorporating two 5000m² lots and a 2.246ha balance lot containing the existing dwelling.

Proposed Plan of Subdivision

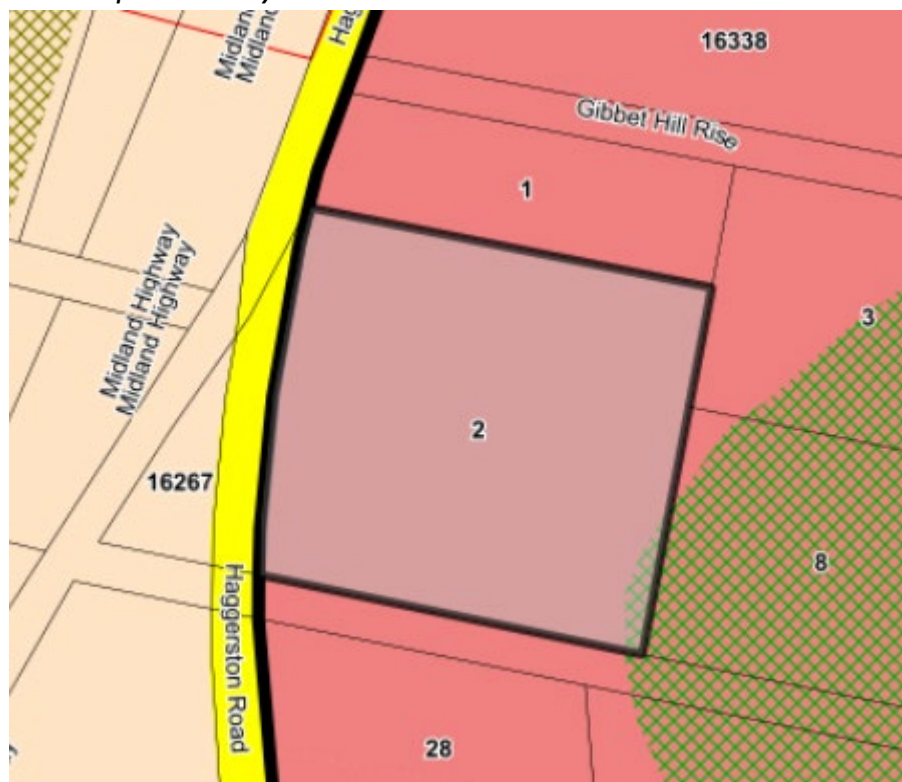


Current title plan



4.2 Zone and land use

Zone Map – Low Density Residential Zone



The land is zoned Low Density Residential and is subject to the Bush Fire Prone Area Code, Road and Railway Assets Code, Carparking and Sustainable Transport Code and Scenic Management Code.

The relevant Planning Scheme definition is:

<i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing.</i>
<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
<i>outbuilding</i>	<i>means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a</i>

garage, carport or shed.

Residential (single dwelling) is Discretionary in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on the 9th August 2021. The subject site consists of a total area of approximately 3.246ha and currently contains an existing dwelling and outbuilding. The remainder of the site is vacant pasture. Although the site has frontage to Haggerston Road, the site is accessed via a Crown Land Road Reserve and private right of way. Established residential uses surround the site on similar sized lots.

Aerial photograph of area



Photographs of subject site









4.4 Permit/site history

Relevant permit history includes:

P DA121/94 - A W King - Dwelling
203300.3 - 2 Gibbet Hill Rise - Perth - KING Anthony Wayne

P P03/345 - T King - oversized outbuilding
203300.3 - 2 Gibbet Hill Rise - Perth - KING Anthony Wayne

P P08-193 - A King - ensuite
203300.3 - 2 Gibbet Hill Rise - Perth - KING Anthony Wayne

4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's Records management system after completion of the public exhibition period revealed that representations (attached) were received from:

- Richie Dell, 7 Gibbet Hill Rise, Perth

- Erin & Dennis Eiffe, 1 Gibbet Hill Rise, Perth

Map showing location of representors properties in relation to subject site (subject site highlighted, representors property outlined in red)



The matters raised in the representations are outlined below followed by the planner's comments.

Issue 1

- Change in character of the area in terms of ownership and land management.

Planner's comment:

The proposal does propose to vary the minimum lot size below 1ha (10,000m²) to half that size (2 x 5000m² lots). Reliance on the performance criteria requires assessment against part (e) of clause 12.4.3.1, which states: *Each lot for residential use must provide sufficient useable area and dimensions to allow for: (e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.*

The surrounding development consists of single dwellings, which are a permitted use in the zone. It is anticipated that if approved, the proposed lots would also be developed with single dwellings. The surrounding lots in Gibbet Hill Rise are between 1-1.5ha. A recently approved subdivision to the north of the subject site approved lot sizes of 5399m² and south of the site in Minerva Drive, the low density lots have a minimum lot size of approximately 1ha. Approximately 600m northwest of the site, Council has also recently approved subdivision for two 5000m² lots, with subdivision for similar sized lots adjacent to this site currently on public exhibition.

Amenity is a subjective concept and the level of impact will vary between individuals; however, given the permitted status of residential use in the zone and examples of similar lot sizes in the surrounding area, the proposed development is not considered to adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.

Issue 2

- Increased traffic movements on narrow private roadway. Maintenance required by landowners. Issues associated with vehicle speeding in local area.

Planner's comment:

Given the site is accessed via a Crown Land Road Reserve and Private Right of Way, these matters are not afforded consideration by the Planning Scheme provisions.



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Issue 3

- Insufficient room for waste removal trucks to turn within Right of Way.

Planner's comment:

Given the site is accessed via a Crown Land Road Reserve and Private Right of Way, these matters are not afforded consideration by the Planning Scheme provisions.

Issue 4

- Impact of dust from increased traffic movements on water quality (tank water).

Planner's comment:

Given the site is accessed via a Crown Land Road Reserve and Private Right of Way, these matters are not afforded consideration by the Planning Scheme provisions.

Issue 5

- Loss of privacy due to increased density and position of proposed lots

Planner's comment:

Council's assessment is limited to the relevant provisions of the Planning Scheme, which unfortunately don't consider the location of lots in proximity to existing residential uses.

Issue 6

- Private (developer) profit making at the expense of amenity of long term residents

Planner's comment:

This is not a matter for consideration under the Planning Scheme.

Issue 7

- Blasting

Planner's comment:

Shot-firing (blasting) permits are regulated by WorkSafe Tasmania (or an interstate shot-firing authority recognised by WorkSafe Tasmania) and is not a matter for consideration under the Planning Scheme.

Issue 8

- Vegetation maintenance – retention of trees along boundary of #1 and #2 Gibbet Hill Rise.

Planner's comment:

Vegetation removal would be exempt from removal under clause 5.4.1 (if for safety reasons) or 5.4.3 if not protected by a permit condition or part 5 agreement.

5.4.3	landscaping and vegetation management	Landscaping and vegetation management within a private garden, public garden or park, or within State-reserved land or a council reserve, if: (a) the vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant; or (b) the vegetation is not specifically listed and described as part of a historic heritage place or a significant trees in the relevant interim planning scheme, unless the management is incidental to the general maintenance.
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Given the reduction in lot size and the protection the trees provide in terms of maintaining amenity, it would not be unreasonable to require their retention (unless removal required for safety reasons as endorsed by a qualified arborist) through the provision of a part five agreement. The Bushfire Report accompanying the application takes into account the existing site conditions with the trees in situ. Council, under the S85(d)(ix) of the Local Government (Building and



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Miscellaneous Provisions) Act 1993 may refuse to approve a plan of subdivision if it is of the opinion that the layout should be altered to include or omit provision for the preservation of trees and shrubs.

Issue 9

- Stormwater and Wastewater has potential to impact on adjoining properties.

Planner's comment:

Any new development on the site will be subject to a plumbing permit and suitable on-site wastewater and stormwater design.

The supplied Onsite Wastewater Disposal Report, prepared by Environmental Services and Design Pty Ltd, indicates from sampling conducted that system selection is restricted for the on-site wastewater design, but that the lots are not constrained from accommodating an approved or accredited on-site wastewater system. The report notes:

Based on the results of the site assessment and soil sampling an on-site wastewater system based on either primary or secondary treatment system and designed in accordance with AS/NZS1547-2012 will be required.

The system selection and location of the on-site wastewater disposal area will be dependent upon the size of any dwelling proposed, its position within the lot and site-specific soil sampling and on-site wastewater design in accordance with AS/NZS1547-2012.

Lot 3 has an existing approved wastewater system, and the subdivision plan indicates the existing system will remain wholly within the new lot.

Lot 3, containing the existing dwelling, will not result in any increase or alteration of the stormwater volumes.

Lots 1 and 2 with an area of 5,000m² each, have adequate area for on-site disposal of stormwater through raised or sub-surface trenches or beds clear of wastewater areas and accesses.

4.6 Referrals

The following referral were required:

Council's Works Department

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application on the 10.08.2021 their recommended conditions are included in the conditions of approval.

TasWater

Not applicable to this application.

Department of State Growth

Precis: The application was referred to the Department of State Growth, who responded on the 27th July 2021 (Ref: D21/169452) who advised the Department have no comment to make regarding this application.

Minister administering Crown Lands

Precis: Application signed by the Minister's Delegate.

4.7 Planning Scheme Assessment

LOW DENSITY RESIDENTIAL ZONE	
ZONE PURPOSE	
12.1.1	<i>Zone Purpose Statements</i>
12.1.1.1	<i>To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.</i>
12.1.1.2	<i>To provide for non-residential uses that are compatible with residential amenity.</i>
12.1.1.3	<i>To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.</i>
Assessment: The proposal meets the zone purpose.	



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LOCAL AREA OBJECTIVES

To make provision for any additional future needs in low-density residential development at Avoca, Campbell Town, Cressy, Devon Hills and Longford by the incremental expansion of those areas already established for the purpose.

Assessment: The proposal meets the local area objectives.

USE AND DEVELOPMENT STANDARDS

12.3.1 Amenity

Objective

To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.

Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
Complies with A1.	N/a
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
N/a	N/a
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.
Complies with A3.	N/a

12.3.2 Low Density Residential Character

Objective

To ensure that discretionary uses support the:

- a) visual character of the area; and
- b) local area objectives, if any.

Acceptable Solutions	Performance Criteria
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2 No performance criteria.
A3 Waste material storage for discretionary uses must: a) not be visible from the road to which the lot has frontage ; and b) use self-contained receptacles designed to ensure waste does not escape to the environment.	P3 No performance criteria.
A1 – A3 – N/a – a residential use is a permitted use in the zone.	N/a

12.4.3 Subdivision

12.4.3.1 Lot Area, Building Envelopes and Frontage

Objective

To ensure:

- a) the area and dimensions of lots are appropriate for the zone; and
- b) the conservation of natural values, vegetation and faunal habitats; and
- c) the design of subdivision protects adjoining subdivision from adverse impacts; and
- d) each lot has road, access, and utility services appropriate for the zone.

Acceptable Solutions	Performance Criteria
A1.1 Each lot must: a) have a minimum area of	P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:

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<p>1ha; and</p> <p>b) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p> <p>c) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>d) be for the provision of public utilities; or</p> <p>e) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>f) to align existing titles with zone boundaries and no additional lots are created.</p> <p>A1.2 Subdivision at Devon Hills will not result in any new lots.</p>	<p>a) a dwelling to be erected in a convenient and hazard free location; and</p> <p>b) on-site parking and manoeuvrability; and</p> <p>c) adequate private open space; and</p> <p>d) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</p> <p>e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</p> <p>P1.2 Land in Devon Hills must not be further subdivided</p>
<p>A1.1 (a) Relies on performance criteria. The application proposes to vary the 1ha minimum lot size required by the acceptable solution.</p>	<p>Complies with P1.1 as follows:</p> <p>a) Each of the proposed 5000m² lots will allow sufficient area for a dwelling to be established in a convenient and hazard free location. The balance lot already contains a dwelling. The submitted Bushfire Report contains a Hazard Management Area Plan that shows a dwelling could be established within a 12.5 BAL area on each of the proposed lots.</p> <p>b) Sufficient space is available for on-site parking and manoeuvrability for a future dwelling on each of the proposed lots and for the existing dwelling.</p> <p>c) Sufficient space is available for private open space for a future dwelling on each of the proposed lots and for the existing dwelling.</p> <p>d) Each lot has sufficient useable area and dimensions to allow for vehicle access to both the existing dwelling and future dwellings on the proposed lots. Although each lot has frontage to Haggerston Road, access is proposed via the established private roadway of the Crown Land Road Reserve and private Right of Way.</p>
<p>A2 Each lot must have a frontage of at least 6m.</p>	<p>P2 No performance criteria.</p>
<p>Complies with A2. Note: The requirement for frontage does not imply access via this route.</p>	<p>N/a</p>
<p>A3 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <p>a) in a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) capable of accommodating an on-site wastewater management system.</p>
<p>Relies on P3. No water or sewerage connections are proposed.</p>	<p>The proposal relies on P3 for compliance as follows:</p> <p>a) The applicant submitted the following to demonstrate compliance with P3 (a):</p> <p><i>“The wastewater assessment that accompanies this application demonstrates that each lot can be provided with an on-site wastewater management system.</i></p> <p><i>In terms of whether the site is within a locality where reticulated services are available and capable of being connected, Tribunal Decision 6ty Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29 (20 December 2019) provides context around the interpretation of P3 and given it relates to a neighbouring property also provides context specific to the area.</i></p> <p><i>At 15., the Tribunal considered the steps in considering P3(a) as:</i></p> <p><i>a) to identify the relevant locality</i></p> <p><i>b) to determine whether reticulated water supply services are available in that locality; and</i></p> <p><i>c) if they are available, determine whether the reticulated water supply service is capable</i></p>

of being connected to the lots in the subdivision.

If the lots in the subdivision are in a locality for which reticulated water supply services are not available, then P3(a) will be satisfied. If they are in a locality in which reticulated water supply services are available, then P3(a) will still be satisfied if the services are not capable of being connected to the lots.

In respect of the subject site, it is submitted that it is within a locality where water supply services are available as evidenced by the Figure 5 showing the site in the context of TasWater water serviced land.



Figure 5: Subject site in relation to TasWater serviced land (identified in Turquoise)

As per the Tribunal Decision, as the site is within a locality where reticulated services are available, it is necessary to consider whether reticulated water supply services are capable of being connected.

The Tribunal Decision looked at costings of bringing the water supply from Devon Hills through to the site that was subject of that appeal which is to the north of the subject site at 16338 Midland Hwy, Perth. The cost of bringing water to that lot varied amongst the experts but a middle ground would be at \$400k. To get it to the subject site would be further 300m of water pipeline which would likely add another \$100k resulting in \$500k of costs. Additional infrastructure costs i.e on-site wastewater systems, crossovers and internal reticulation of water would add approximately another \$13k in costs per lot. Thus, the overall cost per lot for the 3 proposed lots would be \$171k. Lots 1 and 2 would be expected to fetch \$200, 000 - \$220, 000 at sale. Whilst Lot 3 would obtain a much higher price (\$500, 000) given it has a dwelling on it, it is appropriate for this exercise to discount the capital value added by the dwelling. That site as a vacant lot would be expected to obtain a \$300, 000 price. The cost of servicing each lot with connection to reticulated water is therefore between 57%-77% of expected sale price. It is submitted that any cost greater than 50% is unreasonable, particularly as these figures do not factor in the land cost itself.

With respect to connection to the water main to the south, initial indications are that costs are greater to connect to this point. TasWater will not run a water main through private property so the distance will be similar to the northern connection plus there is a significant elevation to overcome and the cost of construction would likely be more due to presence of rock.

On the basis of the above it is submitted that P3 (a) is met as whilst the site is within a locality where reticulated services are available, the cost of extending those services will be greater than 50% of expected price of lots not taking account land cost."

b) The supplied wastewater report indicates that each lot is capable of accommodating an on-site wastewater management system.

A4	Each lot must be	P4	Stormwater may only be discharged from the site in a manner that will not
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connected to a reticulated stormwater system.	<p>cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <p>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</p> <p>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</p> <p>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</p> <p>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</p>
Relies on P4 for compliance.	Complies with P4 – Stormwater is proposed to be disposed of on-site, as demonstrated by the supplied onsite wastewater assessment.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Complies – Refer Bushfire Report & certification prepared by Livingston Natural Resource Services, dated 5 th May 2021.
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below.
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0 SCENIC MANAGEMENT CODE	Complies – See code assessment below.
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	Complies – See code assessment below.
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective

To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety



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more than a total of 40 vehicle entry and exit movements per day	for all road users, including pedestrians and cyclists.
N/a	N/a
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Relies on P3.	Relies on P3 as follows: a) Haggerston Road is a limited access road; however, access is proposed via the existing junction known as Gibbet Hill Rise (Crown Access Road) and is therefore compliant with part (a). b) The Traffic Impact Assessment supplied with the proposal concludes that “Haggerston Road currently does not have a classification, however given its function as an access road and given the new Midland Highway corridor located immediately adjacent, it is unlikely that Category 1, 2 or 3 would apply. On this basis, P3(b) is satisfied.” c) The increase in traffic movements at the junction of the Crown Access Road and Haggerston Road is assessed as meeting part (c). The supplied Traffic Impact Assessment concludes that “the alignment of Haggerston Road is relatively straight on the southbound approach to the intersection, and the road has a gentle bend on the northbound approach to the intersection. There is a minor crest to the north, however this does not impact on visibility. Vegetation is set back from the roadway such that sight lines are relatively unaffected. The available sight distance exceeds 250 metres in both directions, satisfying Planning Scheme requirements for up to 100 km/h. A review of Department of State Growth crash data reveals there have been 3 recorded crashes at this intersection: one rear end collision in 2009 and two rear end collisions in 2011. There have been no crashes at this location since. On the basis of low traffic volumes, sufficient sight distance for the prevailing vehicle speed, and an absence of significant crash history at this site, it is considered that an adequate level of safety would be maintained.”

E4.7 Development Standards

E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:	
a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h: a) new road works, buildings, additions and extensions, earthworks and landscaping works; and b) building areas on new lots; and c) outdoor sitting, entertainment and	P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to: a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and

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children's play areas	c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.
Complies with A1.	N/a

E4.7.2 Management of Road Accesses and Junctions

Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
N/a	N/a
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	P2 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Complies with A2 – access to Haggerston Road is existing.	N/a

E4.7.3 Management of Rail Level Crossings

Objective To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
Acceptable Solutions	Performance Criteria
A1 Where land has access across a railway: a) development does not include a level crossing; or b) development does not result in a material change onto an existing level crossing.	P1 Where land has access across a railway: a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and b) the proposal is dependent upon the site due to unique resources, characteristics or location attributes and the use or development will have social and economic benefits that are of State or regional significance; or c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and d) an alternative access or junction is not practicable.
N/a	N/a

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
Acceptable Solutions	Performance Criteria
A1 Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with AS1742.7	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.

Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	
Table E4.7.4 requires 140m site distance based on the posted speed limit of 70km/h. The supplied Traffic Impact Assessment concludes that the available sight distance exceeds 250 metres in both directions, satisfying Planning Scheme requirements for up to 100 km/h. A1 is therefore met.	N/a

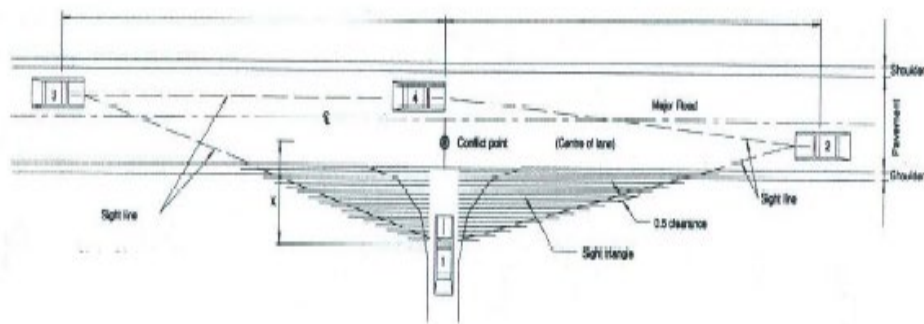


Figure E4.7.4 Sight Lines for Accesses and Junctions

X is the distance of the driver from the conflict point.

For category 1, 2 and 3 roads X = 7m minimum and for other roads X = 5m minimum.

Table E4.7.4 Safe Intersection Sight Distance (SISD)

Vehicle Speed	Safe Intersection Sight Distance (SISD) metres, for speed limit of:	
km/h	60 km/h or less	Greater than 60 km/h
50	80	90
60	105	115
70	130	140
80	165	175
90		210
100		250
110		290

Notes:

- (a) Vehicle speed is the actual or recorded speed of traffic passing along the road and is the speed at or below which 85% of passing vehicles travel.
- (b) For safe intersection sight distance (SISD):
 - (i) All sight lines (driver to object vehicle) are to be between points 1.2 metres above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5 metres to the side and below, and 2.0 metres above all sight lines;
 - (ii) These sight line requirements are to be maintained over the full sight triangle for vehicles at any point between positions 1, 2 and 3 in Figure E4.7.4 and the access junction;
 - (iii) A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2 in Figure E4.7.4;
 - (iv) A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
 - (v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

**ASSESSMENT AGAINST E6.0
CAR PARKING & SUSTAINABLE TRANSPORT CODE**

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.	
Acceptable Solutions	Performance Criteria
A1 The number of car parking spaces	P1 The number of car parking spaces provided must have regard to:

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<p>must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>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</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>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</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
<p>Comment: Complies. Each lot has sufficient area for two car parking spaces on the proposed lots. The existing dwelling has an existing provision for parking.</p>	<p>Comment: Not applicable.</p>

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
<i>Residential:</i>	Vehicle	Bicycle
<i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	<i>2 spaces per dwelling</i>	<i>1 space per unit.</i>

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>Comment: Complies. Each lot has sufficient space for existing or future bicycle parking.</p>	<p>Comment: Not applicable.</p>

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
<p>A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).</p>	<p>P1 No performance criteria.</p>

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Comment: Not applicable.

Comment: Not applicable.

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Acceptable Solutions		Performance Criteria	
A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1	No performance criteria.
Comment: Not applicable.		Comment: Not applicable.	

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Acceptable Solutions		Performance Criteria	
A1	All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1	All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: Complies for existing dwelling. To be assessed when lot 1 & 2 are developed.		Comment: Not applicable.	

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Acceptable Solutions		Performance Criteria	
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1	The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.		
Comment: Complies for existing dwelling. To be assessed when lot 1 & 2 are developed.		Comment: Not applicable.	
A2.1	Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and	P2	Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
A2.2	The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .		
Comment: Complies for existing dwelling. To be assessed when lot 1 & 2 are developed.		Comment: Not applicable.	

Table E6.2: Access Widths for Vehicles

Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
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1 to 5	3.0m	Every 30m
6 to 20	4.5m for initial 7m from road carriageway and 3.0m thereafter.	

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.

Acceptable Solutions		Performance Criteria	
A1	Car parking areas with greater than 20 parking spaces must be:	P1	Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the:
a)	secured and lit so that unauthorised persons cannot enter or;	a)	levels of activity within the vicinity; and
b)	visible from buildings on or adjacent to the site during the times when parking occurs.	b)	opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
Comment: Not applicable.		Comment: Not applicable.	

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.

Acceptable Solutions		Performance Criteria	
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1	The location and design of parking spaces considers the needs of disabled persons, having regard to: <ul style="list-style-type: none"> e) the topography of the site; f) the location and type of relevant facilities on the site or in the vicinity; g) the suitability of access pathways from parking spaces, and h) applicable Australian Standards.
Comment: Not applicable. Dwellings do not require parking for persons with a disability.		Comment: Not applicable.	
A2	Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2	No performance criteria.
Comment: Not applicable.		Comment: Not applicable.	

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Acceptable Solutions		Performance Criteria	
A1	For retail, commercial, industrial, service industry or warehouse or storage uses:	P1	For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
a)	at least one loading bay must be provided in accordance with Table E6.4; and		
b)	loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.		
Comment: Not applicable.		Comment: Not applicable.	

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective:

To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Acceptable Solutions		Performance Criteria	
A1.1	Bicycle parking spaces for customers and visitors must:	P1	Bicycle parking spaces must be safe,

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<p>a) be accessible from a road, footpath or cycle track; and</p> <p>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</p> <p>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</p> <p>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</p> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>secure, convenient and located where they will encourage use.</p>
<p>Comment: Complies with A1.2 for existing dwelling. To be assessed when lot 1 & 2 are developed.</p>	<p>Comment: Not applicable.</p>
<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p>i) 1.7m in length; and</p> <p>ii) 1.2m in height; and</p> <p>iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<p>Comment: Complies with A2 for existing dwelling. To be assessed when lot 1 & 2 are developed.</p>	<p>Comment: Not applicable.</p>

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>	<p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>
<p>Comment: Complies with A1 – no separate access required.</p>	<p>Comment: Not applicable.</p>

Table E6.5: Pedestrian Access

Number of Parking Spaces Required	Pedestrian Facility
1–10	<i>No separate access required (i.e. pedestrians may share the driveway). [Note (a) applies].</i>
11 or more	<i>A 1m wide footpath separated from the driveway and parking aisles except at crossing points. [Notes (a) and (b) apply].</i>

Notes

- a) In parking areas containing spaces allocated for disabled persons, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the principal building.
- b) Separation is deemed to be achieved by:
- i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
- ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
- iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

ASSESSMENT AGAINST E7.0 SCENIC MANAGEMENT CODE

E7.6 Development Standards

E7.6.1 Scenic Management – Tourist Road Corridor

<p>Objective</p> <p>(a) To enhance the visual amenity of the identified tourist road corridors through appropriate:</p> <p>i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and</p> <p>ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and</p> <p>iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and</p>

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- iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
- v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- (b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

Acceptable Solutions	Performance Criteria
A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.	<p>P1 Development (not including subdivision) must be screened when viewed from the road within the tourist road corridor having regard to:</p> <ul style="list-style-type: none"> a) the impact on skylines, ridgelines and prominent locations; and b) the proximity to the road and the impact on views from the road; and c) the need for the development to be prominent to the road; and d) the specific requirements of a resource development use; and e) the retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and f) whether existing native or significant exotic vegetation within the tourist road corridor is managed to retain the visual values of a touring route; and g) whether development for forestry or plantation forestry is in accordance with the 'Conservation of Natural and Cultural Values – Landscape' section of the <i>Forest Practices Code</i>; and h) the design and/or treatment of development including: <ul style="list-style-type: none"> i) the bulk and form of buildings including materials and finishes; ii) earthworks for cut or fill; iii) complementing the physical (built or natural) characteristics of the site.
Comment: N/a	Comment: N/a
A2 Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.	<p>P2 Subdivision that alters any boundaries within the areas designated as 'scenic management – tourist road corridor' must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to:</p> <ul style="list-style-type: none"> a) site size; and b) density of potential development on sites created; and c) the clearance or retention of vegetation in combination with requirements for hazard management; and d) the extent of works required for roads or to gain access to sites including cut and fill; and e) the physical characteristics of the site and locality; and f) the scenic qualities of the land that require management.
Complies with A2.	N/a

E7.6.2 Local Scenic Management Areas – N/a

Objective	
<ul style="list-style-type: none"> a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area. 	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Development (not including subdivision) must have regard to the:</p> <ul style="list-style-type: none"> a) character statement and scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas; and b) impact on skylines, ridgelines and prominent locations; and c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and

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	d) design or treatment of development including: i) the bulk and form of buildings including materials and finishes; and ii) earthworks for cut or fill; and iii) complementing the physical (built or natural) characteristics of the site or area.
N/a	N/a
A2 No acceptable solution.	P2 Subdivision must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to: a) the local scenic management area – character statement; and b) site size; and c) density of subsequent development; and d) the clearance or retention of vegetation in combination with requirements for hazard management; and e) the extent of works required for roads and to gain access to sites including cut and fill; and f) the physical characteristics of the site and locality; g) any plan over the land through an agreement under S71 of the Act.
N/a	Complies with P2. Only a very small portion of the eastern side of the balance lot is encumbered by the Scenic Management Area. As no works or new lots are proposed within the area encumbered, the scenic management objectives are met.

Table E7.1 – Local Scenic Management Areas

Local Scenic Management Areas are typically found in the northern and western areas of the Municipality – <ul style="list-style-type: none"> On elevated bushland areas in the vicinity of Mount Arnon, Gibbet Hill, the ridges west of the Midland Highway between Devon Hills and Launceston, and Devon Hills west of Translink, In the vicinity of important tourism routes north and south of Evandale village, and on the slopes of the Western Tiers west of Blackwood Creek and extending southward past Poatina to Lake River Road <ol style="list-style-type: none"> 1 Mt Arnon 2 Gibbet Hill 3 Devon Hills 4 Evandale 5 Great Western Tiers 6 O'Connor's Peak 7 O'Connor's Sugarloaf 	
Character Statement – Areas 1,5,6,7 – undeveloped tree covered skylines and bushland cover on elevated slopes with high habitat values, visible along important tourism routes and other through roads Areas 2,3 – low density settlement areas with remnant tree cover on skylines visible along important tourism routes Area 4 – pastoral views across river flood plains and grazing land visible along important tourism routes	
Scenic Management Objectives – Areas 1,5,6,7 – retention of natural tree cover on skylines and existing bushland cover on elevated slopes and of pastoral views across river flood plains Areas 2,3 – retain remnant tree cover on skylines and limit further development to low density and low impact Area 4 – protect pastoral views across grazing land and river flood plains wherever visible along tourism routes or through roads from unsympathetic development	
Scenic Management Criteria – development of land does not: <ul style="list-style-type: none"> intrude onto skylines or river flood plains, or change the landscape character of elevated areas, pastoral scenes or river flood plain views as seen from tourist corridors or through roads 	
Local Criteria: None	Measurement or qualifier: Visible from a tourist route or through road



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ASSESSMENT AGAINST E10.0 RECREATION AND OPEN SPACE CODE

E10.6 Development Standards

E10.6.1 Provision of Public Open Space

Objective

- a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and
- b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.

Acceptable Solutions	Performance Criteria
<p>A1 The application must:</p> <p>a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.</p>	<p>P1 Provision of public open space, unless in accordance with Table E10.1, must:</p> <p>a) not pose a risk to health due to contamination; and</p> <p>b) not unreasonably restrict public use of the land as a result of:</p> <p>i) services, easements or utilities; and</p> <p>ii) stormwater detention basins; and</p> <p>iii) drainage or wetland areas; and</p> <p>iv) vehicular access; and</p> <p>c) be designed to:</p> <p>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</p> <p>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</p> <p>iii) be cost effective to maintain; and</p> <p>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</p> <p>v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and</p> <p>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</p> <p>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</p> <p>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</p>
Complies with A1 (a) – GM consent to Cash Payment in lieu of private open space provided on the 10.08.2021.	N/a

SPECIFIC AREA PLANS

F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a

SPECIAL PROVISIONS

9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a

STATE POLICIES

The proposal is consistent with all State Policies.



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OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

The proposal is consistent with the objectives of the *Land Use Planning & Approvals Act 1993*.

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

Strategic Plan 2017-2027

- *Statutory Planning*

5 SERVICES

Effluent Disposal

The supplied Onsite Wastewater Report states: *Based on the subdivision site and soil evaluation and the soil profiles discovered lots 1 and 2 require either primary or secondary treatment on-site wastewater systems designed in accordance with AS/NZS1547-2012.*

Stormwater

The supplied Onsite Wastewater Report states: *Proposed lots 1 and 2 have adequate area to dispose of stormwater generated during a 1% AEP rainfall event without creating a nuisance.*

Access

Access to the site from Haggerston Road is via a Crown road reserve and private right of way. Council does not have ownership over, or maintain any portion of these roads.

Public Open Space Contribution

In addition, it is considered appropriate to apply the public open space contribution to additional lots created as specified in the *Local Government (Building & Miscellaneous Provisions) Act 1993* as this subdivision is in a township area, in accordance with Council's Policy.

The Public Open Space Rate

1 *The Public Open Space Rate shall be \$1400 per additional lot created (i.e. A subdivision that turns one lot into four has created three additional lots and will attract a public open space contribution/fee of \$4,200.)*

OR

2 *The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots (or strata units). The Public Open Space Rate shall total 5% of that value.*

6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		✓
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		✓
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		✓
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?		✓
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		✓
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council		✓

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	may permit a specific form of on-site sewerage treatment?		
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		✓
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		✓
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		✓
	If 'yes', refuse the subdivision.		
Section 85	Refusal of application for subdivision		
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		✓
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		✓
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		✓
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		✓
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		✓
85(d)(iii)	public open space;		✓
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		✓
85(d)(v)	private roads, ways or open spaces;		✓
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		✓
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		✓
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		✓
85(d)(ix)	provision for the preservation of trees and shrubs;		✓
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		✓
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		✓
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		✓
85(g)(ii)	party-wall easements;		✓
85(g)(iii)	the state of a party-wall on its boundary.		✓
Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓

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86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		✓
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		✓
86(2)(f)	the filling in of ponds and gullies;		✓
86(2)(g)	the piping of watercourses.		✓
	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
Section 108	Road widening	Yes	No
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		✓
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		✓

7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

Approve subject to conditions, or refuse and state reasons for refusal.

7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the Low-Density Residential Zone (vary lot size and no reticulated services).
- Reliance on the performance criteria of the Road and Railway Assets Code (increase in movements at access with speed limit greater than 60km/h).

The application received two representations, noting concerns on a wide range of issues. The provisions of the Planning Scheme limit the ability to take some of these concerns into consideration, while others may be dealt with via permit conditions.

Conditions that relate to any aspect of the application can be placed on a permit. The proposal will be conditioned to be used and developed in accordance with the proposal plans.

8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Responses from referral agencies



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C. Representations & applicant's response

RECOMMENDATION

That land at 2 Gibbet Hill Rise, Perth be approved to be developed and used for a 3 Lot Subdivision in accordance with application PLN-21-0151, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1** *Plan of Subdivision, prepared by Woolcott Surveys (Job No: L210418, Sheet No's: 1/1, Dated: 28/04/2021, v3.1), & D1 Bushfire Hazard Management Report: Subdivision, prepared by Scott Livingston – Livingston Natural Resource Services, dated 5th May 2021 & D2 Onsite Wastewater Disposal Assessment, prepared by Environmental Service and Design Pty Ltd, dated 3rd June 2021, & D3 Traffic Impact Statement, prepared by Mark Petrusma (GHD), dated 14.07.2021, ref: 12553019.*

2 Council's Works Department conditions

2.1 Separation of stormwater services

- a) All existing stormwater pipes and connections must be located.
- b) Where required, pipes are to be rerouted to provide an independent system for each lot.
- c) Certification must be provided that stormwater services have been separated between the lots.

3 Part five agreement

The applicant shall enter into, and comply with all conditions of, an agreement under Part 5 of the Act with the Northern Midlands Council to provide for the following:

- a) The tree lane along the northern boundary of lots 1 & 2 must be retained and maintained unless removal is required for safety reasons as endorsed by a qualified arborist and approved by Council.
- b) Prior to commencement of any works on lots 1 & 2, the owner of these lots must apply for and successfully gain a Crown Access Licence over the road reserve known as "Gibbet Hill Rise".
- c) Vehicle access from lot 1 & 2 to Haggerston Road is not permitted without further planning approval.

This agreement must be prepared by the applicant and provided to the Council (with a cheque for the Recorder of Titles for the fee for the registration of the Agreement) for forwarding to the Land Titles Office with the final plan of survey.

4 Public Open Space Contribution

A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy:

- *The Public Open Space Rate shall be \$1,400 per additional lot created.*

OR

- *The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots. The Public Open Space Rate shall total 5% of that value.*

5 Sealing of plans

All conditions must be complied with prior to sealing of the final plan of survey. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

DECISION

Cr

PLAN 3 PLANNING APPLICATION PLN-20-0297: 50 MAIN ROAD, PERTH

Attachments: Section 1 – Page 377

File Number: 108900.83
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report assesses an application for a 2 lot subdivision at 50 Main Road, Perth.

2 BACKGROUND

Applicant:
Abode Designer Homes
Zone:
General Residential Zone

Classification under the Scheme:
Subdivision
Deemed Approval Date:
21 August 2021

Owner:
Matthew Kemprich
Codes:
Road and Railway Assets Code, Carparking and Sustainable Transport Code, Local Historic Heritage Code.
Existing Use:
Residential (single dwelling)
Recommendation:
Approve with conditions

Discretionary Aspects of the Application:

- Lot 1 less than 450m².
- Variation to solar orientation provision.
- Variation of sight distance to east.
- Subdivision of heritage listed property.

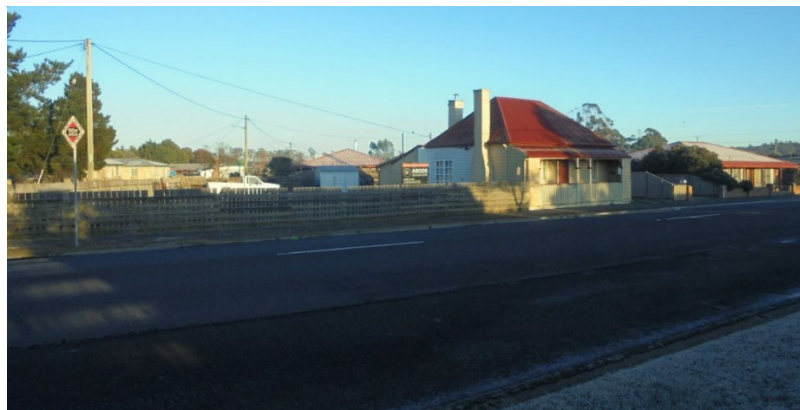
Planning Instrument:

- *Northern Midlands Interim Planning Scheme 2013, Version 32, Effective from 19 October 2021.*

Preliminary Discussion:

- Prior to the application being placed on public exhibition, further information was requested from the applicant (attached), following which the applicant held a meeting with the Tasmanian Heritage Council's Works Manager, and the Northern Midlands Council's Heritage Adviser and Senior Planner.

Figure 5- Subject site from Main Road



3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e., a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required without such permit.

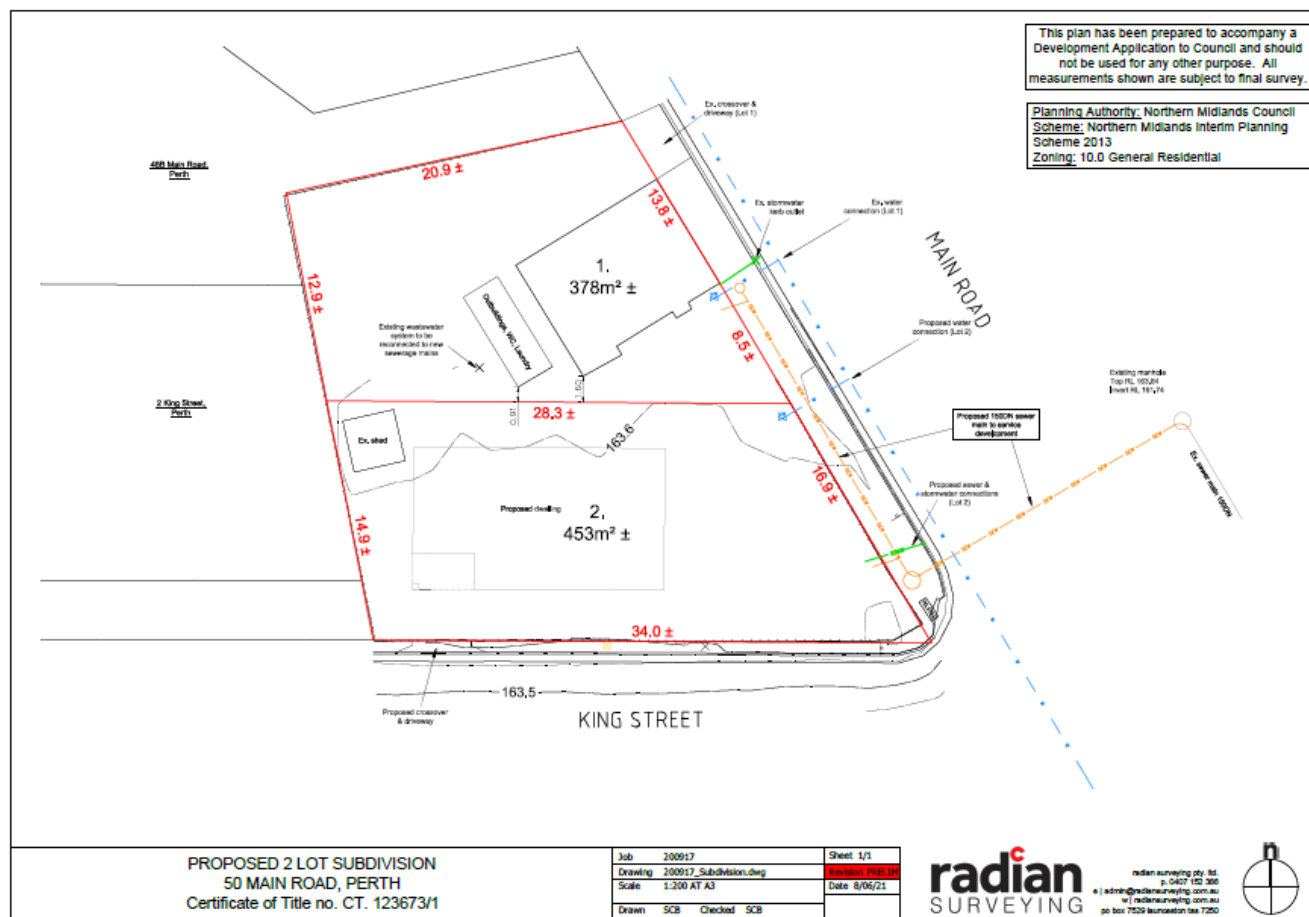
4 ASSESSMENT

4.1 Proposal

It is proposed to create a two-lot subdivision:

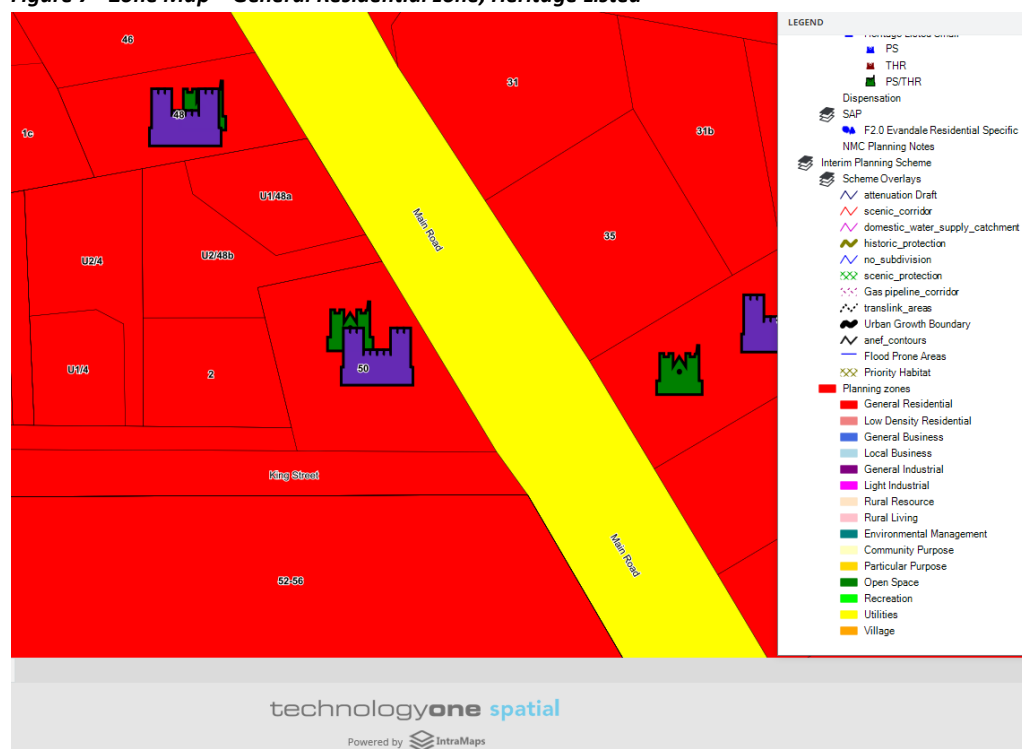
- Lot 1: existing house, 378m².
- Lot 2: vacant (proposed house) 453m².

Figure 6 - Proposed subdivision plan



4.2 Zone and land use

Figure 7 - Zone Map – General Residential zone, Heritage Listed



The land is zoned General Residential and is in the Heritage Listed.

The relevant Planning Scheme definition is:

<i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing.</i>
--------------------	----------------------------------------------------------------------------------

4.3 Subject site and locality

The author of this report carried out a site visit on 7 July 2021. The site contains a heritage listed house. It is surrounded by a mix of single and multiple dwellings.

Figure 8 - Aerial photograph of area showing subject site in highlighted in red and LGA subdivision roads outlined in red. Note also approximate 3m setback of fence on property opposite subject site.



Figure 9 - Aerial photograph showing approximate 3m setback of fence opposite the subject site



Figure 10 - Subject site looking down King Street



Figure 11 - King Street, subject site on right with paling fence



4.4 Permit/site history

Relevant permit history includes:

P **PLN20-0296 - Abode Designer Homes - Multiple Dwellings (1 original, 1 new)**
108900.83 - 50 Main Rd - Perth - KEMPNIH Matthew James

P **PLN20-0297 - Abode Designer Homes - 2 Lot subdivision**
108900.83 - 50 Main Rd - Perth - KEMPNIH Matthew James

4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*.

A review of Council's records management system after completion of the public exhibition period revealed that no representations were received to PLN-20-0297 (2-lot subdivision).

One representation, from M Cleland, 2 Talisker St, Perth, concerned about the subdivision, was received to PLN-20-0296 (multiple dwelling). The concern is considered here.

The proposed subdivision will detract from the character of the small Victorian wooden cottage such that its significance in the streetscape may be lost.

The proposed new fence will come within 1.591m of the dwelling and less than a meter from the laundry block will obstruct and spoil the view of the house from the road and footpath and the adjoining house is not designed to complement the existing cottage but will clash aesthetically with it.

The proposed subdivision fails to give the cottage sufficient space to the south such that the south facing door and small paned window group will be unable to serve their purpose and current use.

Planner's comment:

Before the application was placed on public exhibition, the applicant met with the Tasmanian Heritage Council's Works Manager, and the Northern Midlands Council's Heritage Adviser and Senior Planner. As a result, the proposed dwelling and subdivision layout were revised such that they would relate positively to the heritage building.

Figure 12 - Original subdivision plan - superseded

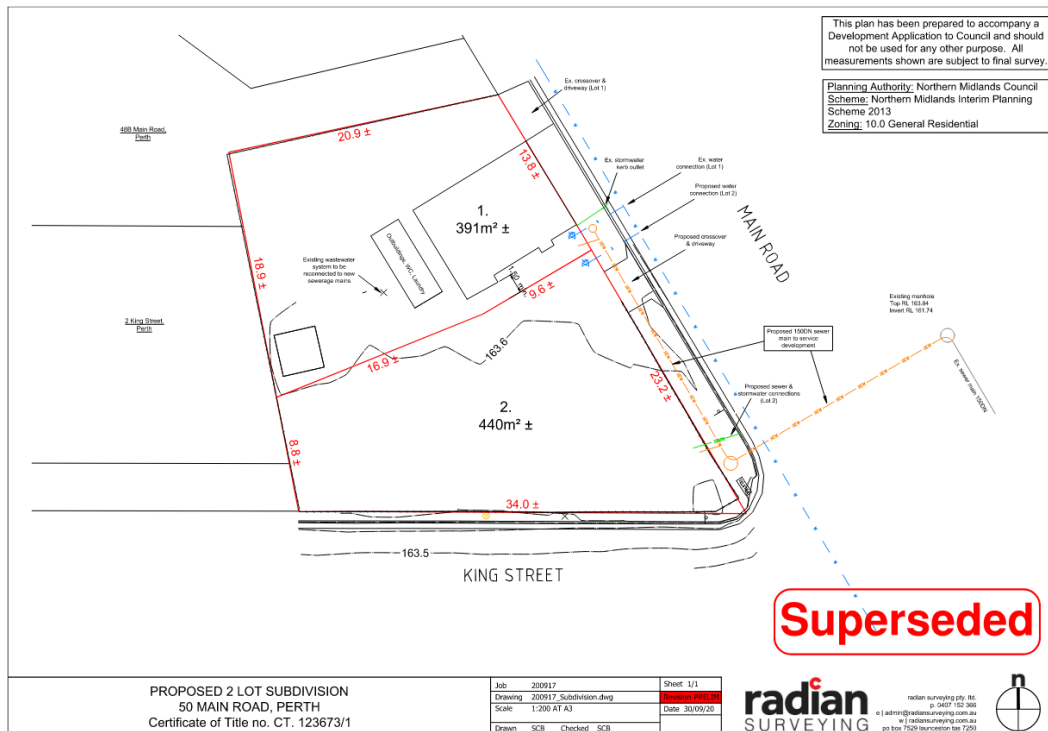
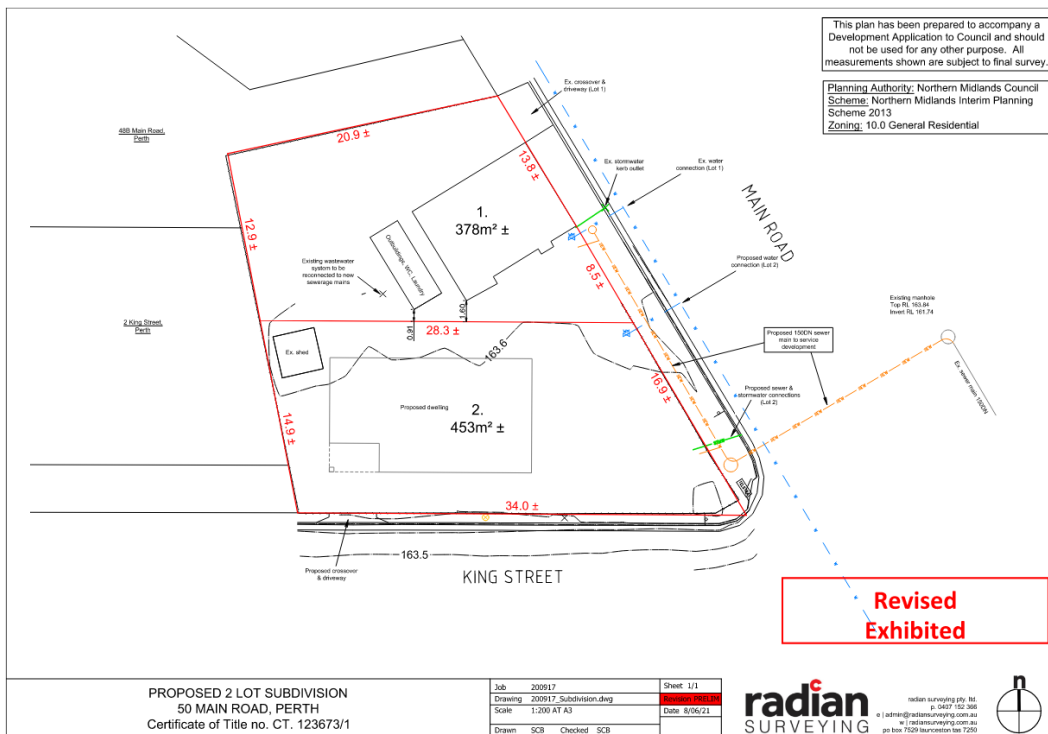


Figure 13 - Subdivision plan revised after discussion with heritage advisers



4.6 Referrals

Council's Works & Infrastructure Department

Council's Engineering Officer, Jonathan Galbraith, provided the attached advice. The recommended conditions are included in the conditions of approval.

TasWater

TasWater provided a Submission to Planning Authority Notice (Taswater Ref: TWDA 2021/00022-NMC, Dated 16/06/2021).

Heritage Adviser

Council's Heritage Adviser, David Denman advised that the proposed subdivision will have an acceptable impact on the existing heritage listed dwelling and he has no objections to the proposal.

Tasmanian Heritage Council

The Tasmanian Heritage Council provided a Notice of Heritage Decision (Ref 6454), consenting to the permit for subdivision being granted. It notes that all areas affected by the subdivision will remain entered into the Tasmanian Heritage Register as part of the original entry for the site.

4.7 Planning Scheme Assessment

GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i>
<i>To provide for compatible non-residential uses that primarily serve the local community.</i>
<i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i>
<i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i>
Assessment: The proposal meets the zone purpose.
LOCAL AREA OBJECTIVES
<i>To consolidate growth within the existing urban land use framework of the towns and villages.</i>
<i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i>
<i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i>
Assessment: The proposal meets the local area objectives.

DEVELOPMENT STANDARDS FOR SUBDIVISIONS IN GENERAL RESIDENTIAL ZONE

10.4.4 Subdivision

10.4.4.1 Lot Area, Building Envelopes and Frontage

Objective: <i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.</i>	
Acceptable Solutions	Performance Criteria
A1 Lots must: a) have a minimum area of at least 450m² which: <i>i) is capable of containing a rectangle measuring 10m by 15m; and</i> <i>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</i> b) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or c) for the provision of utilities; or d) for the consolidation of a lot with another lot with no additional titles created; or e) to align existing titles with zone boundaries and no additional lots are created.	P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for: a) a dwelling to be erected in a convenient and hazard-free location; and b) on-site parking and manoeuvrability; and c) adequate private open space.
Lot 2 (453m ²) complies.	The proposed plan of subdivision shows that lot 1

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	(378m ²) with the existing house provides for on-site parking and manoeuvrability and adequate private open space. The proposal complies.
A2 Each lot must have a frontage of at least 3.6m.	P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.
Complies.	N/a

10.4.4.2 Provision of Services

Objective: To provide lots with appropriate levels of utility services.

Acceptable Solutions	Performance Criteria
A1 Each lot must be connected to a reticulated: a) water supply; and b) sewerage system.	P1 Each lot created must be: a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
Comment: Complies.	N/a
A2 Each lot must be connected to a reticulated stormwater system.	P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.
Comment: Complies.	N/a

10.4.4.3 Solar Orientation of Lots

Objective: To provide for solar orientation of lots and solar access for future dwellings.

Acceptable Solutions	Performance Criteria
A1 At least 50% of lots must have a long axis within the range of: a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.
Complies.	N/a
A2 The long axis of residential lots less than 500m ² , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500 m ² must provide adequate solar access to future dwellings, having regard to the: a) size and shape of the development of the subject site; and b) topography; and c) location of access way(s) and roads.
Does not comply.	Lot 1 (378m ²) – existing dwelling – complies. The plans demonstrate that lot 2 (453m ²) will provide adequate solar access to a future dwelling. The proposal complies.

10.4.4.5 Integrated Urban Landscape

Objective: To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:

- a) character and identity of new neighbourhoods and urban places; or
- b) to existing or preferred neighbourhood character, if any.

Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and c) connectivity through the urban environment is protected or enhanced; and d) the visual amenity and attractiveness of the urban environment is enhanced; and e) it furthers the local area objectives, if any.
Complies.	N/a

10.4.4.6 Walking and Cycling Network

Objective:

- a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and
- b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.
- c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <ul style="list-style-type: none"> a) link to any existing pedestrian and cycling networks; and b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and d) promote surveillance along roads and from abutting dwellings.
Complies.	N/a

10.4.4.7 Neighbourhood Road Network

Objective:

- a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and
- b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.

Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <ul style="list-style-type: none"> a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and d) provide safe and efficient access to activity centres for commercial and freight vehicles; and e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and h) take into account of any identified significant features.
Complies.	N/a

CODES

E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies. See code assessment below.
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies. See code assessment below.
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	Complies. See code assessment below.
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	Complies. See code assessment below.



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E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/A

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies.	N/a
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
N/a	N/a

E4.7 Development Standards

E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:	
a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h: a) new road works, buildings, additions and extensions, earthworks and landscaping works; and	P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to: a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and

b) building areas on new lots; and c) outdoor sitting, entertainment and children's play areas	b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.
Complies.	N/a

E4.7.2 Management of Road Accesses and Junctions

Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies.	N/a
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	P2 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
N/a	N/a

E4.7.3 Management of Rail Level Crossings

Objective To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
Acceptable Solutions	Performance Criteria
A1 Where land has access across a railway: a) development does not include a level crossing; or b) development does not result in a material change onto an existing level crossing.	P1 Where land has access across a railway: a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and b) the proposal is dependent upon the site due to unique resources, characteristics or location attributes and the use or development will have social and economic benefits that are of State or regional significance; or c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and d) an alternative access or junction is not practicable.
N/a	N/a

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
Complies to west. Does not comply to east.	Complies with the performance criteria (see attached traffic assessment) and photo below.

Figure 14 - Sight distance to east towards Main Road – approximately 32m

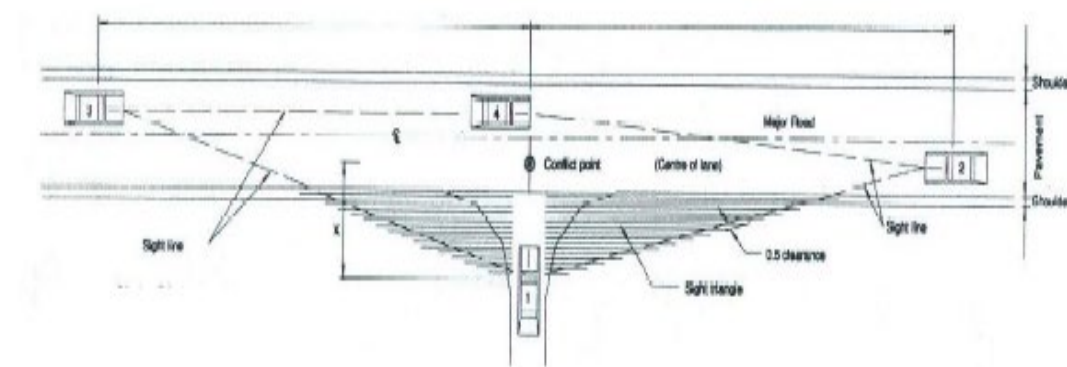


Figure E4.7.4 Sight Lines for Accesses and Junctions

X is the distance of the driver from the conflict point.

For category 1, 2 and 3 roads X = 7m minimum and for other roads X = 5m minimum.

Table E4.7.4 Safe Intersection Sight Distance (SISD)

Vehicle Speed km/h	Safe Intersection Sight Distance (SISD) metres, for speed limit of:	
	60 km/h or less	Greater than 60 km/h
50	80	90
60	105	115
70	130	140
80	165	175
90		210
100		250
110		290

Notes:

- (a) Vehicle speed is the actual or recorded speed of traffic passing along the road and is the speed at or below which 85% of passing vehicles travel.
- (b) For safe intersection sight distance (SISD):
 - (i) All sight lines (driver to object vehicle) are to be between points 1.2 metres above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5 metres to the side and below, and 2.0 metres above all sight lines;
 - (ii) These sight line requirements are to be maintained over the full sight triangle for vehicles at any point between positions 1, 2 and 3 in Figure E4.7.4 and the access junction;
 - (iii) A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2 in Figure E4.7.4;
 - (iv) A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
 - (v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

**ASSESSMENT AGAINST E6.0
CAR PARKING & SUSTAINABLE TRANSPORT CODE**

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		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
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		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
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and
		j)	any heritage values of the site; and
		k)	for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
		i)	the size of the dwelling and the number of bedrooms; and
		ii)	the pattern of parking in the locality; and
		iii)	any existing structure on the land.
Comment: Complies. Each lot has enough space for two car parking spaces.		Comment: Not applicable.	

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Residential: If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling	1 space per unit.

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: Complies. Each lot has enough space for bicycle parking.	Comment: Not applicable.

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1 No performance criteria.
Comment: Not applicable.	Comment: Not applicable.

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: Not applicable.	Comment: Not applicable.

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: To be assessed when lot 2 is developed.	Comment: Not applicable.

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing

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A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	b) buildings; and views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: To be assessed when lot 2 is developed.		Comment: Not applicable.
A2.1	Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
A2.2	The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	
Comment: To be assessed when lot 2 is developed.		Comment: Not applicable.

Table E6.2: Access Widths for Vehicles

Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
1 to 5	3.0m	Every 30m
6 to 20	4.5m for initial 7m from road carriageway and 3.0m thereafter.	

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.		
Acceptable Solutions		Performance Criteria
A1	Car parking areas with greater than 20 parking spaces must be: a) secured and lit so that unauthorised persons cannot enter or; b) visible from buildings on or adjacent to the site during the times when parking occurs.	P1 Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the: a) levels of activity within the vicinity; and b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
Comment: Not applicable.		Comment: Not applicable.

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.		
Acceptable Solutions		Performance Criteria
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 The location and design of parking spaces considers the needs of disabled persons, having regard to: i) the topography of the site; j) the location and type of relevant facilities on the site or in the vicinity; k) the suitability of access pathways from parking spaces, and l) applicable Australian Standards.
Comment: Not applicable. Dwellings do not require parking for persons with a disability.		Comment: Not applicable.
A2	Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with	P2 No performance criteria.

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disabilities.	
Comment: Not applicable.	Comment: Not applicable.

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Acceptable Solutions	Performance Criteria
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <p>a) at least one loading bay must be provided in accordance with Table E6.4; and</p> <p>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</p>	<p>P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</p>
Comment: Not applicable.	Comment: Not applicable.

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective:
To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Acceptable Solutions	Performance Criteria
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <p>a) be accessible from a road, footpath or cycle track; and</p> <p>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</p> <p>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</p> <p>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</p> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>
Comment: To be assessed when lot 2 is developed.	Comment: Not applicable.
<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p>i) 1.7m in length; and</p> <p>ii) 1.2m in height; and</p> <p>iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
Comment: To be assessed when lot 2 is developed.	Comment: Not applicable.

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development

Acceptable Solution	Performance Criteria
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>	<p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>
Comment: To be assessed when lot 2 is developed.	Comment: Not applicable.

Table E6.5: Pedestrian Access

Number of Parking Spaces Required	Pedestrian Facility
1–10	No separate access required (i.e. pedestrians may share the driveway). [Note (a) applies].



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11 or more	A 1m wide footpath separated from the driveway and parking aisles except at crossing points. [Notes (a) and (b) apply].
------------	----------------------------------------------------------------------------------------------------------------------------

Notes

- a) In parking areas containing spaces allocated for disabled persons, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the principal building.
- b) Separation is deemed to be achieved by:
 - i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
 - ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
 - iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

ASSESSMENT AGAINST E10.0 RECREATION AND OPEN SPACE CODE

E10.6.1 Provision of Public Open Space

Objective	
<ul style="list-style-type: none"> a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term. 	
Acceptable Solutions	Performance Criteria
A1 The application must: <ul style="list-style-type: none"> a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu. 	P1 Provision of public open space, unless in accordance with Table E10.1, must: <ul style="list-style-type: none"> a) not pose a risk to health due to contamination; and b) not unreasonably restrict public use of the land as a result of: <ul style="list-style-type: none"> i) services, easements or utilities; and ii) stormwater detention basins; and iii) drainage or wetland areas; and iv) vehicular access; and c) be designed to: <ul style="list-style-type: none"> i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and ii) reasonably contribute to the pedestrian connectivity of the broader area; and iii) be cost effective to maintain; and iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.
Complies. The General Manager has consented to a cash payment in lieu of open space. Council's policy is: <u>The Public Open Space Rate</u> 1 The Public Open Space Rate shall be \$1,400 per additional lot created. OR 2 The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer,	N/a



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of the subject land, less one of the proposed lots (or strata units). The Public Open Space Rate shall total 5% of that value.

ASSESSMENT AGAINST E13.0 LOCAL HISTORIC HERITAGE CODE

E13.6.2 Subdivision and development density

Objective

To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Subdivision must:</p> <ul style="list-style-type: none"> a) be consistent with and reflect the historic development pattern of the precinct or area; and b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and c) not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and d) not require the removal of vegetation, significant trees of garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage precinct; and e) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
-	<p>One representation, from M Cleland, 2 Talisker St, Perth, concerned about the subdivision, was received to PLN-20-0296 (multiple dwelling):</p> <p>The proposed subdivision will detract from the character of the small Victorian wooden cottage such that its significance in the streetscape may be lost.</p> <p>The proposed new fence will come within 1.591m of the dwelling and less than a meter from the laundry block will obstruct and spoil the view of the house from the road and footpath and the adjoining house is not designed to complement the existing cottage but will clash aesthetically with it.</p> <p>The proposed subdivision fails to give the cottage sufficient space to the south such that the south facing door and small paned window group will be unable to serve their purpose and current use.</p> <p><u>Planner's comment:</u></p> <p>Before the application was placed on public exhibition, the applicant met with the Tasmanian Heritage Council's Works Manager, and the Northern Midlands Council's Heritage Adviser and Senior Planner. As a result, the proposed dwelling and subdivision layout were revised such that they would relate positively to the heritage building.</p> <p>Council's Heritage Adviser advises that the proposal satisfies the performance criteria.</p>

SPECIFIC AREA PLANS

F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a - not in a heritage precinct.

SPECIAL PROVISIONS

9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a



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STATE POLICIES

The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

The proposal is consistent with the objectives of the *Land Use Planning & Approvals Act 1993*.

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

Strategic Plan 2017-2027

- Statutory Planning

6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		✓
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		✓
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		✓
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?		✓
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		✓
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?		✓
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		✓
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		✓
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		✓
	If 'yes', refuse the subdivision.		
Section 85	Refusal of application for subdivision	Yes	No
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		✓
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		✓
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		✓
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		✓
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		✓
85(d)(iii)	public open space;		✓
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		✓

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85(d)(v)	private roads, ways or open spaces;		✓
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		✓
85(d)(vii)	licences to embank highways under the <u>Highways Act 1951</u> ;		✓
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		✓
85(d)(ix)	provision for the preservation of trees and shrubs;		✓
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		✓
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		✓
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		✓
85(g)(ii)	party-wall easements;		✓
85(g)(iii)	the state of a party-wall on its boundary.		✓
Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for –		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <u>Urban Drainage Act 2013</u> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the Local Government (Highways) Act 1982</u> in respect of the highways opened or to be opened on the subdivision;		✓
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		✓
86(2)(f)	the filling in of ponds and gullies;		✓
86(2)(g)	the piping of watercourses.		✓
	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
Section 108	Road widening	Yes	No
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)	✓	
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		✓

83. Approval of plan of subdivision

(1) Subject to section 116, the council, before it approves a plan of subdivision, may–

(a) require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes; or

(b) require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority".

85. Refusal of application for subdivision

The council may refuse to approve a plan of subdivision if it is of the opinion –

- (a) that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is; or*
- (b) that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of; or*
- (ba) that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block; or*
- (c) that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets; or*
- (d) that the layout should be altered to include or omit –*
 - (i) blind roads; or*
 - (ii) alleys or rights of way to give access to the rear of lots; or*
 - (iii) public open space; or*
 - (iv) littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake; or*
 - (v) private roads, ways or open spaces; or*
 - (vi) where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides; or*
 - (vii) licences to embank highways under the Highways Act 1951 ; or*
 - (viii) provision for widening or deviating ways on or adjoining land comprised in the subdivision; or*
 - (ix) provision for the preservation of trees and shrubs; or*
- (e) that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision; or*
- (f) that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on; or*
- (g) that one or more of the lots ought not to be sold because of –*
 - (i) easements to which it is subject; or*
 - (ii) party-wall easements; or*
 - (iii) the state of a party-wall on its boundary.*

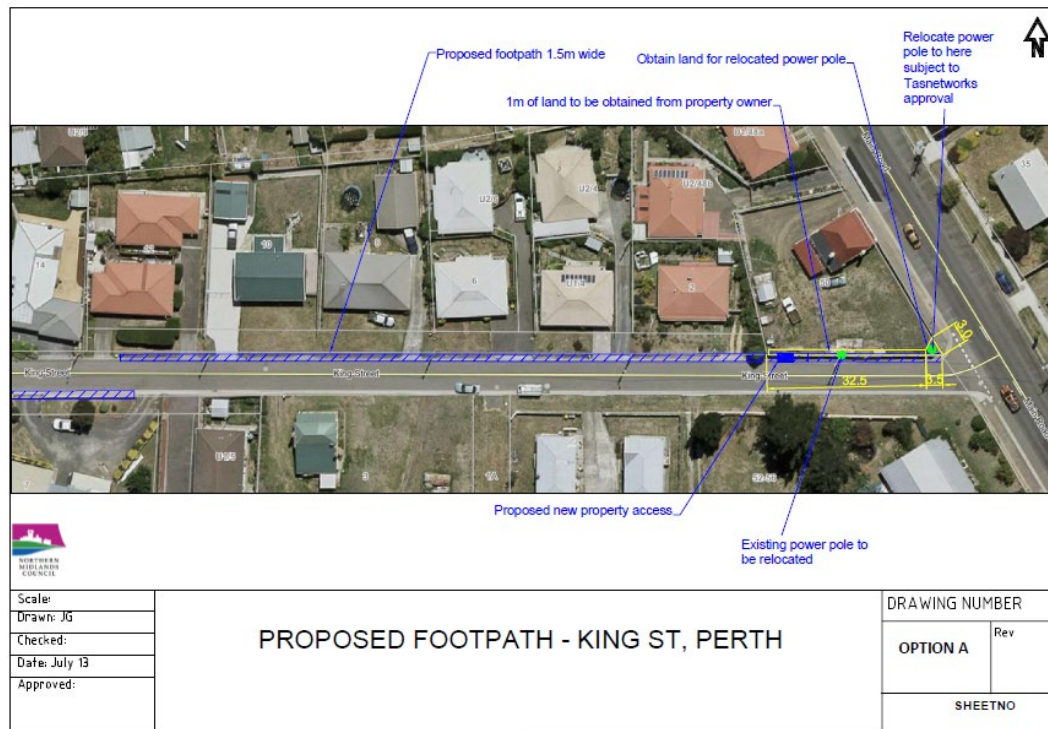
108. Road widening

- (1) If a council does not approve a plan for a subdivision because of any matter referred to in section 85, a council, in respect of an existing highway, may obtain –*
 - (a) a dedication of land for widening or diverting; or*
 - (b) a licence to embank.*
- (2) Subject to subsection (4) , when the sealed plan takes effect the owner is entitled to compensation as if the dedication or licence were an estate in land that had been acquired by compulsory process under the Land Acquisition Act 1993 .*
- (3) The land dedicated or subject to the licence is to be valued as at the date of lodgment of the plan of subdivision.*
- (4) Compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands.*
- (5) If the highway varies in width because in parts land has already been acquired or dedications made for the purpose of widening it, its middle line is to be determined as if no such acquisitions or dedications have been made.*

Comment: C&D 3 of this agenda considers whether to obtain land for road widening, and if so how much. It recommends obtaining 1m of land to allow for a footpath to be constructed along the northern side of King Street.

RMPAT Decision [2017] TASRMPAT 15 indicates that when s85 is read in conjunction with s108 of the Act, a power to condition development by requiring the dedication of land for road widening, may, to all intents and purposes be inferred, as an alternative to refusing the application.

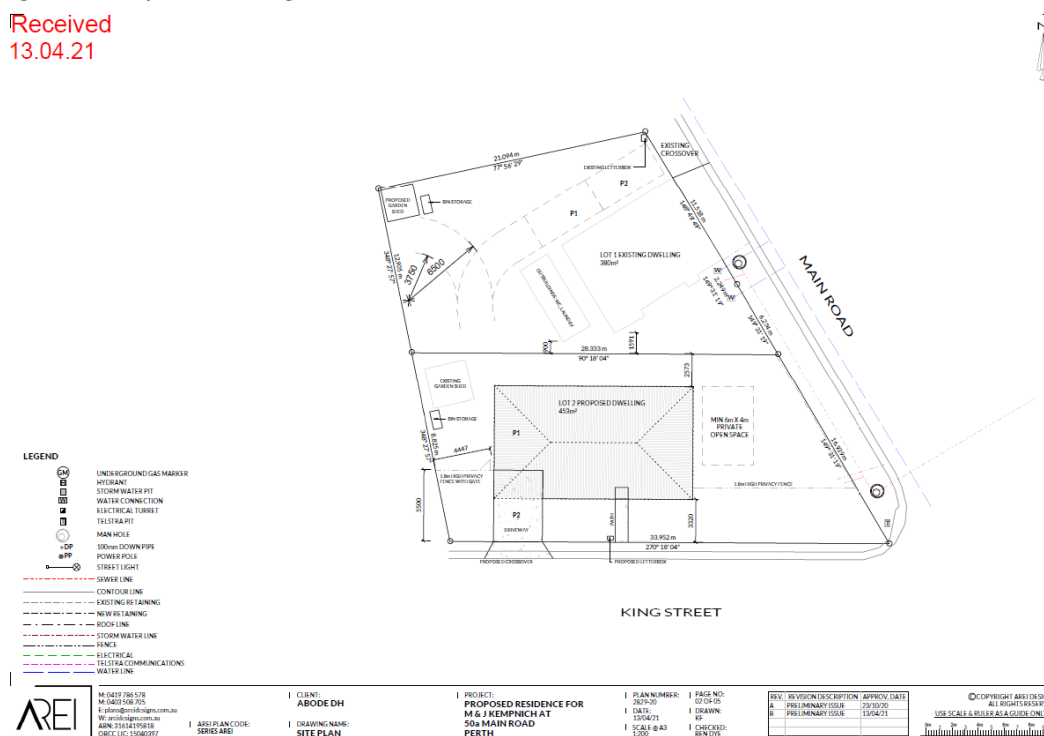
Figure 15 - Option of obtaining 1m of land for a footpath



PLAN 4 of this agenda considers an application for a second dwelling on the subject site which is proposed 3.332m from the current King Street boundary or 2.32m from the King Street boundary if it is widened by 1m for footpath.

Figure 16 - Proposed dwelling

Received
13.04.21



7 FINANCIAL IMPLICATIONS TO COUNCIL

There are no financial implications to Council.

8 OPTIONS

Approve subject to conditions or refuse and state reasons for refusal.

9 DISCUSSION

Conditions that relate to any aspect of the application can be placed on a permit.

Discretion to refuse the planning application under the *Land Use Planning and Approvals Act 1993* is limited to:

- Lot 1 less than 450m².

This complies with the performance criteria as proposed plan of subdivision shows that lot 1 (378m²) with the existing house provides for on-site parking and manoeuvrability and adequate private open space.

- Variation to solar orientation provision.

This complies with the performance criteria as Lot 1 contains an existing dwelling and lot 2 is able to provide adequate solar access to a future dwelling.

- Variation of sight distance to the east

The sight distance of approximately 32m to the east complies with the performance criteria that the design, layout and location of an access must provide adequate sight distances to ensure the safe movement of vehicles.

- Subdivision of heritage listed property.

One representation, from M Cleland, 2 Talisker St, Perth, concerned about the subdivision, was received to PLN-20-0296 (multiple dwelling):

The proposed subdivision will detract from the character of the small Victorian wooden cottage such that its significance in the streetscape may be lost.

The proposed new fence will come within 1.591m of the dwelling and less than a meter from the laundry block will obstruct and spoil the view of the house from the road and footpath and the adjoining house is not designed to complement the existing cottage but will clash aesthetically with it.

The proposed subdivision fails to give the cottage sufficient space to the south such that the south facing door and small paned window group will be unable to serve their purpose and current use.

Before the application was placed on public exhibition, the applicant met with the Tasmanian Heritage Council's Works Manager, and the Northern Midlands Council's Heritage Adviser and Senior Planner. As a result, the proposed dwelling and subdivision layout were revised such that they would relate positively to the heritage building.

Council's Heritage Adviser advises that the proposal satisfies the performance criteria:

Subdivision must:

- be consistent with and reflect the historic development pattern of the precinct or area; and*
- not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and*
- not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and*
- not require the removal of vegetation, significant trees of garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage precinct; and*
- not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.*

Road widening

As discussed in section 6, it is recommended that:

- A 1m wide strip of land along King Street to be dedicated for road widening; and
- A 3m (Main Road) x 3.5m (King Street) splay of land to be dedicated for road widening.

The proposal complies with the requirements of the planning scheme. It is recommended that the application be approved with the conditions below.

10 ATTACHMENTS

- Application & plans, correspondence with applicant
- Responses from referral agencies

RECOMMENDATION

That land at 50 Main Road, Perth, be approved to be developed and used for a two-lot subdivision in accordance with application PLN-20-0297, and subject to the following conditions:

1 LAYOUT NOT ALTERED

The use and development must be in accordance with the endorsed plan **P1** (*radian surveying plan, Job 200917, Date 8/06/21*), **except as required by Condition 2.**

2 REVISED PLANS REQUIRED

The plan of subdivision must be altered to include:

- A 1m wide strip of land along King Street to be dedicated for road widening; and
- A 3m (Main Road) x 3.5m (King Street) splay of land to be dedicated for road widening.

3 TASMANIAN HERITAGE COUNCIL

The proposed development must comply with the requirements of the Tasmanian Heritage Council's Notice of Heritage Decision (Reference 6454, 30 June 2021) – attached as **Appendix A.**

4 TASWATER CONDITIONS

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (Taswater Ref: TWDA 2021/00022-NMC, Dated 16/06/2021).

5 COUNCIL'S WORKS DEPARTMENT CONDITIONS

5.1 Stormwater

Each lot must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.

5.2 Access (Urban)

- A concrete driveway crossover and apron must be constructed from the edge of King Street to the property boundary of Lot 2 in accordance with Council standards.
- Access works must not commence until an application for vehicular crossing has been approved by Council.

5.3 As constructed information

As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.

5.4 Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

5.5 Works in Council road reserve

- Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

5.6 Separation of hydraulic services

- All existing pipes and connections must be located.
- Where required, pipes are to be rerouted to provide an independent system for each lot.
- Certification must be provided that services have been separated between the lots.

5.7 Pollutants

- The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

6 PUBLIC OPEN SPACE CONTRIBUTION

A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy:

- *The Public Open Space Rate shall be \$1,400 per additional lot created.*

OR

- *The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots. The Public Open Space Rate shall total 5% of that value.*

7 SEALING OF PLANS

All conditions must be complied with prior to sealing of the final plan of survey. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

DECISION

Cr

PLAN 4 PLANNING APPLICATION PLN-20-0296: 50 MAIN ROAD, PERTH

Attachments: Section 1 – Page 413

File Number: 108900.83
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report assesses an application for 50 Main Road, Perth to construct a second dwelling on the property.

2 BACKGROUND

Applicant:
Abode Designer Homes

Zone:
General Residential

Classification under the Scheme:
Residential (multiple dwelling)

Deemed Approval Date:
21 August 2021

Owner:
Matthew James Kempnich

Codes:
Road and Railway Assets Code, Carparking and Sustainable Transport Code,
Local Historic Heritage Code.

Existing Use:
Residential (single dwelling)

Recommendation:
Approve

Discretionary Aspects of the Application

- Variation to King Street setback.
- Development of heritage listed property.
- Lack of one visitor car parking space.

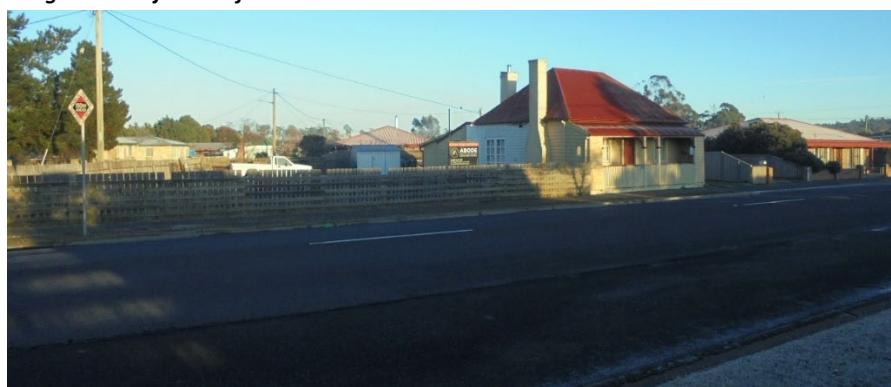
Planning Instrument:

- *Northern Midlands Interim Planning Scheme 2013, Version 32, Effective from 19 October 2021.*

Preliminary Discussion

- Prior to the application being placed on public exhibition, further information was requested from the applicant (attached), following which the applicant held a meeting with the Tasmanian Heritage Council's Works Manager, and the Northern Midlands Council's Heritage Adviser and Senior Planner.

Image 17 - Subject site from Main Road



3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application).

Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required without such permit.

4 ASSESSMENT

4.1 Proposal

It is proposed to construct a second dwelling on the property.

Image 18 - Site Plan

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13.04.21

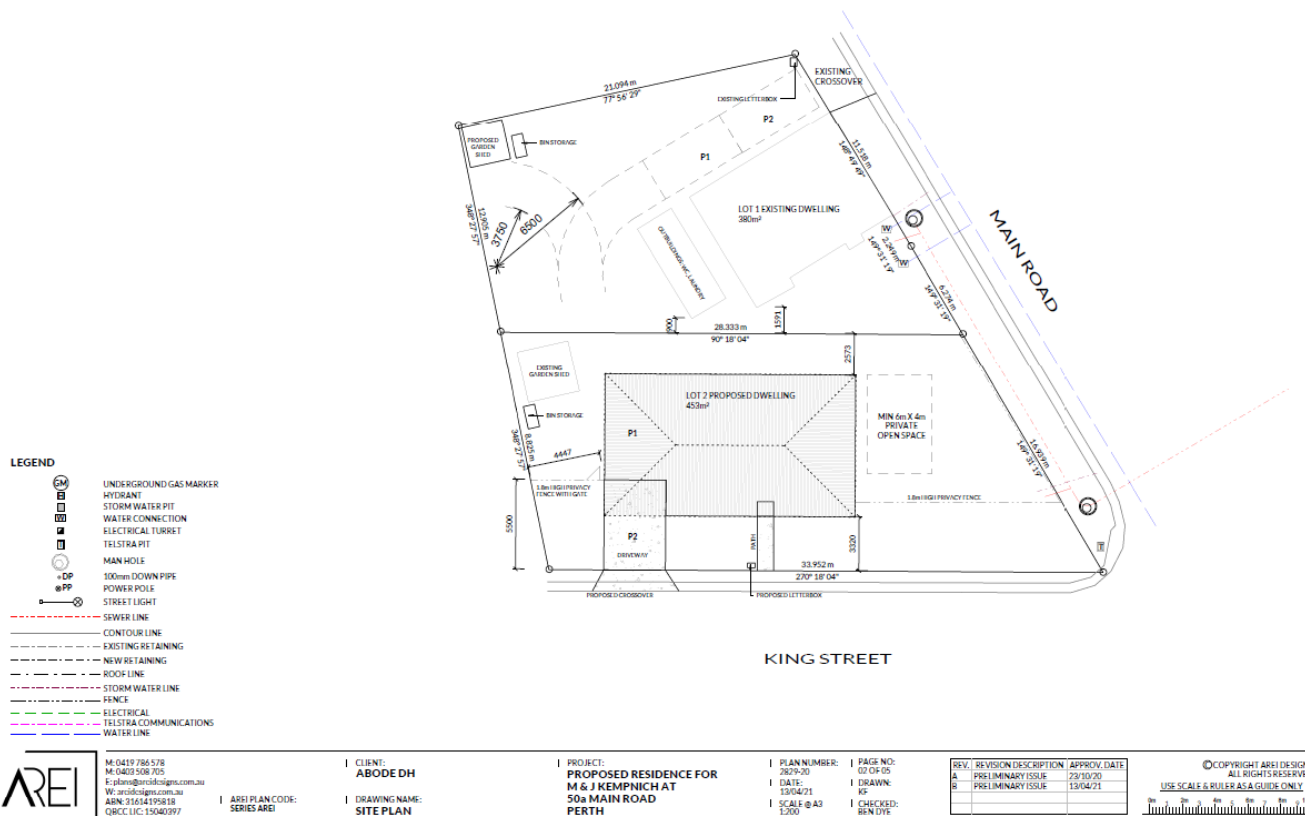


Image 19 - Floor plan

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FLOOR AREAS

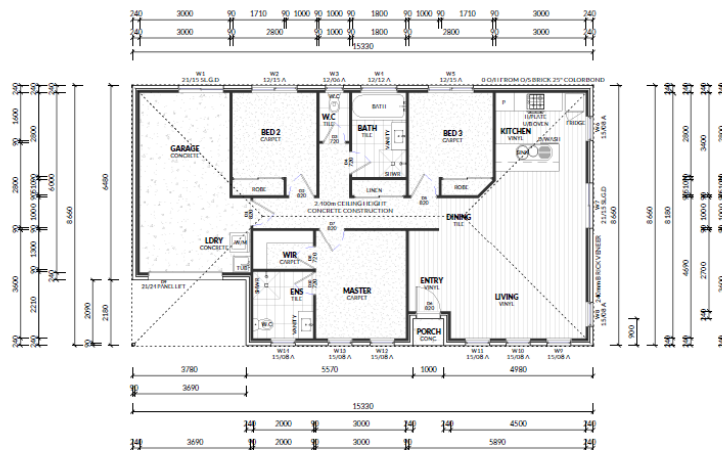
GARAGE	22.9 m ²
LIVING	100.7 m ²
PATIO	6.0 m ²
PORCH	6.0 m ²
TOTAL	134.5 m ²

WINDOW SCHEDULE

MARK	SIZE	DESCRIPTION
W1	1700 x 1500	ALUM. FRAMED SLIDING GLASS DOOR
W2	1200 x 1500	ALUM. FRAMED SLIDING
W3	1500 x 800	ALUM. FRAMED SLIDING
W4	1200 x 1500	ALUM. FRAMED SLIDING
W5	1200 x 1500	ALUM. FRAMED SLIDING
W6	1500 x 800	ALUM. FRAMED SLIDING
W7	1200 x 1500	ALUM. FRAMED SLIDING GLASS DOOR
W8	1500 x 800	ALUM. FRAMED SLIDING
W9	1500 x 800	ALUM. FRAMED SLIDING
W10	1500 x 800	ALUM. FRAMED SLIDING
W11	1500 x 800	ALUM. FRAMED SLIDING
W12	1500 x 800	ALUM. FRAMED SLIDING
W13	1500 x 800	ALUM. FRAMED SLIDING
W14	1500 x 800	ALUM. FRAMED SLIDING

DOOR SCHEDULE

MARK	SIZE	DOOR TYPE
D1	2040 x 830	HOLLOW CORE SWING
D2	2040 x 830	HOLLOW CORE SWING
D3	2040 x 750	HOLLOW CORE SWING
D4	2040 x 750	HOLLOW CORE SWING
D5	2040 x 830	HOLLOW CORE SWING
D6	2040 x 830	SOLID CORE SWING
D7	2040 x 830	HOLLOW CORE SWING
D8	2040 x 750	HOLLOW CORE SWING
D9	2100 x 2400	PANEL LIFT DOOR
D10	2040 x 750	HOLLOW CORE SWING



M: 0419 786 578
M: 0483 508 075
E: plans@arei.com.au
W: arei.com.au
ABN: 31614195818
QRCC LIC: 15040397

CLIENT:
ABODE DH

DRAWING NAME:
FLOOR PLAN

PROJECT:
PROPOSED RESIDENCE FOR
M & J KEMPINICH AT
50a MAIN ROAD
PERTH

PLAN NUMBER:
2675/20

DATE:
13/04/21

SCALE @ A3
1:100

PAGE NO:
03 OF 05

DRAWN:
RP

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BEN DYE

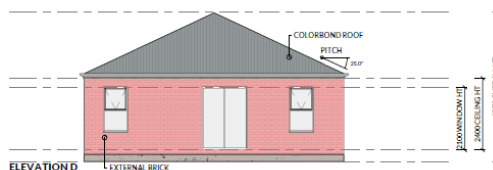
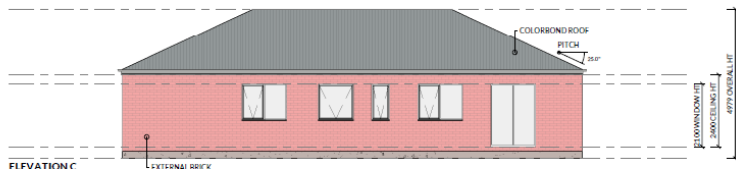
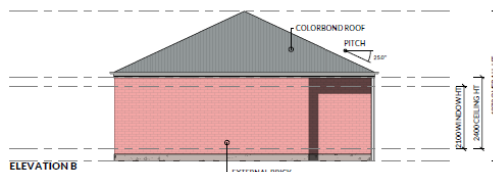
REV.	REVISION DESCRIPTION	APPROV. DATE
A	PRELIMINARY ISSUE	29/10/20
B	PRELIMINARY ISSUE	13/04/21

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Image 20 - Elevations

Received
13.04.21

NOTE - COLOURS:
• COLORBOND ROOF - WINDSPRAY
• FACIAL & GUTTERS - SURFMIST
• PANEL LIFT DOOR - WINDSPRAY
• WINDOWS - RED
• BRICKS - RED



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QRCC LIC: 15040397

CLIENT:
ABODE DH

DRAWING NAME:
ELEVATIONS

PROJECT:
PROPOSED RESIDENCE FOR
M & J KEMPINICH AT
50a MAIN ROAD
PERTH

PLAN NUMBER:
2675/20

DATE:
13/04/21

SCALE @ A3
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05 OF 05

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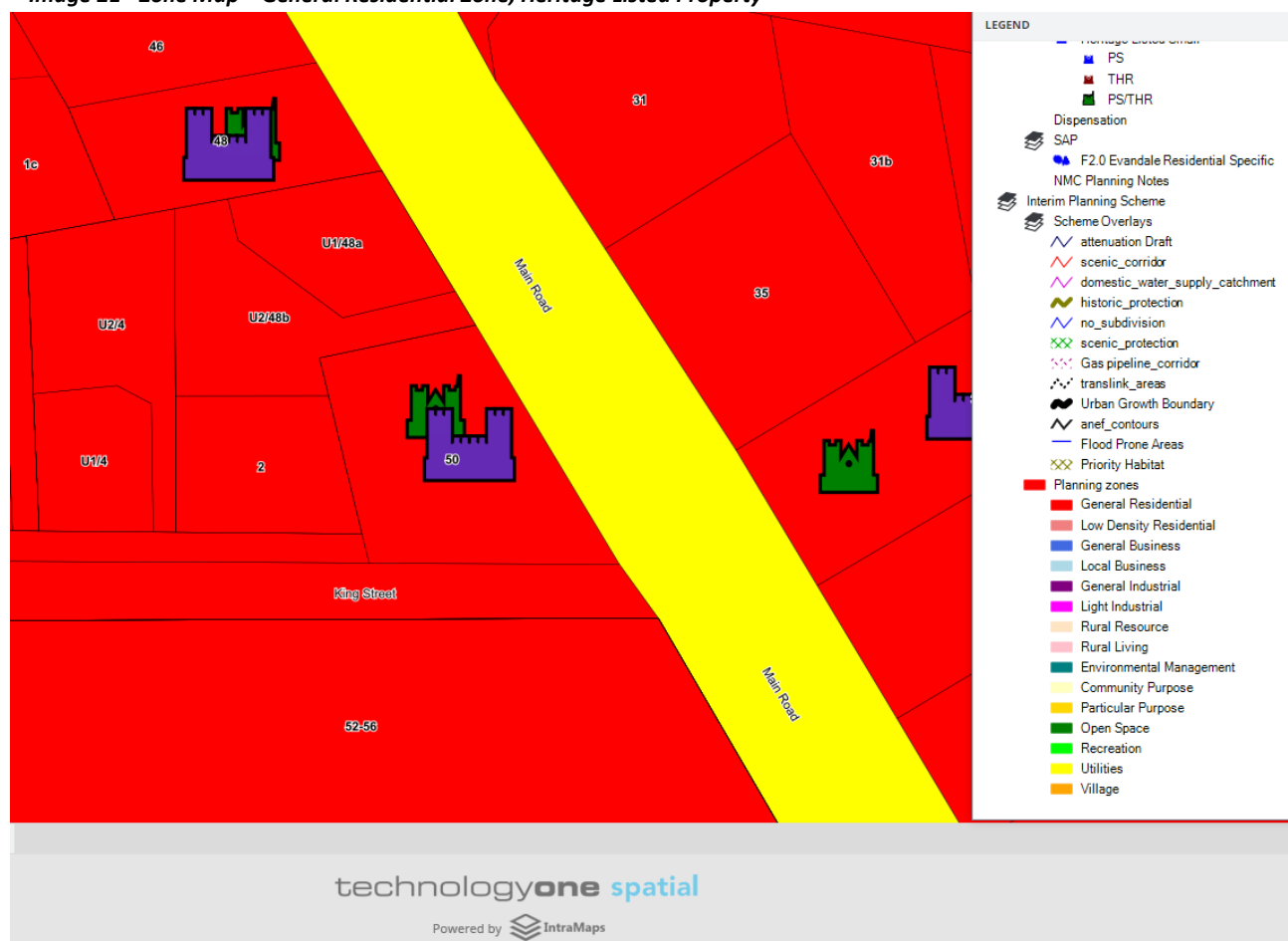
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BEN DYE

REV.	REVISION DESCRIPTION	APPROV. DATE
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4.2 Zone and land use

Image 21 - Zone Map – General Residential Zone, Heritage Listed Property



The land is zoned General Residential. The relevant Planning Scheme definitions are:

<i>dwelling</i>	<i>means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.</i>
<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>

Clause 10.2 General Residential zone Use Table (extract)

No Permit Required	
Use Class	Qualification
Residential	If a single dwelling
Permitted	
Use Class	Qualification
Residential	If a caretakers dwelling or home-based business If for multiple dwellings

Residential (multiple dwellings) is a Permitted (with permit) use and development in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on 7 July 2021. The site contains a heritage listed house. It is surrounded by a mix of single and multiple dwellings.

Image 22 - Aerial photograph of area



Image 23 - Subject site from Main Road



Image 24 - Subject site looking down King Street



Image 25 - King Street, subject site on right with paling fence



4.4 Permit/site history

Relevant permit history includes:

P **PLN20-0296 - Abode Designer Homes - Multiple Dwellings (1 original, 1 new)**
108900.83 - 50 Main Rd - Perth - KEMPNIICH Matthew James

P **PLN20-0297 - Abode Designer Homes - 2 Lot subdivision**
108900.83 - 50 Main Rd - Perth - KEMPNIICH Matthew James

4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's records management system after completion of the public exhibition period revealed that one representation, from M Cleland, 2 Talisker St, Perth, was received. The concern is considered here.

The proposed subdivision will detract from the character of the small Victorian wooden cottage such that its significance in the streetscape may be lost.

The proposed new fence will come within 1.591m of the dwelling and less than a meter from the laundry block will obstruct and spoil the view of the house from the road and footpath and the adjoining house is not designed to complement the existing cottage but will clash aesthetically with it.

The proposed subdivision fails to give the cottage sufficient space to the south such that the south facing door and small paned window group will be unable to serve their purpose and current use.

Planner's comment:

Before the application was placed on public exhibition, the applicant met with the Tasmanian Heritage Council's Works Manager, and the Northern Midlands Council's Heritage Adviser and Senior Planner. As a result, the proposed dwelling and subdivision layout were revised such that they would relate positively to the heritage building.

Image 26 - Subdivision plan originally submitted - superseded

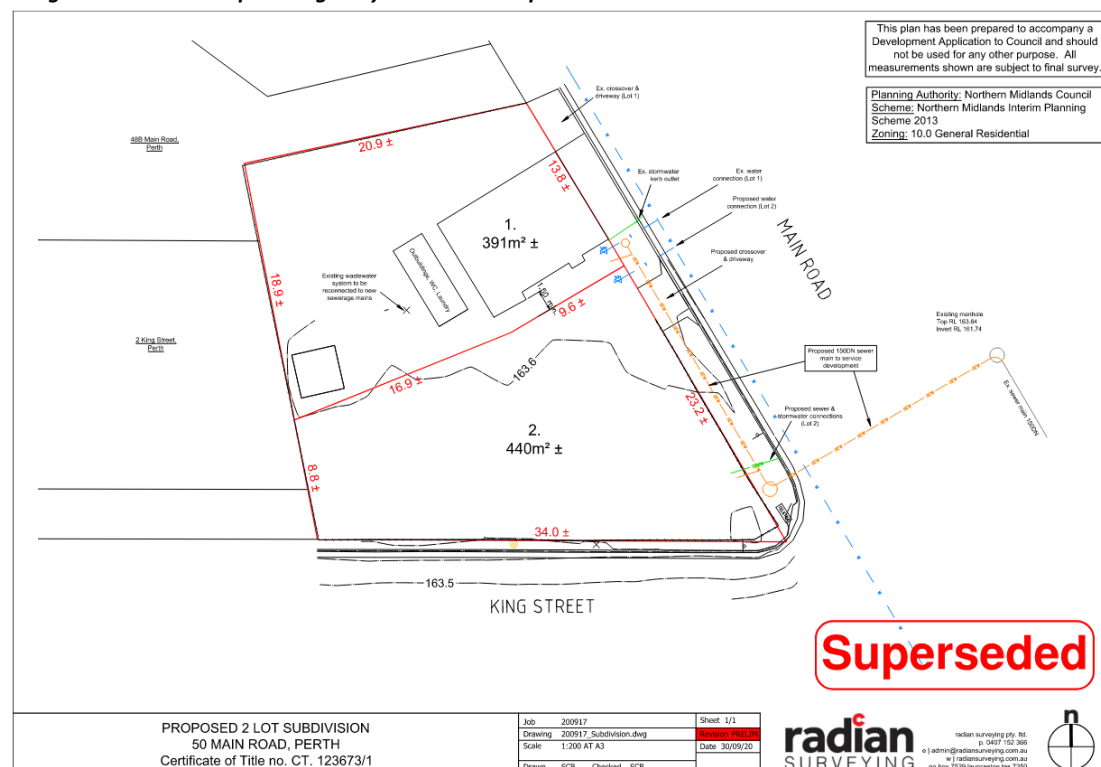
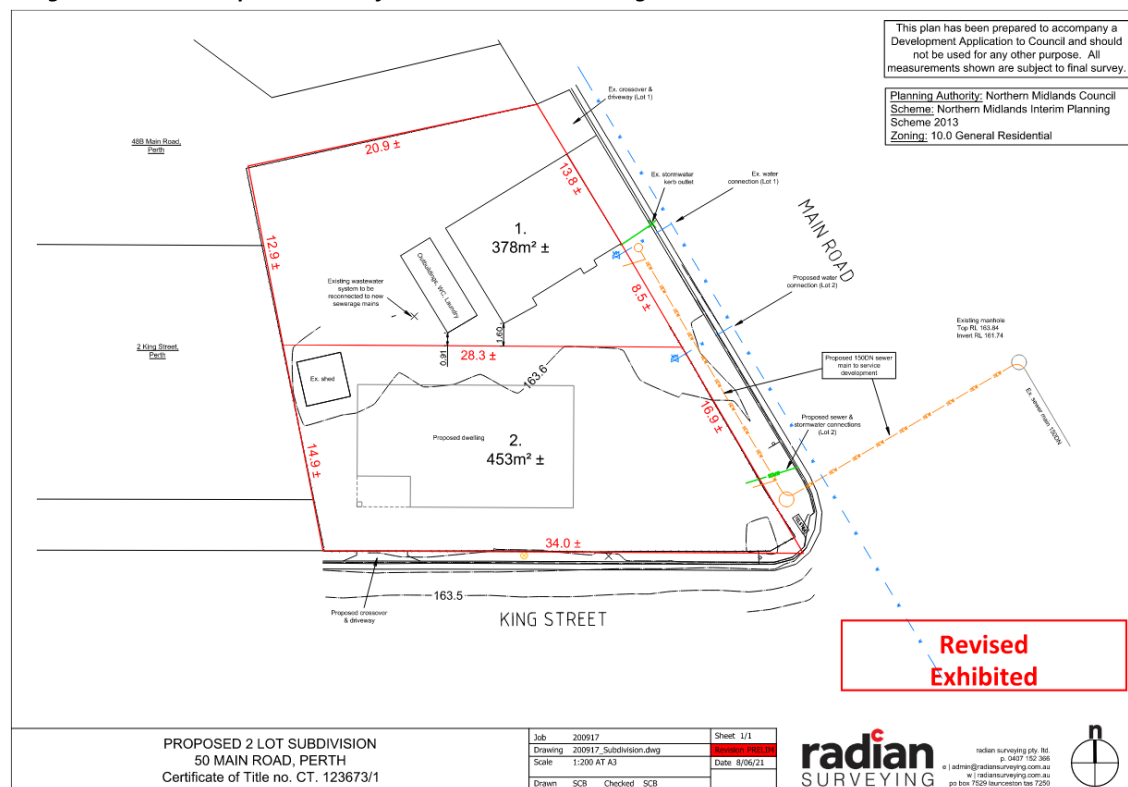


Image 27 - Subdivision plan revised after discussion with heritage advisers



4.6 Referrals

Council's Works Department

Council's Engineering Officer, Jonathan Galbraith, provided the attached advice. The recommended conditions are included in the conditions of approval.

TasWater

TasWater provided a Submission to Planning Authority Notice (Taswater Ref: TWDA 2021/00021-NMC, Dated 16/06/2021).

Heritage Adviser

Council's Heritage Advisor, David Denman, advised that he has no objection to the proposal and that proposed dwelling is in accordance with the Heritage Standards for Development.

Tasmanian Heritage Council

The Tasmanian Heritage Council issued a Notice of Heritage Decision (Ref. 6455), and an advisory note, subject to the following conditions which will be included on a planning permit if approved:

The design of the house is to be refined to more positively respond to the heritage building, specifically:

- (i) The roof over the garage / laundry area must be a skillion; or a secondary hip confined to the depth of the new garage, with skillion over the garage entry; and,
- (ii) The window openings in the south and east elevations must have expressed lintels and sills, and the door openings including porch recess are to have expressed lintels; and
- (iii) The windows and doorway in the east elevation must be evenly spaced and arranged symmetrically; and,
- (iv) The main roof must have eaves of the same overhang as those of the main roof of the heritage building.

Image 28 - Source: Heritage Tasmania advisory note relating to Works Application #6455



Figure 2. Proposed elevations facing King Street (LHS) and Main Road (RHS), as per application.



Figure 3. Elevations facing King Street (LHS) and Main Road (RHS) adjusted to reflect conditions.

Image 29 - Source: Heritage Tasmania advisory note relating to Works Application #6455



Figure 4. Proposed floor plan with roof shown dotted, as per application.



Figure 5. Roof plans amended to reflect Condition 1 (i), either as a skillion over the garage/laundry, or a secondary hip.



NORTHERN MIDLANDS COUNCIL

AGENDA – ORDINARY MEETING

16 AUGUST 2021

4.7 Planning Scheme Assessment

GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<p><i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i></p> <p><i>To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p><i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i></p> <p><i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i></p>
Assessment: The proposal meets the zone purpose.
LOCAL AREA OBJECTIVES
<p><i>To consolidate growth within the existing urban land use framework of the towns and villages.</i></p> <p><i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i></p> <p><i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i></p>
Assessment: The proposal meets the local area objectives.

USE STANDARDS

10.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
Comment: Complies. The proposal is for a permitted use.	Comment: Not applicable.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
Comment: Not applicable. The proposal is not for a discretionary use.	Comment: Not applicable.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.
Comment: Complies. The proposal is for a permitted use.	Comment: Not applicable.

10.3.2 Residential Character – Discretionary Uses

Comment: Not applicable. The proposal is for a permitted use.

DEVELOPMENT STANDARDS FOR DWELLINGS

10.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	P1 Multiple dwellings must only have a site area per dwelling that is less than 325m ² , if the development will not exceed the capacity of infrastructure services and: (a) is compatible with the density of existing development on established

	<p>properties in the area; or</p> <p>(b) provides for a significant social or community benefit and is:</p> <p>(i) wholly or partly within 400m walking distance of a public transport stop; or</p> <p>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</p>
Comment: Complies. The title has an area around 831m ² . 831m ² / 2 dwellings gives a site area per dwelling of 415m ² .	Comment: Not applicable.

10.4.2 *Setbacks and building envelope for all dwellings*

Objective:	<p>The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p>P1</p> <p>A dwelling must:</p> <p>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</p> <p>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</p>
Comment: Does not comply. The new dwelling is proposed to be 3.32m from the primary frontage (King Street) and 7m from the secondary frontage (Main Road)	Comment: The setback of 3.32 from King Street is compatible with dwellings in King Street and allows a greater setback from Main Road, leaving more of a view to the heritage building.
<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
Comment: Complies. The garage is proposed to be 5.5m from the primary frontage (King Street).	Comment: Not applicable.
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity</p>

envelope, must:

- (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or
 - (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

to adjoining properties, having regard to:

- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;
 - (iii) overshadowing of an adjoining vacant property; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
 - (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
 - (i) an adjoining property; or
 - (ii) another dwelling on the same site.

Comment: The proposal complies with Figure 10.2.

Comment: Not applicable.

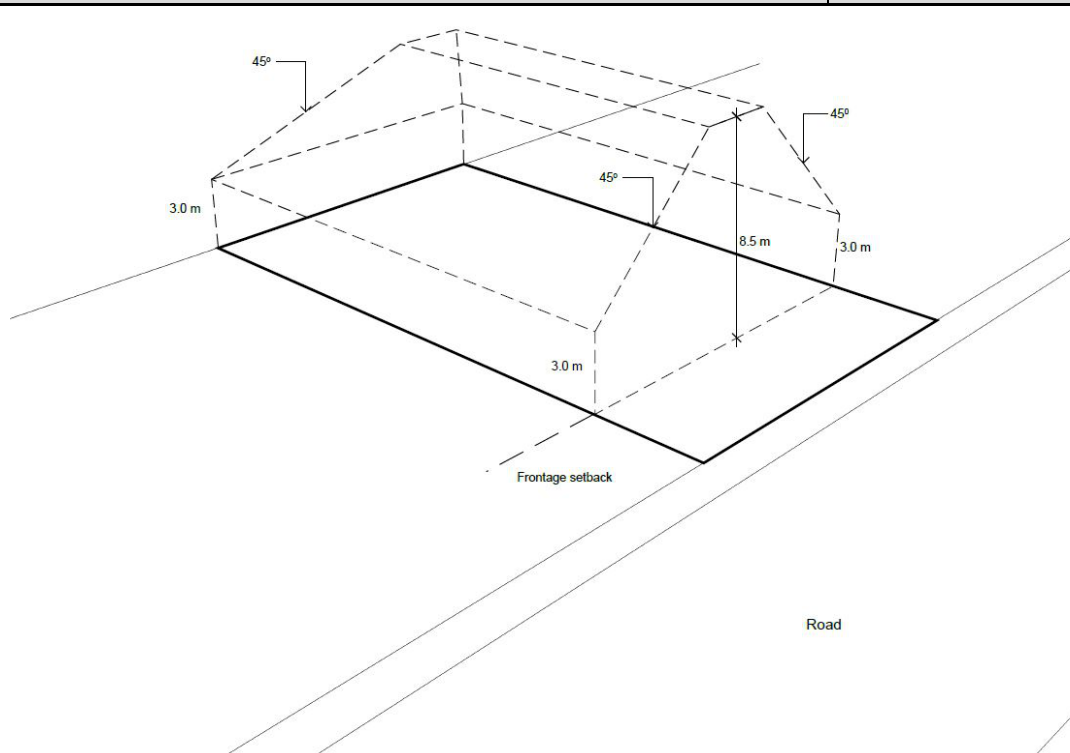


Figure 10.1 Building envelope as required by clause 10.4.2 A3(a)

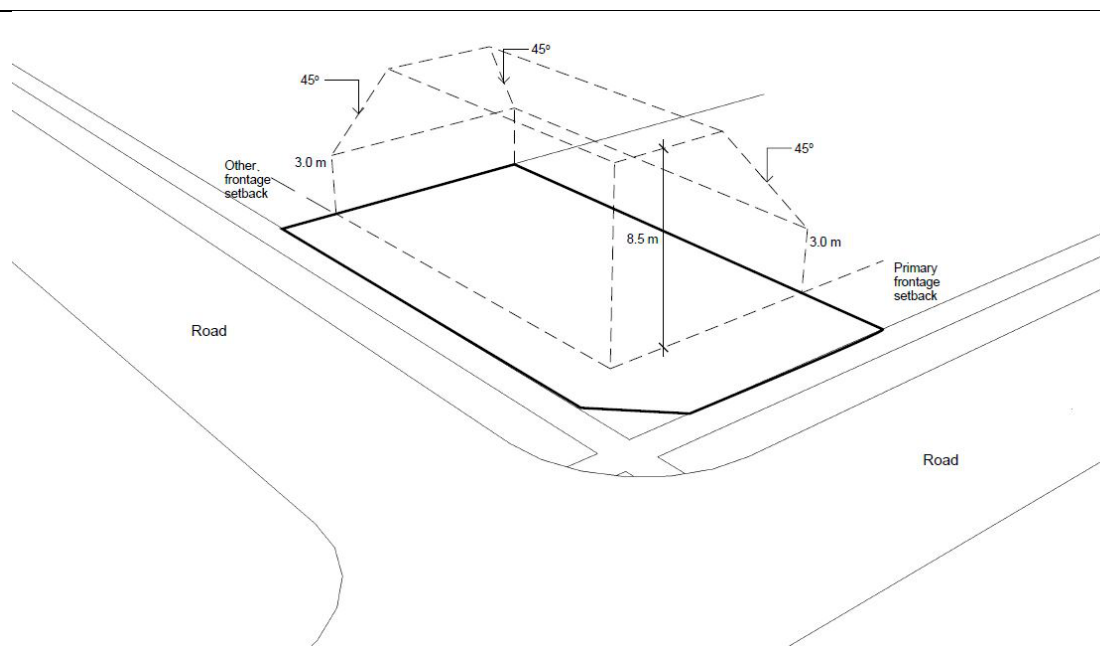


Figure 10.2 Building envelope for corner lots as required by clause 10.4.2 A3(a)

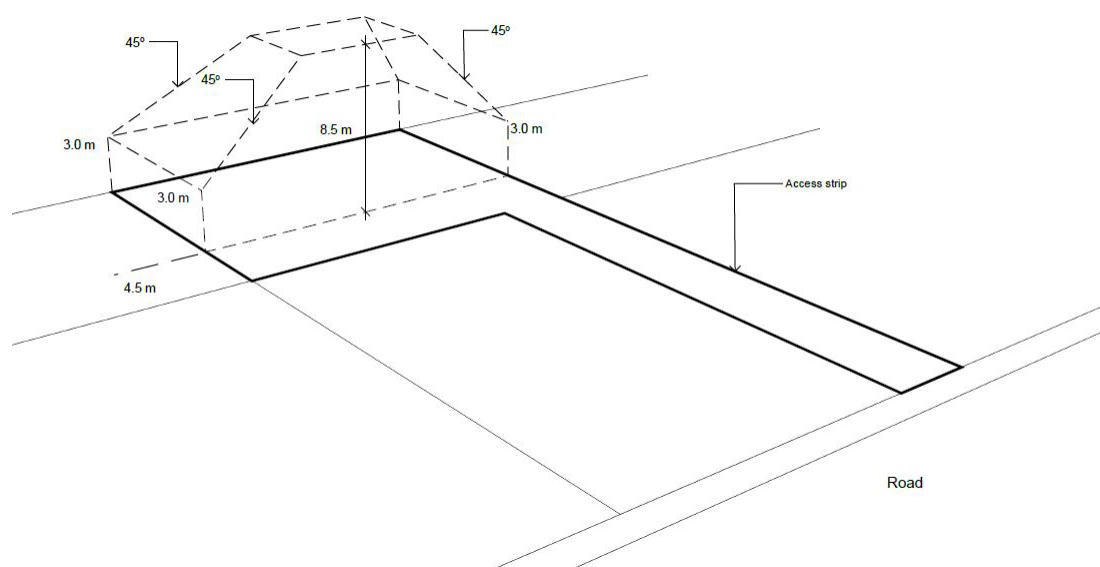


Figure 10.3 Building envelope for internal lots as required by clause 10.4.2 A3(a)

10.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
Acceptable Solutions	Performance Criteria
A1 Dwellings must have: <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer). 	P1 Dwellings must have: <ul style="list-style-type: none"> (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple

	<p>dwellings, take into account any common open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p>Comment: Complies. The site has an area of 831m². Site coverage is proposed to be 110m² (existing dwelling) and 125m² (proposed dwelling) = 28%.</p> <p>Each dwelling has private open space of at least 60m².</p>	<p>Comment: Not applicable.</p>
<p>A2</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
<p>Comment: Complies.</p>	<p>Comment: Not applicable.</p>

10.4.4 *Sunlight to private open space of multiple dwellings*

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		<p>P1</p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.</p>
<p>Comment: Complies.</p>		<p>Comment: Not applicable.</p>

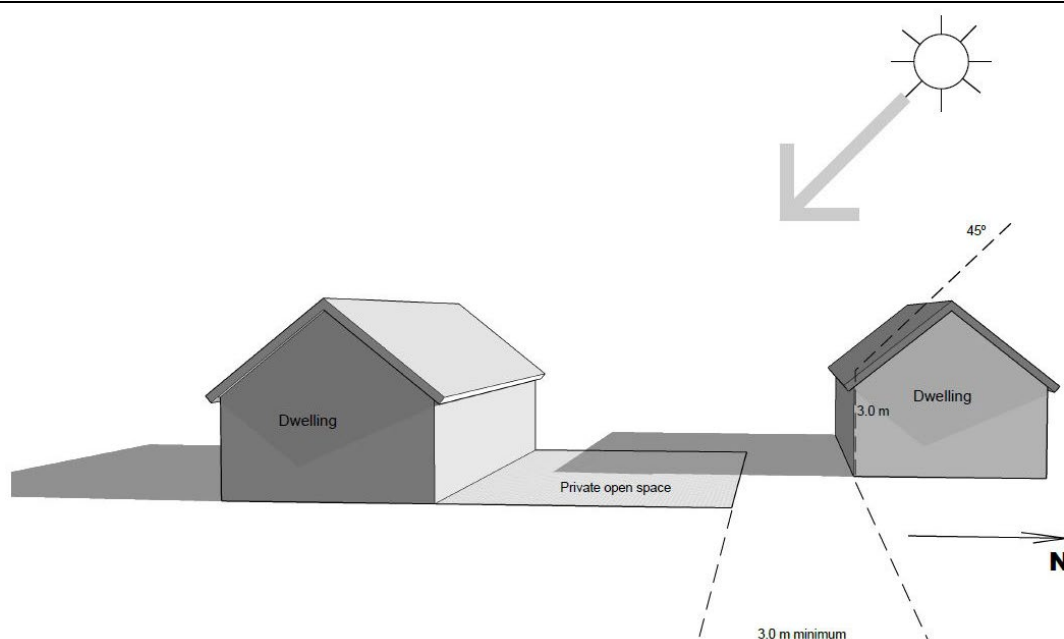


Figure 10.4 Separation from the private open space of another dwelling on the same site as required by clause 10.4.4 A1(a)

10.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.
Acceptable Solutions	Performance Criteria
A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	P1 A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.
Comment: Complies.	Comment: Not applicable.

10.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.
Acceptable Solutions	Performance Criteria
A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site. 	P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: <ul style="list-style-type: none"> (a) a dwelling on an adjoining property or its private open space; or (b) another dwelling on the same site or its private open space.
Comment: Not applicable.	Comment: Not applicable.
A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):	P2 A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m

<p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%. 	<p>above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.
<p>Comment: Not applicable.</p>	<p>Comment: Not applicable.</p>
<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1m if: <ul style="list-style-type: none"> (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level. 	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p>Comment: Not applicable.</p>	<p>Comment: Not applicable.</p>

10.4.7 *Frontage fences for all dwellings*

<p>Objective:</p>	<p>The height and transparency of frontage fences:</p> <ul style="list-style-type: none"> (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> (i) the topography of the site; and (ii) traffic volumes on the adjoining road.
<p>Comment: Not applicable. The application does not propose a frontage fence.</p>	<p>Comment: Not applicable. The application does not propose a frontage fence.</p>

10.4.8 *Waste storage for multiple dwellings*

<p>Objective:</p>	<p>To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> (a) an area for the exclusive use of each dwelling, excluding the area in front 	<p>P1</p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <ul style="list-style-type: none"> (a) capable of storing the number of bins required



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of the dwelling; or (b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area. 	for the site; (b) screened from the frontage and dwellings; and (c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.
Comment: Complies.	Comment: Not applicable.

10.4.9 Storage for multiple dwellings

Objective To provide adequate storage facilities for each multiple dwelling.	
Acceptable Solutions	Performance Criteria
A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents.
Comment: Complies.	Comment: Not applicable.

10.4.10 Common Property for multiple dwellings

Objective To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.	
Acceptable Solutions	Performance Criteria
A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as: <ul style="list-style-type: none"> a) driveways; and b) site services and any waste collection points. 	P1 No performance criteria.
Comment: Complies.	Comment: Not applicable.

10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling

Objective To ensure: <ul style="list-style-type: none"> a) that outbuildings do not detract from the amenity or established neighbourhood character; and b) that dwellings remain the dominant built form within an area; and c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties. 	
Acceptable Solutions	Performance Criteria
A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m ² .	P1 Outbuildings for each multiple dwelling must be designed and located having regard to: <ul style="list-style-type: none"> a) visual impact on the streetscape; and b) compatibility with the size and location of outbuildings in the neighbourhood.
Comment: Complies.	Comment: Not applicable.
A2 A swimming pool for private use must be located: <ul style="list-style-type: none"> (a) behind the setback from a primary frontage; or (b) in the rear yard. 	P2 A swimming pool for private use must be designed and located to: <ul style="list-style-type: none"> a) minimise any visual impact on the streetscape; and b) not unreasonably overlook or overshadow adjoining properties; and c) be compatible with the size and location of approved outbuildings in the neighbourhood.
Comment: Not applicable.	Comment: Not applicable.

10.4.12 Site services for multiple dwellings

Objective To ensure that: <ul style="list-style-type: none"> a) site services for multiple dwellings can be installed and easily maintained; and b) site facilities for multiple dwellings are accessible, adequate and attractive. 	
Acceptable Solutions	Performance Criteria



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A1 Provision for mailboxes must be made at the frontage.	P1 Sufficient space (including easements where required) for mail services must be provided for each multiple dwelling.
Comment: Complies.	Comment: Not applicable.

10.4.13 *Clauses 10.4.13.1 – 10.4.13.9 only apply to development within the Residential Use Class which is not a dwelling.*

Comment: Not applicable. The proposal is for a dwelling.

10.4.14 *Non Residential Development*

Comment: Not applicable. The proposal is for residential development.

10.4.15 *Subdivision*

Comment: Not applicable. The proposal is not for subdivision.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	N/a
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	Complies – See Heritage Adviser's referral.
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 *Use Standards*

E6.6.1 *Car Parking Numbers*

Objective: To ensure that an appropriate level of car parking is provided to service use.			
Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		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
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		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
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and

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	<p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
<p>Comment: Does not comply. The proposal would result in two dwellings, each with more than two bedrooms. Two car parking spaces are required for each dwelling plus a total of one visitor space. Two spaces are proposed for each dwelling. No visitor parking is proposed.</p>	<p>Comment: There is adequate on street parking in Main Road for visitor parking – complies.</p>

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Residential:		
If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling	1 space per unit.
Visitor parking for multiple dwellings in the General Residential zone.	1 dedicated space per 4 dwellings (rounded up to the nearest whole number.)	

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>Comment: Complies. Each dwelling would have a garage or outbuilding, providing for bicycle parking.</p>	<p>Comment: Not applicable.</p>

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
<p>A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).</p>	<p>P1 No performance criteria.</p>
<p>Comment: Not applicable.</p>	<p>Comment: Not applicable.</p>

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Acceptable Solutions	Performance Criteria
<p>A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</p>	<p>P1 No performance criteria.</p>
<p>Comment: Not applicable.</p>	<p>Comment: Not applicable.</p>

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

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Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p> <p>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>
Comment: Proposed dwelling to be sealed. Condition required.	Comment: Existing dwelling unsealed – complies.

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
Comment: Not applicable.	Comment: Not applicable.
<p>A2.1 Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>P2 Car parking and manoeuvring space must:</p> <p>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</p> <p>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
Comment: Complies.	Comment: Not applicable.

Table E6.2: Access Widths for Vehicles

Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
1 to 5	3.0m	Every 30m

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.	
Acceptable Solutions	Performance Criteria
<p>A1 Car parking areas with greater than 20 parking spaces must be:</p> <p>a) secured and lit so that unauthorised persons cannot enter or;</p> <p>b) visible from buildings on or adjacent to the site during the times when parking occurs.</p>	<p>P1 Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the:</p> <p>a) levels of activity within the vicinity; and</p> <p>b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.</p>
Comment: Not applicable.	Comment: Not applicable.

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.



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Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 The location and design of parking spaces considers the needs of disabled persons, having regard to: <ul style="list-style-type: none"> m) the topography of the site; n) the location and type of relevant facilities on the site or in the vicinity; o) the suitability of access pathways from parking spaces, and p) applicable Australian Standards.
Comment: Not applicable. Being for a dwelling, the proposal does not require, and does not propose, parking for persons with a disability.	Comment: Not applicable.
A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2 No performance criteria.
Comment: Not applicable.	Comment: Not applicable.

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Acceptable Solutions	Performance Criteria
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: <ul style="list-style-type: none"> a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site. 	P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
Comment: Not applicable.	Comment: Not applicable.

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
Comment: Does not comply. Must address the performance criteria.	Comment: Each dwelling would have an outbuilding that would provide for safe, secure and convenient bicycle parking.
A2 Bicycle parking spaces must have: <ul style="list-style-type: none"> a) minimum dimensions of: 	P2 Bicycle parking spaces and access must be of dimensions that provide



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i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more than 5% from a public area where cycling is allowed.	for their convenient, safe and efficient use.
Comment: Does not comply. Must address the performance criteria.	Comment: Each dwelling would have an outbuilding that would provide for bicycle parking spaces and access of dimensions that provide for their safe, secure and convenient use.

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Comment: Complies. The application requires 5 and proposes 4 car parking spaces. No separate pedestrian access is required.	Comment: Not applicable.

Table E6.5: Pedestrian Access

Number of Parking Spaces Required	Pedestrian Facility
1–10	No separate access required (i.e. pedestrians may share the driveway). [Note (a) applies].
11 or more	A 1m wide footpath separated from the driveway and parking aisles except at crossing points. [Notes (a) and (b) apply].

Notes

- a) In parking areas containing spaces allocated for disabled persons, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the principal building.
- b) Separation is deemed to be achieved by:
 - i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
 - ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
 - iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a – not in a heritage precinct.
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
Strategic Plan 2017-2027 <ul style="list-style-type: none"> Statutory Planning 	



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5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

Approve subject to conditions or refuse and state reasons for refusal.

7 DISCUSSION

Discretion to refuse the application is limited to:

- Variation to King Street setback.
- Development of heritage listed property.
- Lack of one visitor car parking space.

Conditions that relate to any aspect of the application can be placed on a permit.

PLAN 3 in this agenda recommends obtaining a 1m wide strip of land along King Street to allow for footpath. This would mean that car parking space would not fit on site. It is recommended that revised plans be required showing a parking space at least 1m from the current boundary.

The proposal is found to comply with the provisions of the planning scheme and is recommended for approval.

8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Responses from referral agencies
- Representation

RECOMMENDATION

That land at 50 Main Road, Perth be approved to be developed and used for multiple dwellings (1 existing, 1 proposed) (vary King Street setback, heritage listed property) in accordance with application PLN-20-0296, and subject to the following conditions:

1 Layout not altered

Except as required by this permit, the use and development must be substantially in accordance with the endorsed plans **P1 – P5** (AREI Plans Pages 01 to 05, Rev. B 13/4/2021).

2 Revised Plans Required

Before the development commences, the applicant must submit revised plans to the approval of the General Manager:

- in accordance with the Tasmanian Heritage Council's Notice of Heritage Decision; and
- showing one car parking space at least 1m from the current King Street boundary, constructed of compacted gravel or concrete.

When approved the plans will be endorsed and form part of this permit.

3 Privacy fences

The 1.8m high privacy fences shown on the plans must be timber paling.

4 Tasmanian Heritage Council

The proposed development must comply with the requirements of the Tasmanian Heritage Council's Notice of Heritage Decision (Reference 6455, 30 June 2021) – attached as **Appendix A**.

5 TasWater conditions

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (Taswater Ref: TWDA 2021/00021-NMC, Dated 16/06/2021).

6 Parking and Access

The driveway to the proposed dwelling must be sealed with an impervious concrete pavement and the parking space must be constructed in accordance with the endorsed plans **prior to the commencement of use of the dwelling**.

7 Council's Works Department conditions

7.1 Stormwater

- Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- Concentrated stormwater must not be discharged into neighbouring properties
- Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings. The system must connect through properly-jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- A plumbing permit is required prior to commencing any plumbing or civil works within the property.

7.2 Access (Urban)

- An "open wedge" style concrete driveway crossover and hotmix sealed apron must be constructed from the edge of the road to the property boundary of Lot 2 in accordance with Council standard drawings TSD R09 and TSD R14.
- **Access works must not commence** until an application for vehicular crossing has been approved by Council.

7.3 Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

7.4 Works in Council road reserve (if the road is owned by Council when works commence)

- **Works must not be undertaken within the public road reserve**, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

7.5 Works in State road reserve (the main street is currently owned by the Department of State Growth, but this will change at some time)

- The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.
- Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight (28) days prior to any scheduled works. In accordance with the Roads and Jetties Act 1935, works must not be commenced within the State Road reservation until a permit has been issued.

7.6 Separation of hydraulic services

- All existing pipes and connections must be located.
- Where required, pipes are to be rerouted to provide an independent system for each lot.
- Certification must be provided that hydraulic services have been separated between the lots.

7.7 Pollutants

- The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

PLAN 5 DRAFT AMENDMENT 02/2021 TO THE NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013: 74 & 86 EVANDALE ROAD & 2 TRANSLINK AVENUE, WESTERN JUNCTION

Attachments: Section 1 – Page 459

File: 12/026/007/161
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Rebecca Green, Planning Consultant

1 INTRODUCTION

This report recommends that Council initiate and certify draft amendment 02/2021 to the Northern Midlands Interim Planning Scheme 2013 to:

- insert the 'storage' use class (if not a liquid fuel depot or solid fuel depot) as a 'discretionary' use in Clause F1.3.6 within Area 6 of the Translink Specific Area Plan as comprised in Certificate of Title Volume 150770 Folios 1, 2 and 3.
- Insert a new clause F1.4.3 A6, "Within Area 6, development for storage must use a variety of building forms rather than single monolithic structures".
- Insert a new clause F1.4.3 P6, "The use of a variety of materials or other techniques to help reduce the interpreted scale of the building".
- Insert a new clause F1.4.7 A9, "Within Area 6, landscaping of lots adjacent to Evandale Main Road must incorporate mounding into the landscaping and shall conform to a comprehensive landscape plan approved by Council".
- Insert a new clause F1.4.7 P9, "Landscaping provides effective screening of buildings and works from Evandale Main Road".

Image 1: Subject site



2 SUMMARY INFORMATION

Applicant:

Woolcott Surveys

Zone:

General Industrial
Translink Specific Area Plan Area 6

Proposal:

Site specific amendment to allow Storage use class (if not a liquid fuel depot or solid fuel depot) as a discretionary use on CT150770/1, CT150771/2 and CT150770/3.

Critical Date:

Decision whether or not to initiate and certify the draft amendment must be made by 31st August 2021.

Owner:

Translink Business Hub Pty Ltd & Paul Gripske Investments Pty Ltd

Codes:

Bushfire Prone Areas Code
Airports Impact Management Code

Existing Use:

Vacant

Recommendation:

That Council initiate and certify the draft amendment.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013, Version 35 Effective from 26 April 2021.*

Preliminary Discussion:

The applicant held preliminary discussions with Council planning officers prior to lodgement of the Draft Amendment application.

3 STATUTORY REQUIREMENTS

The *Land Use Planning & Approvals Act 1993* contains the following provisions:

Section 33 (1) – A person may request planning authority to initiate an amendment of a planning scheme administered by it.

Section 33 (2B) - Before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –

- (a) *whether the requested amendment is consistent with the requirements of [section 32](#); and*
- (ab) *any representation made under [section 30I](#), and any statements in any report under [section 30I](#) as to the merit of a representation, that may be relevant to the amendment; and*
- (b) *any advice referred to in [section 65 of the Local Government Act 1993](#) received by it.*

Comment:

- (a) Part 7 of this report finds that the draft amendment is consistent with section 32 of the Act.
- (ab) There are no representations under section 30I relevant to the draft amendment.
- (b) This report provides advice in relation to section 65 of the Local Government Act 1993 (advice of qualified persons).

Section 35 (1) After preparing a draft amendment of a planning scheme, the planning authority must determine whether the draft amendment meets the requirements specified in [section 32](#) and –

- (a) *if satisfied that it does, certify the draft amendment as so meeting those requirements; or*
- (b) *if not so satisfied, proceed to modify the draft amendment until it does meet those requirements and then certify the modified draft amendment as so meeting those requirements.*

4 DRAFT AMENDMENT

It is proposed to add the **highlighted** sections to the planning scheme:

F1.3.6 Area 6 (see Figure F.1.1) – Northern Midlands Planning Scheme 2013

No Permit Required	
Use Class	Qualification
Utilities	If for minor utilities.
Passive recreation	
Natural and cultural values management	
Permitted	
Use Class	Qualification
Food services	If a restaurant. If a takeaway shop.
Hotel Industry	
Utilities	If not minor utilities.
Vehicle fuel sales and service	If a service station.
Discretionary	
Use Class	Qualification
Business and Professional Services	If an office.
Bulky goods sales	If a showroom.
General retail and hire	The floor area must not exceed 250m ² .
Storage	If: a) Not a liquid fuel depot or solid fuel depot; and b) Only on Certificate of Title Volume 150770 Folio 1, Volume 150770 Folio 2 and Volume 150770 Folio 3.
Visitor accommodation	If a motel.
Prohibited	
All other uses	

It is considered that the following clauses need to be added to protect the visual amenity of Evandale Road.

F1.4.3 Materials and Presentation

Objective:	
(a) To achieve a high quality of development by encouraging the use of a variety of architectural treatments, responding to the rural and landscaped setting and recognising the importance of the area as one of the tourist gateways to Launceston.	
(b) Require a high standard of development recognising the prominent location of the zone adjacent to the Airport and that Evandale Main Road is a tourist route.	
Acceptable Solutions	Performance Criteria
A6 Within Area 6 a variety of building forms must be used rather than single monolithic structures.	P6 The use of a variety of materials or other techniques to help reduce the interpreted scale of the building.

F1.4.7 Open Space and Landscaping

Objective:	
That open space and landscaping form an integral part of developments to:	
i) facilitate the enhanced appearance of buildings and works,	
ii) provide screening,	
iii) separate activities,	
iv) assist in the control of water run-off and erosion,	
v) contribute to a reduction in noise levels,	
vi) define roads and provide opportunities for passive recreation.	
Acceptable Solutions	Performance Criteria
A9 Within Area 6, landscaping of lots adjacent to Evandale Main Road must incorporate mounding into the landscaping and shall conform to a comprehensive landscape plan approved by Council	P9 Landscaping provides effective screening of buildings and works from Evandale Main Road.

Image 2 – Subject titles outlined in red.



4.1 Zoning

The land is zoned General Industrial and is within Area 6 of the Translink Specific Area Plan. It is proposed that the provisions of the General Industrial Zone and Translink Specific Area Plan remain. Storage is a permitted use (with permit) and without any qualifications in the General Industrial Zone.

Image 3 – Zoning Plan

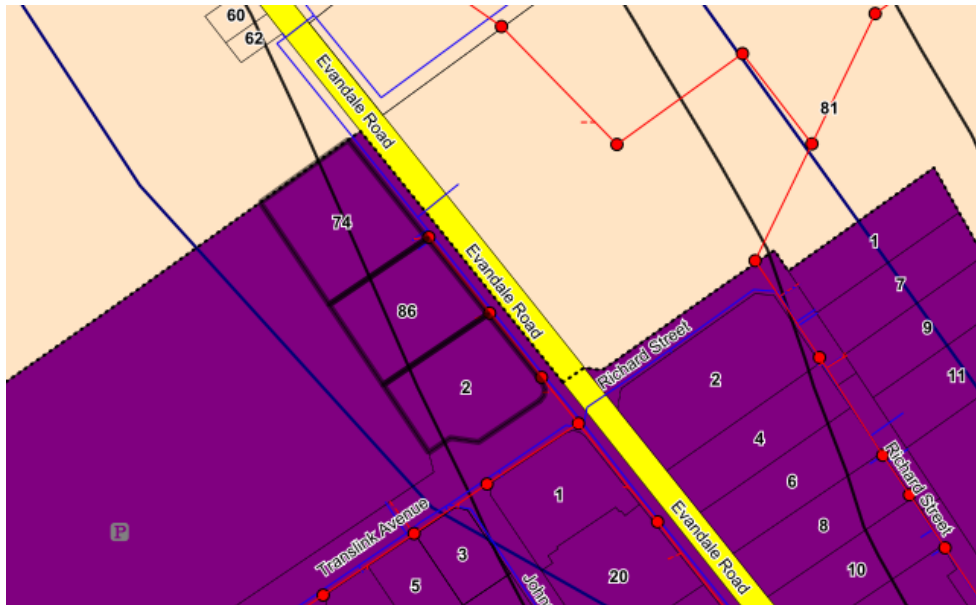
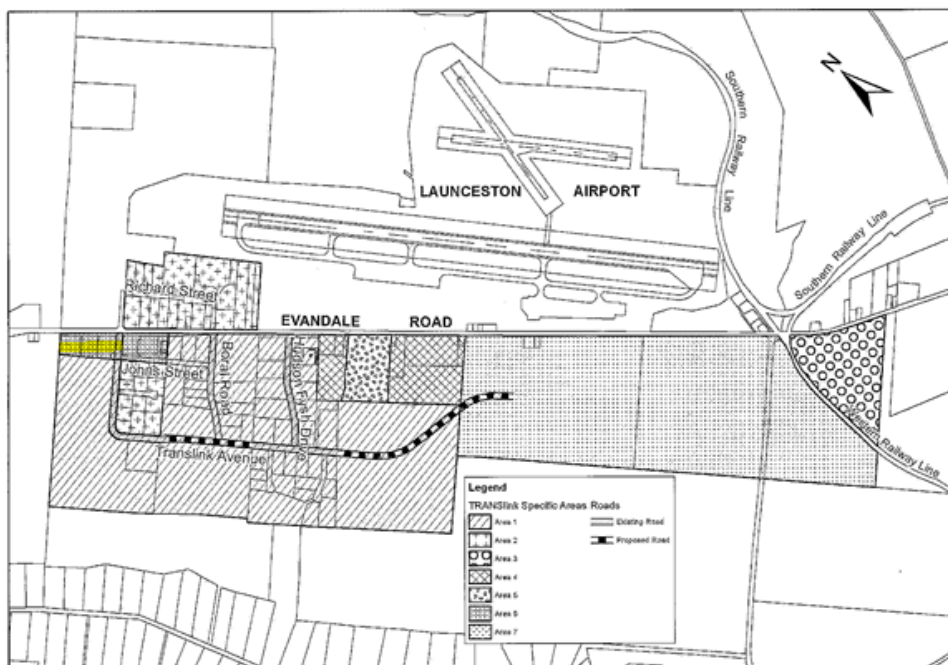


Image 4 – Location with regards to Translink Specific Area Plan

Figure F1.1 – Location of Areas 1-7



4.2 Subject site and locality

A site inspection was carried out on 4th August 2021. The subject land consists of three titles (the site). The site is located in the northern part of the Translink Industrial Estate and situated on the south-western side of Evandale Road.

The site is vacant land, with no use or development having been undertaken since the title creation in 2007 and comprises a total area of 2.03 hectares. The land slopes slightly from the north to the south with a low point approximately in the centre of the three titles. There is no native vegetation on the site other than that vegetation situated along the property boundaries. A right of carriageway is located along the north-eastern boundary, which allows for a single slip road to be created as part of an industrial development. This slip road has been partially constructed and would be completed as part of a future development of the site.

The site adjoins pasture to the north-west, which consists of a single 50-hectare site used for grazing purposes. The neighbouring site is contained within the Rural Resource zone. Further to the north-west are two single dwellings, located at 60 and 62 Evandale Road and approximately 100m from the site.

Evandale Road, zoned Utilities adjoins the site to the north-east with a large Rural Resource zoned property further to the north-east beyond Evandale Road. This property contains a single dwelling, located approximately 105m from the subject site. Land to the south-east consists of Translink Avenue, with a service station and multiple other warehouse/industrial uses, all of which are within the General Industrial Zone and Translink Specific Area Plan.

Statewide Independent distribution warehouse, also zoned as General Industrial and within the Translink Specific Area Plan, is located to the south-west, at 10 Translink Avenue. This adjoining site contains a warehouse being approximately 60,000m² in size, utilised for transport, distribution and storage purposes.

The site is currently serviced by TasWater sewer and water, with reticulated mains located within the Evandale Road reserve to the north-east and Translink Avenue reserve to the south-east. An open stormwater swale drain is located along Evandale Road, and underground stormwater infrastructure is situated along Translink Avenue.

Electrical supply is available from existing overhead distribution lines on the north-eastern side of Evandale Road with underground electrical reticulation location within Translink Avenue. Fixed Wireless NBN is available to the site.

Image 5 – subject site



Image 6 – subject site



Image 7 – subject site



Image 8 – subject site



Image 9 – subject site



Image 10 – subject site



Image 11 – subject site



4.3 Permit/site history

2 Translink Avenue

- P03-447 – 23 Lot Subdivision – Amendment 16/03
- P05-019 – Distribution Centre – withdrawn
- P05-127 – Homemaker/b-goods centre – Amendment 07/05
- P05-380 – 6 Units – withdrawn
- P06-172 – Motel, Offices & Showrooms
- P07-107 – Motel – expired
- P07-343 – Boundary Adjustment / subdivision (2 Lots)
- P08-064 – 2 Lot Subdivision

74 Evandale Road

- PLN19-0145 – Signage
- PLN20-0237 – Showroom, office, warehouse, signage

86 Evandale Road

- Nil

4.4 Reason for Proposed Amendment

The proposed site specific amendment is sought to allow storage with qualifications on the subject site. The Storage Use Class is defined in Clause 8.2 as:

‘use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and wood yard.’

Whilst Storage is permitted in the General Industrial Zone, the site is subject to the Translink Specific Area Plan, Area 6 and the use is prohibited under those provisions which take precedence over the zone provisions.

Given the proposal is for an industrial style use within an industrial precinct it is appropriate to consider a site specific amendment to the SAP provisions to allow Storage on the site. It is noted that Storage is permitted in Areas 1, 2, and 3 (if

not a liquid fuel depot or solid fuel depot) of the Translink SAP so it is not a use entirely prohibited from the area. Noting that Area 1 immediately adjoins the site to the south-west with an existing storage facility established.

4.5 Public Exhibition

Public Exhibition of the draft amendment occurs after it has been certified, as per section 38 of the *Land Use Planning and Approvals Act 1993*:

- (1) *After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in [section 32](#), the planning authority must –*
 - (a) *cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*
 - (b) *advertise, as prescribed, the exhibition of the draft amendment.*

5 FINANCIAL IMPLICATIONS TO COUNCIL

Assessment of the application is within budget allocations.

6 OPTIONS

Initiation of draft amendment

Council can:

- Initiate the draft amendment; or
- Not initiate the draft amendment

Certification of draft amendment

If Council initiates the draft amendment, Council can:

- Certify the draft amendment as meeting the requirements of section 32; or
- Modify the draft amendment until it meets the requirements of section 32, and then certify it.

7 DISCUSSION

7.1 ASSESSMENT FOR CONSISTENCY WITH SECTION 32 OF THE LAND USE PLANNING & APPROVALS ACT 1993

Section 32 of the *Land Use Planning & Approvals Act 1993* requires that an amendment of a planning scheme–

Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.

Comment: The draft amendment proposes to keep the land within the General Industrial Zone and Area 6 of the Translink Specific Area Plan. The amendment only allows the consideration of the Storage Use Class with qualification as Discretionary on the subject site and does not create potential for conflict. The Storage Use Class is a permitted use class in the underlying zoning and in Areas 1, 2 and 3 of the Translink Specific Area Plan.

Storage uses, such as warehouse development are common throughout the Translink Area and on numerous lots which sit under the Translink Specific Area Plan, including No. 10 Translink Avenue which directly adjoins the subject site. Storage is considered a use which meets one of the primary purposes of the Translink SAP which is listed under Clause F1.1.1 b).

Farming and primary industry activities that may occur on Rural Resource zoned properties, have the ability to coexist with industrial uses, without conflict being generated.

Must be consistent with the Regional Land Use Strategy and any mandatory provisions ([section 300](#)).

Comment: The Northern Regional Land Use Strategy (NRLUS) provides overall direction on future use and development for the Northern Region. As required through Section 32(1)(ea) the proposed amendment must as far as practicable be consistent with the Regional Land Use Strategy. The Strategy was updated in 2018 to incorporate some of the directions, strategies and principles encompassed in the Greater Launceston Plan and further updated in 2021.

The Northern Tasmania Regional Land Use Strategy (NRLUS) is a key policy framework that has been established to guide land use, development, and infrastructure investment decisions across the region. A primary objective of the RLUS is to guide land use, development and infrastructure decisions made by State and local government, and key infrastructure providers.

There are four key goals under the Framework based on Economic Development, Liveability, Sustainability, and strong Governance. The conformance of the proposed amendment with the goals is outlined.

The RLUS defines three key land use categories to direct the allocation of all land in the region as Urban Growth Areas, Rural Areas or Natural Environment Areas to assist in zoning allocation. The site is located within the established Translink Industrial area.

C.4.1 Goal 1: Economic Development

To facilitate economic development and productivity through integrated land use and infrastructure planning.

Strategic Direction	Conformance of Amendment
<i>G1.1 Capitalise on the region's sources of competitiveness by identifying future opportunities for sustainable competitive advantage.</i>	The amendment has been proposed to enable a future development application for a storage facility to be established at the site. The amendment provides for the co-location of an industrial use within the Translink Industrial Precinct, subsequently this strengthens the economic and employment cluster for Translink area.
<i>G1.2 Adopt an integrated and coordinated approach to government infrastructure, transport and land use planning.</i>	The amendment to allow storage as a discretionary use on the site which is strategically located near air and road freight transport hubs allows furthers G1.2.
<i>G1.3 Develop a thorough understanding of key industry needs, including future demand and location requirements</i>	A key strategy to attaining the objective is to support industrial development by identifying growth and infrastructure needs at the Launceston Airport Precinct. The amendment effectively allows growth within the existing Launceston Airport Precinct by enabling an additional use class to be considered which will result in an existing vacant site being utilised.

C.4.3 Goal 3: Sustainability

To promote greater sustainability in new development and develop stronger community resilience to social and environmental change.

Strategic Direction	Conformance of Amendment
<i>G3.1 Promote the Region's unique environmental assets and values</i>	The subject site is within an existing industrial precinct and therefore is ideally located to provide for a new storage development without impact to the environment.
<i>G3.2 Establish planning policies to support sustainable development, address the impacts of climate change, improve energy efficiency and reduce environmental emissions and pollutants.</i>	The proposed amendment will allow storage uses into the future and therefore promotes sustainable growth of industry. The subject site is within an overland flow path due to the topography and stormwater advice was provided with the application. A future stormwater system has the potential to improve the impact any pollutants leaving the site may have and can provide an appropriate and improved solution to the existing situation on the site.

Regional Planning Policies

The Translink site is included within the Launceston Airport /Translink Specialist Centre under the NRLUS.

Table E.2 ➤ Northern Tasmania Regional Activity Centre Hierarchy

Specialist Centres ➤	Launceston Airport / Translink, UTAS City Campus
Role	To provide for activity of a specialist nature as defined through specific local area or precinct structure plans. Specialist nature maybe of a major infrastructure, educational, health or research or other institutional style facility of regional significance that provides a strong employment and economic development role.
Employment	Dependent upon specialist characteristics.

The proposed amendment to introduce one new use class as discretionary within Area 6 of the Translink SAP will not impact the status of the TransLink Specialist Centre in the Regional Activity Centre Hierarchy.

Key policies and actions identified in the regional infrastructure network policy include the following relevant to the proposed amendment:

7.3.2 E.4 Regional Infrastructure Network Policy

Policy ▼	Actions ▼
RIN-P3 Direct new development towards settlement areas that have been identified as having spare infrastructure capacity.	RIN-A3 Direct growth to areas where existing infrastructure capacity is underutilised and give preference to urban expansion that is near existing transport corridors and higher order Activity Centres.
RIN-P5 Recognise the region's port, airport and other intermodal facilities (existing and planned), including operations, and protect from development that will preclude or have an adverse impact on existing and future operations.	RIN-A4 Recognise the operation and future expansion potential of key intermodal facilities, particularly the three major seaports and the Launceston Airport and protect from surrounding incompatible uses by applying appropriate zoning and buffers in planning schemes. RIN-A6 Provide for use and development nearby Launceston Airport that supports and complements the airport's role and does not adversely impact on its current or future operation. . Note: The area immediately surrounding some airports is subject to Commonwealth legislation, which overrides State legislation.
RIN-P6 Facilitate and encourage active modes of transport through land use planning.	RIN-A17 Planning schemes are to require that use and development proposals which attract high numbers of people include provision for bicycle parking facilities in parking requirements, where appropriate.

The proposed amendment clearly furthers the three policies by enabling an existing site within an identified industrial area to be used to its full potential and enable a business to establish that will benefit from being situated in close proximity to key air and road freight networks.

The proposal is consistent with mandatory provisions under section 30(O) of the former provisions of the *Land Use Planning & Approvals Act 1993*.

Must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

Comment: The proposed amendment to allow one additional use class on the subject site, being Storage, which is a permitted use class within the underlying zoning and discretionary in other Areas of the Translink SAP considers the impact on the Region in environmental, economic and social terms.

The amendment allows utilisation of an existing vacant site for the purposes of Storage.

The amendment will have a positive economic impact in that it enables the use and development of an existing vacant site that has remained vacant for quite some time which is likely to generate employment for the regional as well as enable a new business to value add to the region.

Must be consistent with the overarching requirements for planning schemes [sections 20(2), (3), (4), (5), (6), (7), (8), and (9)]:

(2) A planning scheme may–

(aa) make any provision which relates to the use, development, protection or conservation of any land in the area; and

(a) set out policies and specific objectives; and

(b) regulate or prohibit the use or development of any land; and

(c) designate land as being reserved for public purposes; and

(d)

(e) set out requirements for the provision of public utility services to land; and

(f) require specified things to be done to the satisfaction of the Commission, relevant agency or planning authority; and

(g) apply, adopt or incorporate any document which relates to the use, development or protection of land; and

(h) provide that any use or development of land is conditional on an agreement being entered into under Part 5; and

(ha) set out provisions relating to the implementation in stages of uses or developments; and

(i) provide for any other matter which this Act refers to as being included in a planning scheme; and

(j) provide for an application to be made to a planning authority to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme.

Comment: The draft amendment does not conflict with the requirements in section (2)(aa-j) above.

(3) Subject to subsections (4), (5) and (6), nothing in any planning scheme is to be taken (including by virtue of requiring a permit to be obtained) to–

(a) prevent the continuance of the use of any land, upon which buildings or works are not erected, for the purposes for which it was being lawfully used before the coming into operation of the scheme; or

(b) prevent the use of any building which was erected before that coming into operation for any purpose for which it was lawfully being used immediately before that coming into operation, or the maintenance or repair of such a building; or

(c) prevent the use of any works constructed before that coming into operation for any purpose for which they were being lawfully used immediately before that coming into operation; or

(d) prevent the use of any building or works for any purpose for which it was being lawfully erected or carried out immediately before that coming into operation; or

(e) require the removal or alteration of any lawfully constructed buildings or works; or

(f) prevent a development, which was lawfully commenced but not completed before the coming into operation of the scheme, from being completed within–

(i) 3 years of that coming into operation; or

(ii) any lesser or greater period specified in respect of the completion of that development under the terms of a permit or special permit granted before the coming into operation of the scheme.

Comment: The draft amendment does not conflict with these requirements.

(4) Subsections (3) and (3A) do not apply to a use of land–

(a) which has stopped for a continuous period of 2 years; or

(b) which has stopped for 2 or more periods which together total 2 years in any period of 3 years; or

(c) in the case of a use which is seasonal in nature, if the use does not take place for 2 years in succession.

Comment: The draft amendment does not conflict with these requirements.

(5) Subsection (3) does not apply to the extension or transfer from one part of a parcel of land to another of a use previously confined to the first-mentioned part of that parcel of land.

Comment: The draft amendment does not conflict with these requirements.

(6) Subsections (3) and (3A) do not apply where a use of any land, building or work is substantially intensified.

Comment: The draft amendment does not conflict with these requirements.

(7) Nothing in any planning scheme or special planning order affects –

(a) forestry operations conducted on land declared as a private timber reserve under the Forest Practices Act 1985; or

(b) the undertaking of mineral exploration in accordance with a mining lease, an exploration licence, or retention licence, issued under the Mineral Resources Development Act 1995, provided that any mineral exploration carried out is consistent with the standards specified in the Mineral Exploration Code of Practice; or

(c) fishing; or

(d) marine farming in State waters.

Comment: The draft amendment does not conflict with these requirements.

(8) The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force immediately before that coming into operation.

Comment: The draft amendment does not conflict with these requirements.

(9) A planning scheme may require a use to which subsection (3) applies to comply with a code of practice approved or ratified by Parliament under an Act.

Comment: The draft amendment does not conflict with these requirements.

Must seek to further the objectives in Schedule 1 of the Act

Part 1 – The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

Comment: The draft amendment is consistent with this objective. The amendment applies to the subject site being three adjoining titles CT 150770/1, CT 150770/2 and CT 150770/3 only. The site, and surrounding land has no identified natural values. There is a small amount of vegetation remaining on the property boundaries. The subject site is within an existing industrial area. The amendment to allow one additional use class to be considered on the site as discretionary will not impact on any natural or physical resources.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water.

Comment: The amendment enables the existing vacant site to be used for an alternate purpose that is consistent with the underlying zoning as well as the Translink SAP objectives and provisions. Future development allows for the existing stormwater situation to be improved.

(c) to encourage public involvement in resource management and planning.

Comment: If initiated, the draft amendment will be placed on public exhibition, providing an opportunity for public involvement.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).

Comment: The draft amendment is consistent with this objective. The draft amendment allows one additional use class to be considered on the site and allows for additional business opportunities creating employment opportunities and will have a positive economic impact on the region.

(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.

Comment: The application was referred to TasWater. It will be decided on by the Tasmanian Planning Commission, consistent with this objective.

Part 2 – The objectives of the planning process established by the Act are, in support of the objectives set out in Part 1 of the Schedule –

(a) to require sound strategic planning and co-ordinated action by State and local government.

Comment: The proposed site specific amendment to allow one additional use class to be considered on the site is consistent with the underlying zoning and also with other 'Areas' within the Translink SAP.

The amendment is consistent with the directions in the Northern Regional Land Use Strategy which identifies Translink as a specialist centre and a key industrial estate particularly for industries that benefit from being strategically located in proximity to air and road freight linkages.

The Translink SAP is proposed to be a transitioning provision in the new LPS so there are no proposed changes to consider in respect of the draft amendment.

The proposal is consistent with this objective.

(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.

Comment: The Northern Midlands Interim Planning Scheme 2013 is the planning instrument that applies to the subject land.

(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.

Comment: The draft amendment is consistent with this objective. The amendment applies to the subject site being CT 150770/1, CT 150770/2 and CT 150770/3 only and the site is already located within an industrial estate. The amendment to allow one additional use class to be considered on the site as discretionary will not impact on any natural or physical resources.

(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.

Comment: The draft amendment is consistent with this objective.

(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.

Comment: The consideration of the amendment will allow a future application to the Council to follow.

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.

Comment: The draft amendment is consistent with this objective.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Comment: The subject site is not identified within a heritage precinct or on the Tasmanian Heritage Register. The proposed site specific planning scheme amendment does not impact attainment of this objective.

(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.

Comment: No adverse impact on public infrastructure has been identified through the referral process. It is considered that the draft amendment is consistent with this objective.

(i) to provide a planning framework which fully considers land capability.

Comment: The draft amendment does not impact on agricultural land capability.

Must be in accordance with State Policies.

State Policy for the Protection of Agricultural Land – The subject site is within an existing urban zoned area. The addition of one use class as discretionary will not impact on the productivity of adjoining agricultural land.

Water Quality Management State Policy – the site can be connected to the reticulated stormwater system.

State Coastal Policy - There is no coastal land within the municipal area of the Northern Midlands.

National Environmental Protection Measures – There are none relevant to the application.

8 ATTACHMENTS

- Application
- Responses from referral agencies

RECOMMENDATION

A That Council, under section 34 (1) (former provisions) of the *Land Use Planning and Approvals Act 1993*, initiate Draft Amendment 02/2021 to the Northern Midlands Interim Planning Scheme 2013 to:

- Insert in Clause F1.3.6 the 'storage' use class with the qualification 'If not a liquid fuel depot or solid fuel depot, and, If only on Certificate of Title Volume 150770 Folio 1, Volume 150770 Folio 2, and Volume 150770 Folio 3' so that the provision reads:

Storage	If: a) Not a liquid fuel depot or solid fuel depot; and b) Only on Certificate of Title Volume 150770 Folio 1, Volume 150770 Folio 2 and Volume 150770 Folio 3.
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- Insert a new clause F1.4.3 A6 & P6 that reads:
F1.4.3 Materials and Presentation

Acceptable Solutions	Performance Criteria
A6 Within Area 6 a variety of building forms must be used rather than single monolithic structures.	P6 The use of a variety of materials or other techniques to help reduce the interpreted scale of the building.

- Insert a new clause F1.4.7 A9 & P9 that reads:
F1.4.7 Open Space and Landscaping

Acceptable Solutions	Performance Criteria
A9 Within Area 6, landscaping of lots adjacent to Evandale Main Road must incorporate mounding into the landscaping and shall conform to a comprehensive landscape plan approved by Council	P9 Landscaping provides effective screening of buildings and works from Evandale Main Road.

B That Council, under section 35 (1) (former provisions) of the *Land Use Planning and Approvals Act 1993*, certify Draft Amendment 02/2021 as meeting the requirements of section 32 of the Act, and place it on Public Exhibition for 28 days, in accordance with section 38 of the Act.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

RECOMMENDATION

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.

DECISION

Cr

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

CON ITEMS FOR THE CLOSED MEETING

DECISION

Cr

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Senior Planner and Executive Assistant.

CON 1 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

Table of Contents

CON 2 CONFIRMATION OF CLOSED COUNCIL MINUTES: ORDINARY & SPECIAL COUNCIL MEETINGS

Confirmation of the Closed Council Minutes of Ordinary and Special Council Meetings, as per Regulation 34(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

CON 3 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE

As per Regulation 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*.

CON 4(1) PERSONNEL MATTERS

As per Regulation 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*.

CON 4(2) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

Management Meetings

CON 4(3) MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

As per Regulation 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*.

Correspondence Received

CON 4(4) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

Action Items – Status Report

CON 4(5) MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

As per Regulation 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*.

Compliance



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 16 AUGUST 2021

CON 5 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per Regulation 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015.

Developer Proposal

CON 6 MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

As per Regulation 15(2)(i) of the Local Government (Meeting Procedures) Regulations 2015.

Appeal

CON 7 MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

As per Regulation 15(2)(i) of the Local Government (Meeting Procedures) Regulations 2015.

Appeal

CON 8 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

Crown Land

CON 9 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

Stormwater

CON 10 PERSONNEL MATTERS

As per Regulation 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION

Cr

That Council move out of the closed meeting.

Mayor Knowles closed the meeting at ...