



**NORTHERN  
MIDLANDS  
COUNCIL**

# **AGENDA**

**ORDINARY MEETING OF COUNCIL**

**MONDAY, 13 DECEMBER 2021**

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

Des Jennings  
GENERAL MANAGER



### 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; and
  - 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;
- Notices advising that:

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](mailto: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 prior to 5.00pm and between 6.30pm to 6.40pm. Public Question Time commences at 6.45pm.

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](mailto: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.



NOTICE IS HEREBY GIVEN THAT THE NEXT MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON MONDAY, 13 DECEMBER 2021 FOLLOWING THE ANNUAL GENERAL MEETING TO BE HELD AT 5.00 PM AT THE COUNCIL CHAMBERS, 13 SMITH STREET, LONGFORD 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  
8 DECEMBER 2021

4.00pm	Councillor Workshop – closed to the public
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## 1 ATTENDANCE

### PRESENT

In Attendance:

### APOLOGIES



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### 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.

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

As per the *Local Government Act 1993, Part 5 - Pecuniary Interests, section 48*:

- (1) *A councillor must not participate at any meeting of a council, council committee, special committee, controlling authority, single authority or joint authority in any discussion, nor vote on any matter, in respect of which the councillor–*
  - (a) *has an interest; or*
  - (b) *is aware or ought to be aware that a close associate has an interest.*
- (2) *A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.*

### 5 PROCEDURAL

#### 5.1 CONFIRMATION OF COUNCIL MEETING MINUTES

##### 5.1.1 Confirmation Of Minutes: Ordinary Council Meeting

###### RECOMMENDATION

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 15 November 2021, be confirmed as a true record of proceedings.

##### 5.1.2 Confirmation Of Minutes: Special Council Meeting

###### RECOMMENDATION

That the Open Council Minutes of the Special Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 29 November 2021, be confirmed as a true record of proceedings.

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#### 5.2 DATE OF NEXT COUNCIL MEETING

Mayor Knowles advised that the next Ordinary Council Meeting of the Northern Midlands Council would be held at 5.00pm on Monday, 31 January 2022 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).

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#### 5.3 MOTIONS ON NOTICE

No Notice of Motion was received.

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## 6 COUNCIL COMMITTEES - CONFIRMATION OF MINUTES

Minutes of meetings of the following Committees are attached:

Date		Committee	Meeting
6.1.1	10 November 2021	Ross Community Sports Club	Ordinary
6.1.2	9 November 2021	Evandale Community Centre & Memorial Hall Management Committee	Ordinary
6.1.3	2 November 2021	Perth Local District Committee	Ordinary
6.1.4	30 November 2021	Northern Midlands Local Recycling Committee	Ordinary
6.1.5	25 November 2021	Avoca, Royal George & Rossarden Local District Committee	Ordinary
6.1.6	1 December 2021	Longford Local District Committee	Ordinary

Matters already considered by Council at previous meetings have been incorporated into **Information Item: Officer's Actions**.

In the attached minutes of Council Committees, recommendations of Committees are listed for Council's consideration in the Agenda Item 7 below.





## 7 COUNCIL COMMITTEES - RECOMMENDATIONS

### 7.1 LONGFORD LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Longford Local District Committee held on 1 December 2021 the following motion/s were recorded for Council's consideration:

**7.2 Secretary:** Tim Flanagan be appointed Secretary.

**Officer Comment:**

It is noted that Bronwyn Baker relinquished the position which she took on temporarily.

**Officer Recommendation:**

That Council note the appointment.

**7.4 Marlborough Street Traffic Islands:** Traffic islands along Marlborough St need be made more visible for safety reasons, as there is fading of the edges around them. Maybe more visible with a coat of paint. (Please see attached photos).

**Officer Comment:**

Customer request to be generated and request forwarded to Dept of State Growth.

**Officer Recommendation:**

That Council note the recommendation.

**8.3 Longford Town Hall Arts Committee:** That LLDC supports contract between Longford Town Hall Arts Committee and council.

**Officer Comment:**

The Committee noted that the contract for lease of the Town Hall has been forwarded to Council.

**Officer Recommendation:**

That Council note the recommendation.

### 7.2 PERTH LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Perth Local District Committee held on 2 November 2021 the following motion/s were recorded for Council's consideration:

**4.3 Budget Priorities 2021/2022:** The PLDC request Council provide a schedule of works and commitment for commencement of works on the following critical projects: (1) Train Park (2) Seccombe/Talisker Toilet blocks (3) Perth Riverbank Reserve

**Officer Comment:**

Council officers will determine the allocation of resources depending upon weather, design, approval process and availability of contractors, and staff and equipment at that time.

**Officer Recommendation:**

That That the committee be advised that when works are programmed the advice will be provided.

**4.10 Highway Maintenance:** PLDC request an update on this matter from Council.

**Officer Comment:**

The following request of the Committee was referred to the October 2021 Council meeting:

That, due to the current poor state of the entrances to Perth, Council undertakes, or request the Dept of State



Growth undertake, maintenance of the verges including removal of waste and rubbish where works have been carried out.

October 2021 Council decision: That Council Officer's contact the Department of State Growth and request maintenance, including the removal of waste/debris, be undertaken at the entrances to Perth.

Council officers have contacted the Department of State Growth who have agreed to undertake the maintenance of the verges. Update to be provided to the Committee.

**Officer Recommendation:**

That Council note the request and action taken.

**4.11 Old United Service Station Site:** PLDC request an update on this matter from Council.

**Officer Comment:**

The matter has been referred to the Northern Midlands Property Committee (NMPC). The NMPC is to prepare a report re acquisitions/disposals for consideration by Council in due course. Deliberations of the Committee are in held in confidence.

**Officer Recommendation:**

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

## **7.3 OTHER COMMITTEE RECOMMENDATIONS**

### **7.3.1 Evandale Community Centre & Memorial Hall Management Committee**

At the ordinary meeting of the Evandale Community Centre & Memorial Hall Management Committee held on 9 November 2021 the following motion/s were recorded for Council's consideration:

**RV Dump Point Evandale:** That we ask the Council to retain the existing Dump Site open until the new one is ready for use, especially as there have been no issues with the site for several years

**Officer Comment:**

In accordance with the 18 October 2021 decision of Council (minute ref. 21/411) NMC advised the Committee that the dump site was to be closed.

The dump point has been removed and suitable locations are being investigated.

**Officer Recommendation:**

That Council note the Committees recommendation.



## 8 INFORMATION ITEMS

### 8.1 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
29/11/2021	<b>Special Council Meeting</b>
29/11/2021	<b>Council Workshop</b> Presentations <ul style="list-style-type: none"> <li>Traffic Concerns: proposed roundabout at the intersection of Wellington and Marlborough Streets, Longford</li> <li>Stormwater and Flood Assessment</li> </ul> Discussion included: <ul style="list-style-type: none"> <li>Planning Matter</li> <li>Compliance Matter</li> <li>LGAT General Meeting Agenda</li> </ul>
13/12/2021	<b>Council Workshop</b> Discussion: <ul style="list-style-type: none"> <li>Council Meeting Agenda items</li> </ul>
13/12/2021	<b>Council Meeting</b>

### 8.2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 16 November 2021 to 13 December 2021 are as follows:

Date	Activity
16 November 2021	Attended Verandah Festival launch, Evandale
17 November 2021	Attended Capstone College event, Poatina
17 November 2021	Attended Cressy Pool AGM, Cressy
18 November 2021	Attended Northern Local District Committee Christmas function, Evandale
19 November 2021	Attended meeting with Minister Ferguson, Launceston
19 November 2021	Attended Regional Recovery Committee 'Reopening the Borders' online meeting, Longford
24 November 2021	Attended LGAT Reconciliation Workshop, Campbell Town
24 November 2021	Attended Executive meeting with HRisESP Longford
25 November 2021	Attended Avoca, Royal George, Rossarden LDC meeting, Avoca
25 November 2021	Attended Councillor Christmas function, Woolmers Estate
26 November 2021	Attended Northern Regional Recovery Committee meeting via zoom, Gipps Creek
28 November 2021	Attended meeting with Council officer, Evandale
28 November 2021	Attended Verandah Festival and TV interview, Evandale
29 November 2021	Attended Council Special Meeting and Workshop, Longford
30 November 2021	Attended Mentors in Violence Workshop, Longford
30 November 2021	Attended Our Watch event with Minister Petrusma, online, Longford
1 December 2021	Attended Recycling Shed Official Opening, Longford
1 December 2021	Attended Southern Local District Committee Christmas function, Campbell Town
2 December 2021	Attended Mayors PD, Hobart
2 December 2021	Attended Regional Recovery Statewide Co-Chair meeting, Hobart
3 December 2021	Attended LGAT General Meeting, Hobart
6 December 2021	Attended NTDC lunch, Evandale
6 December 2021	Attended meeting with Launceston Deputy Mayor, Launceston
7 December 2021	Officiated at Citizenship Ceremony, Longford
7 December 2021	Attended Our Watch meeting online, Gipps Creek
8 December 2021	Attended Longford Primary School Grade 6 Presentation, Longford
8 December 2021	Attended meeting with Tim Denby, Dept. Community Services Manager, Longford



9 December 2021	Attended Northern Regional Recovery meeting via zoom, Gipps Creek
10 December 2021	Attended NTDC Regional Advocacy meeting, Perth
10 December 2021	Attended meeting with Susie Bower, Longford
10 December 2021	Attended Cressy DHS Presentation Assembly, Cressy
11 December 2021	Attended Rossarden Fire Brigade Landcare AGM, Rossarden
12 December 2021	Attended Classic Car Charity event, Campbell Town
13 December 2021	Attended Council Workshop and Meeting, Longford

### 8.3 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):

- Attended Northern Tasmania Development Corporation Board meeting
- Attended Northern Tasmania Development Corporation annual general meeting
- Attended Longford Racecourse master planning meeting
- Met with business proprietor re compliance matter
- Attended Local Government Association of Tasmania special general meeting
- Attended Northern Tasmania Waste Management Group meeting
- Attended Regional General Manager's meeting
- Attended Community Business Advisory Group and Launceston City Deal executive board meeting
- Met with Rural Alive & Well re funding support
- Met with Media Adviser re promotional material
- Attended Longford Racecourse master planning meeting
- Met with Legal Advisers re contracts
- Met with Legal Advisers re planning matters
- Met with proponent re event proposal
- Meeting re TRANSLink proposal
- Met with Council's insurers re Vulnerability Profile
- Attended Local Government Association of Tasmania general manager's workshop
- Attended Northern Local District Committees Christmas function
- Met with Minister Ferguson re Illawarra Road shared pathway and truck parking
- Attended Councillor's Christmas function
- Attended Lange Design presentation of Longford Racecourse Master Plan to Longford Local District Committee
- Attended Premier's Local Government Committee meeting on-line
- Attended Cool Season Collective Stakeholder Meeting on-line
- Attended livestreamed LG Professionals Awards event

### 8.4 PETITIONS

#### PURPOSE OF REPORT

In accordance with the Vision, Mission and Values of Council as identified in the *Council's Strategic Plan 2021-2027* and the *Local Government Act 1993, S57-S60*, provision is made for Council to receive petitions tabled at the Council Meeting.

#### 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.

**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 lodgement.

## PETITIONS

No petitions received.

## 8.5 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES

No reports relating to attendance at Conferences and Seminars have been received.

## 8.6 132 & 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	74	98	111	75								453	1,004
337	34	54	29	59	63								239	499

## 8.7 ANIMAL CONTROL

Prepared by: Martin Maddox, Accountant and  
Maria Ortiz Rodriguez, Animal Control Officer

Item	Income/Issues 2020/2021		Income/Issues for November 2021		Income/Issues 2021/2022	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,240	100,776	94	2,898	4,103	104,219
Dogs Impounded	27	2,212	5	196	15	3,185
Euthanised	-	-			1	
Re-claimed	24	-	3		13	
Re-homed/Dogs Home	2	-	2		2	
New Kennel Licences	16	1,152	1	72	5	360
Renewed Kennel Licences	72	3,168			83	3,652
Infringement Notices (paid in full)	36	6,785	1	172	17	3,353
Legal Action	-	-				
Livestock Impounded	1	65				
<b>TOTAL</b>		<b>114,159</b>		<b>3,338</b>		<b>114,769</b>

### Analysis of kennel licences issued:

Number of licences issued - Year to date	Number of Dogs							
	3	4	5	6	7	8	9	10 or more
89	22	12	14	8	8	6	2	17

### Registration Audit of the Municipality:

Ongoing

#### Kennel Licences

1 kennel licences applied for.

#### Microchips:

0 dogs microchipped.

#### Infringements:

1 infringement issued.

#### Attacks:

0 attack – dog euthanised.

#### Impounded Dogs:

5 dogs impounded – 3 reclaimed by owner.

## 8.8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: Michael Gray, Environmental Health Officer



Achieve improved levels of environmental and public health by ongoing monitoring, inspection, education and, where necessary, by applying corrective measures to comply with legislation.

Ensure safe standards of food offered for sale are maintained.

Investigations/ Inspections/ Licences Issued	Prior Years		
	2018/2019	2019/2020	2020/2021
Notifiable Diseases	5	1	0
Inspection of Food Premises	127	111	64
Place of Assembly Approvals			1

Actions	2021/2022											
	YTD	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Routine Fixed Food Inspections	103/ 180	3	32	34	34							
Routine Mobile/Market stall Food Inspections	0	0	0	0	0							
Preliminary Site Visits – Licensed Premises	13	4	4	2	3							
On-site wastewater Assessments	11	3	4	2	2							
Complaints/Enquiries – All Types	26	8	8	4	6							
Place of Assembly approvals	3	0	1	0	2							
Notifiable Diseases	0	0	0	0	0							

All Food premises are due for at least one inspection from 1 July of 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*.

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.

For those enquiring about opening a food business i.e. Home based food business, officers inspect the premises and after a risk assessment determine whether a food licence is to be issued.

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.
- Further inspections may be required to ensure any non-compliance issued have been addressed.

On-site Wastewater Assessments are completed after receiving a system design report from a consultant which basically determines what type of sewage system is required (septic or AWTS) and the method of distributing the sewage effluent on site based on AS1547.

A place of assembly is required for any mass outdoor public event. This means an event with over 1000 people for 2 hours or more. It may be any performance, exhibition, circus, festival, food festival, pageant, regatta, sports event, dance or publicly advertised lecture.

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

## 8.9 CUSTOMER REQUEST RECEIPTS





Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Animal Control	7	-	4	3	3							
Building & Planning	16	17	4	18	2							
Community Services	4	7	5	5	5							
Corporate Services	28	4	6	6	3							
Governance	9	-	-	-	1							
Waste	-	3	-	4	1							
Works	38	39	43	41	33							

## 8.10 GIFTS & DONATIONS (UNDER SECTION 77 OF THE LGA)

Date	Recipient	Purpose	Amount \$
21-Jul-21	Reptile Rescue	Donation to service	\$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
8-Sep-21	Cressy District High School	Inspiring Positive Futures Program	\$8,000.00
12-Oct-21	C'Town, Cressy, Evandale, Longford	End of Year School Presentations 2021	\$450.00
20-Oct-21	Longford & Perth Fire Brigades	Christmas Lolly runs 2021	\$200.00
20-Oct-21	Campbell Town SES Highway Rescue	Wages and Plant hire	\$181.95
21-Oct-21	Celeste Nicholson (returned donation)	U12 Nth Tas Junior Soccer Assoc Oceania Cup NSW	-\$100.00
29-Sep-21	Connor Perri	Bursary Program 2020 - Instalment 2	\$1,000.00
18-Oct-21	Jemma Walters	Bursary Program 2020 - Instalment 2	\$1,000.00
		TOTAL	\$21,168.32

## 8.11 ACTION ITEMS: COUNCIL MINUTES

Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
18/10/2021	7.2.2	Wellington Street Safety Concerns	Awaiting external response	Please action as per resolution. That Council officer's provide the information and request to conduct a new traffic survey to the Department of State Growth for their consideration.	Jonathan Galbraith	8/11/2021 Executive & Communications Officer - Advice provided to DSG for consideration. 7/12/2021 Executive Assistant - Traffic survey complete, sent to Dept of State Growth - awaiting response.
18/10/2021	7.2.3	Safety issues at Woolmers Lane/Panshangar Road intersection	Awaiting external response	Please action as per resolution. That Council officer's progress the Committee's request and pass on the information to the Department of State Growth, regarding Woolmer's Lane.	Jonathan Galbraith	8/11/2021 Executive & Communications Officer - Advice provided to DSG for consideration.
18/10/2021	9.1	Proposed Sale of Campbell Town Hall	In progress	Please action as per resolution. That Council: a) Notes the objections received from Mr Peart, Mr McCullagh and Dr Bolton; b) Determines not to take any action regarding the objections and proceed with the sale of the Town Hall in Campbell Town; and c) Directs the General Manager to give notice to the three objectors of this decision, and the right to appeal this decision, within 7 days of the date of this decision.	Amanda Bond	3/12/2021 Executive Officer - Appeal lodged. Awaiting advice and determination.
18/10/2021	7.1.2	Recreation area - Macquarie Street, Cressy	In progress	That Council officers progress a survey of the land in question and bring a report back to Council.	Amanda Bond, Jonathan Galbraith	9/11/2021 Executive Officer - Council Engineering Officer undertaking survey of area 3/12/2021 Executive Officer - Plan prepared, property owner in agreement. Referred to property committee for review.
18/10/2021	7.3.2	Perth Bicentenary Sub Committee	In progress	Please action as per resolution. That Council officer's progress the request and seek comment from the Committee. - That Council officer's progress the Committee's request and	Gail Eachar	8/11/2021 Executive Assistant - Request sent to PLDC for details re wording and the placement of the proposed plaque to celebrate the 200 years anniversary of Perth 3/12/2021 Executive Assistant - Brass plaque on order.





Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
				identify a suitable location to erect/relocate the plaques, with comment to be sought from the Committee on design and location.		
18/10/2021	12.2	Review of Wildlife Signage on Deddington Rd	In progress	Please action as per resolution. That this information be noted and that Council consider installing further signage on other parts of Deddington Rd or Bryants Lane at a future date if data is available on Wombat deaths on those roads. That Council review the need to install signage on other roads within the municipal area based on survey data that identifies risk of deaths of protected animal species.	Jonathan Galbraith	9/11/2021 Executive Assistant - To be progressed. 7/12/2021 Executive Assistant - Assessment in progress.
18/10/2021	12.1	Relocation of Waste Dump Point to TRANSLink, Western Junction	In progress	Please action as per resolution. That Council progress plans to relocate the Morven Park dump site to the TRANSLink precinct at Western Junction and undertake consultation with the landowner/s as appropriate. That Council close the Morven Park dump site in 1 months' time due to safety reasons, and for appropriate signage to be installed.	Leigh McCullagh	8/11/2021 Executive Assistant - Morven Park dump site to be decommissioned 15 November. Suitable site for new dump site being sought at TRANSLink. 6/12/2021 Executive Assistant - Report to February 2022 Council Workshop.
18/10/2021	5.3.1	Naming of the Perth Dog Park	In progress	Please action as per resolution. That the Perth Dog Park be named the Perth Bicentenary Dog Park.	Natalie Horne	8/11/2021 Administration / Records Management Officer - Submitted request to Place names Tasmania, waiting on confirmation 2/12/2021 Administration / Records Management Officer - Request has been advertised, waiting on any objections then approval from nomenclature board
15/11/2021	9.4	Community Action Plan	In progress	Please action as per resolution. That Council accepts the opportunity to receive a \$5,000 grant and develop a Community Action Plan on Suicide Prevention for the Northern Midlands with the focus of the plan to be to offer Mental Health First Aid training to members of Council staff and members of the Northern Midlands municipality.	Amanda Bond	7/12/2021 Executive Officer - Meeting with Relationships Australia representative on 9/12/2021
17/02/2020	1.1	17/02/2020 - 039/20 - Bartholomew Park Sign	In progress	Committee Recommendation That the Bartholomew Park sign be removed from the top of the history board and a new sign (redesign) be installed at the corner of the park facing Main and Church Streets. RESOLUTION 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.	Amanda Bond	8/10/2021 System Support - Committee has chosen sign design. Seeking advice on planning approval requirements. Once advice received will progress. 9/11/2021 Executive Assistant - Planning application submitted. 3/12/2021 Executive Officer - Awaiting planning approval
17/09/2021	1.4	17/09/2021 - 289/21 - LGAT Motions	In progress	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.	Amanda Bond	29/09/2021 System Support - Motions to be prepared and workshopped.
16/03/2021	1.3	16/03/2020 - Deferred Item - GOV8 Overhanging Trees/Hedges: Evandale	In progress	Deferred to provide opportunity for the community to attend.	Des Jennings, Gail Eachar	29/09/2021 System Support - 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.
18/09/2017	1.14	18/09/2017 - 279/17 - Historical Records and Recognition: Service of Councillors	In progress	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	Gail Eachar	29/09/2021 System Support - Historic photos to be catalogued and collated. 5/10/2021 Executive Assistant - Framed photographs installed - action complete. Resources not available to undertake archiving of historic photographs and production of photo book.



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
				framing; Archiving of historic photographs; Production of a photo book of historic photographs for display.		Additional resource to be sought. 6/12/2021 Executive Assistant - Cataloguing and collation of historical photographs has commenced.
18/05/2021	1.15	18/05/2020 - 146/20 - Northern Midlands Youth Voice Forum	In progress	That Council endorse the progression of the Northern Midlands Youth Voice Forum.	Holly Preece	29/09/2021 System Support - To be investigated and progressed.
17/05/2021	1.6	17/05/2021 - 190/21 - Bridge Across Liffey River to Former Baptist Church Grounds	In progress	That a decision be deferred to the next meeting to establish Council's responsibilities and alternative solutions (including timber).	Leigh McCullagh	29/09/2021 System Support - Discussed at Workshop. Report to future Council Meeting. 8/10/2021 Executive Assistant - Letter sent to landowner. Comment being sought from Emergency/Government Services and Bush Heritage. 8/11/2021 Executive Assistant - Further report to December Council Meeting. 6/12/2021 Executive Assistant - Land owner to be invited to present to future Council Workshop.
17/09/2018	1.11	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	In progress	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.	Paul Godier	29/09/2021 System Support - Consultant is validating the modelling.
21/10/2019	1.1	21/10/2019 - 313/19 - Macquarie River	In progress	Committee Recommendation 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. RESOLUTION That Council support the proposal and progress the request.	Amanda Bond, Gail Eachar	8/10/2021 System Support - Information provided to DPIPW, awaiting decision. 7/12/2021 - the proposals went to the Place Names Advisory Panel on 2/12/21, recommendations are being prepared for the Minister
28/06/2021	1.3	28/06/2021 - 207/21 - Rail Crossing	In progress	Committee Recommendation The Ross Local District Committee requests that NMC contact TasRail to determine the extent of Tas Rail ownership of the Badajos Street rail crossing, for the purpose of future widening of the road to ensure the safety of road users. RESOLUTION That Council note the information and request Council Officers action the request.	Jonathan Galbraith	8/10/2021 System Support - Email sent to Tas Rail on 9 August 2021. 8/11/2021 Executive & Communications Officer - TasRail provided advice, advised that Jonathan Galbraith is TasRail's key contact at NMC for matters associated with rail crossings, as per the Safety Interface Agreement between NMC and TasRail. Jonathan to further investigate. 8/11/2021 Engineering Officer - For any major works within the rail corridor (between the two property boundaries) we would need to talk to Tasrail first and get their permission. At this location it is about 9m either side of the rail line. We can do minor works (usually only maintenance) up to 3m from the rail line but once we get past that we need to have Tasrail staff on site while we're working and this can be a fairly difficult and expensive process to coordinate. 6/12/2021 Executive Assistant - Early in 2022 Council Officer to arrange site meeting with TasRail and RLDC representative.
17/05/2021	1.1	17/05/2021 - 180/21 - Restrictions on Keeping Roosters	On hold	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.	Maria Ortiz Rodriguez	29/09/2021 System Support - Report to future Council Meeting. 8/11/2021 Executive Assistant - Matter to be referred to future Council workshop for further advice.



COMPLETED ACTIONS

Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
15/11/2021	9.3	Opportunities for RV Parking - Evandale	Completed	Please action as per resolution. That Council expand the opening times for parking of fully self-contained recreational vehicles at Honeysuckle Banks, Evandale to all year round, except during flood events and update the Recreation Vehicle: Development and Management of Facilities Policy accordingly and comment be sought from the Evandale Advisory Committee.	Amanda Bond, Gail Eachar	3/12/2021 Executive Officer - Works Department notified. Listed on Evandale Advisory Committee Agenda.
15/11/2021	11.2	Annual General Meeting 2021	Completed	Please action as per resolution: That the Annual General Meeting for the Northern Midlands Council be held at the Longford Council Offices on Monday, 13 December 2021, commencing at 5pm.	Gail Eachar	3/12/2021 Executive Assistant - Meeting advertised and Agenda prepared.
15/11/2021	9.1	Council Calendar: 2022 Schedule of Council Meeting & Workshop Dates	Completed	Please action as per resolution. i) & ii) 2022 ordinary meetings & workshops (January to December) to be scheduled as per the decision iv) Councillors Christmas function be held on 1 December 2022	Gail Eachar	6/12/2021 Executive Assistant - Noted.
15/11/2021	9.6	Recreational Fishing and Camping Facilities Grants Program funding application	Completed	Please action as per resolution. The Council approve the allocation of \$20,000 towards the 2021 Recreational Fishing and Camping Facilities Grant Program application for the upgrade of the Tooms Lake camping area.	Lorraine Green	22/11/2021 Project Officer - Grant application submitted including council commitment of \$20,000 towards the project
15/11/2021	9.2	Ross Recreation Ground Clubhouse Upgrade	Completed	Please action as per resolution. That Council A) support the grant application; B) not support the inclusion of \$440,030 in the 2022/2023 and 2023/2024 budget deliberations for the Ross Recreation Ground Clubhouse Changeroom Upgrade Project at this stage; C) seek funding through other sources to support the upgrade and report to back to Council; D) support the fencing upgrade if required to improve safety.	Lorraine Green	30/11/2021 Project Officer - Funding opportunity through the Local Roads and Community Infrastructure Program identified: item on 13 December 2021 Council Meeting Agenda
15/11/2021	9.5	The Missing Midlands Highway Project	Completed	Please action as per resolution. That Council support the Mona Foma 2022 Festival The Missing Midlands Project by committing to undertake and fund the installation and ongoing maintenance of the project's two northern midlands based silhouettes	Lorraine Green	22/11/2021 Project Officer - Mona Foma curator informed of the council decision
15/11/2021	9.1	Council Calendar: 2022 Schedule of Council Meeting & Workshop Dates	Completed	Please action as per resolution. iii) Council bus tour be conducted on Thursday 21 April 2022	Maree Bricknell	6/12/2021 Executive Assistant - Noted.
15/11/2021	5.3.1	Motions on Notice - Cr Davis: Subdivision Applications	Completed	Please action as per resolution: That any application for a subdivision in a residential zone which would result in blocks below the minimum lot size for the zone (i.e. 450m <sup>2</sup> ) be referred for consideration to Council and not be dealt with under delegated authority.	Paul Godier	7/12/2021 Senior Planner - Resolution has been implemented with planning officers.
26/04/2021	1.4	26/04/2021 - 135/21 - Planter Boxes	Completed	Committee Recommendation 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. RESOLUTION That Council note the recommendation.	Amanda Bond, Gail Eachar	8/10/2021 System Support - Garden bed in Victoria Square - space to be allocated, Committee to contact Works Manager. 8/11/2021 Executive & Communications Officer - Works Manager awaiting contact from Committee. 2/12/2021 Executive Assistant - Matter referred to the LLDC for review.
17/05/2021	1.2	17/05/2021 - 172/21 - Horse Trough Interpretation Panel	Completed	Committee Recommendation 10.2 Horse Trough Interpretation Panel: That the committee investigate developing an appropriate plaque with full interpretation of its history and that	Amanda Bond, Gail Eachar	8/10/2021 System Support - Committee has provided information requested. A report will be prepared for the November meeting. 8/11/2021 Executive & Communications Officer - Info Item to be considered within November agenda.



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
				it be attached to the statue. That Len Langan be asked to investigate. RESOLUTION That Council note the information.		3/12/2021 Executive Assistant - Committee to advise when investigation complete.
15/03/2021	1.1	15/03/2021 - 088/21 - Planter - Herb Boxes	Completed	Committee Recommendation 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.) RESOLUTION That the matter be referred to the 2021/2022 Budget process.	Leigh McCullagh	8/10/2021 System Support - Garden bed in Victoria Square space to be allocated, Committee to contact Works Manager. 8/11/2021 Executive Assistant - Awaiting contact from Local District Committee. 2/12/2021 Executive Assistant - Matter referred to the LLDC for review.
16/08/2021	1.5	16/08/2021 - 328/21 - Ross Swimming Pool	Completed	That Council procure a health and safety report (existing or newly commissioned report) to ascertain whether the Ross pool is safe to be used.	Des Jennings, Gail Eachar	29/09/2021 System Support - Report to be presented to October Council Meeting. 8/10/2021 Executive Assistant - Report to 18 October 2021 Council meeting.
15/02/2021	1.7	15/02/2021 - 059/21 - Traffic Concerns: Wellington & Marlborough Streets Intersection at Longford	Completed	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).	Leigh McCullagh	29/09/2021 System Support - Discussed at Workshop. Further options to be investigated. 8/10/2021 Executive Assistant - Further report from Traffic Engineer re alternate solutions awaited. 8/11/2021 Executive Assistant - Traffic Engineer scheduled to attend 29 November Councillor workshop. 6/12/2021 Executive Assistant - Report to December Council meeting.
16/08/2021	1.9	16/08/2021 - 308/21 - Longford Urban Design Project	Completed	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.	Lorraine Green	29/09/2021 System Support - Deed variation submitted, outcome awaited. 11/10/2021 Project Officer - Advice received that the variation has been approved. New Project Schedule awaited. 24/11/2021 Project Officer - Deed variation finalised

## 8.12 RESOURCE SHARING SUMMARY: 01 JULY 2021 TO 30 JUNE 2022

Resource Sharing Summary 1/7/21 to 30/6/22 As at 30/06/21	Units Billed	Amount Billed GST Exclusive \$
<b>Meander Valley Council</b>		
<b>Service Provided by NMC to MVC</b>		
Street Sweeping Plant Operator Wages and Oncosts	76.50	4,110.30
Street Sweeper - Plant Hire Hours	76.50	6,935.87
<b>Total Services Provided by NMC to Meander Valley Council</b>		<b>11,046.17</b>
<b>Service Provided by Meander Valley Council to NMC</b>		
<b>Wages and Oncosts</b>		
Plumbing Inspector Services	225.10	17,064.57
Engineering Services	-	-
<b>Total Service Provided by MVC to NMC</b>		<b>17,064.57</b>
<b>Net Income Flow</b>		<b>- 6,018.40</b>
<b>Total Net</b>		<b>- 6,018.40</b>
<b>Private Works and Council Funded Works for External Organisations</b>	<b>Hours</b>	
<b>Works Department Private Works Carried Out</b>	158	
	<b>158</b>	

## 8.13 VANDALISM

Prepared by: Jonathan Galbraith, Engineering Officer



Incident	Location	November 2021	Estimated Cost of Damages		
			Total 2021/22	November 2020	Total 2020/21
Tabletop stolen at skatepark	Longford	600			
Vandalism to new works at Stokes Park	Longford	500			
<b>TOTAL COST VANDALISM</b>		<b>\$ 1,100</b>	<b>\$ 4,200</b>	<b>\$ 900</b>	<b>\$ 10,200</b>

## 8.14 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 October as follows:

	Date of Session	Attendance
Sessions not held during school holidays		
Perth		
	4/11	4
	11/11	16
	18/11	5
	25/11	3

### 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 October as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town		
	3/11	5
	10/11	
	17/11	4
	24/11	6
Longford		
	4/11	8
	11/11	9
	18/11	
	25/11	9

### 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 October as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town		
	PCYC is unable to run in CT in term 4	
Cressy		
	4/11	N/A sports carnival
	11/11	30
	18/11	50
	25/11	27



## Meetings

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

## 8.15 STRATEGIC PLANS UPDATE

Prepared by: Lorraine Green, Project Officer

### CURRENT AS OF 1 DECEMBER 2021

Progress Report:

Not Started (obstacles)

On Hold

On Track

Completed

Strategic Plans	Dept.	Status	Current Status
<b>Lead:</b>			
<i>Serve with honesty, integrity, innovation and pride</i>			
Annual Budget and Quarterly Reviews	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Long Term Financial Plan updated and annual budget adopted at 28 June 2021 meeting.
Asset Management Plan Annual Review	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Road and Building revaluation adopted 2019/2020. Asset Management Plan review complete for Roads and Buildings adopted by Council, September 2021. Land and Stormwater revaluations adopted 2020/2021.
Best Business Practice, Governance & Compliance	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Legislative Audit, Delegations Review and Policy Manual update ongoing.
Customer Service Standards	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Risk Management Policy reviewed July 2021 and Risk Register review scheduled December 2021.
Elected Members Development & Annual Plans	Gov	<span style="background-color: #FFC000; border: 1px solid black; padding: 2px;"></span>	Policy and Annual Plan to be prepared.
Emergency Management )	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Municipal emergency meetings held and regularly attended regional meetings during COVID-19 via zoom. Updated Emergency Recovery Plan adopted May 2017 by Council. Revision of Emergency Management Plan adopted by Council 16 November 2020.
Information Technology Upgrade Program	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Council decided to upgrade Open Office Enterprise Suite during 2021/2022 and keep a watching brief on northern shared services project.
Local Government Reform	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Completed – Legal Services project. In progress – Joint IT platform review. Future of Local Government in Tasmania – in preparation for the review (commencing January 2022) the Government will work with LGAT and relevant experts to: develop detailed Terms of Reference for review; identify and appoint the Local Government Board in accordance with the Act; and develop an engagement and communications plan to ensure that key stakeholders and the community are kept informed about and participate in the review.
People & Culture Plan	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Framework utilised for recruitment is best practice. Wage subsidy for apprentice wages claimed quarterly. In 2020/2021 completed WHS Training, Performance Appraisals and Employee Satisfaction Survey.
Workplace Health & Safety Action Plan Annual Review	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	WHS audit assessment reviewed ongoing basis.
<b>Progress:</b>			
<i>Economic health and wealth – grow and prosper</i>			
<a href="#">Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania</a>	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Study being driven by external stakeholders, Council support provided when requested. Included in NMC Priority Projects document. Government has committed to infrastructure expenditure and development of a master plan.
<a href="#">Campbell Town CBD Urban Design &amp; Traffic Management Strategy</a>	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Construction of midland highway underpass at Campbell Town commencing early 2022.
Campbell Town (King Street) Short Term Accommodation Master Plan & Business Case	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Project underway.
<a href="#">Campbell Town – Town Hall Sale/Lease</a>	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Sale/lease to be advertised.
Economic Development Master Plan Strategy Delivery	Gov	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Economic development framework adopted by Council at May 2020 meeting. Implementation underway.
Tourism Strategy Implementation	Corp	<span style="background-color: #92D050; border: 1px solid black; padding: 2px;"></span>	Augmented Reality Project – Ross experience being trialled. Northern Midlands Business and Volunteer Expo – postponed due to





Strategic Plans	Dept.	Status	Current Status
			pandemic. REASSIGN project – tender awarded October 2021. Site audits underway.
Lake Leake Amenities Upgrade Project	Gov		Recreational Fishing and Camping Facilities Program grant secured towards the upgrading of the toilet and shower facilities. Onsite assessment completed. Work being scoped.
Tooms Lake Camping Area Infrastructure Upgrade Project	Gov		Application submitted to Recreational Fishing and Camping Facilities Program for funding to upgrade camping area infrastructure.
<a href="#">Longford Motor Sport Museum</a>	Gov		Proposal discussed at Council workshop. Traffic Impact Assessment to be prepared.
Longford Racecourse Master Plan & Area Review	Gov		April 2021: Consultancy Agreement signed. Draft master plan being progressed. Community and industry consultation phase closes 21 December 2021.
<a href="#">Longford CBD Urban Design Strategy</a>	Gov		Commitment of \$4m from National Party prior to federal election. Consultation underway for memorial hall upgrade, and BBQ and amenities upgrade.
Stormwater Management Plans	Works		Model build for all Towns in progress, nearing completion.
<a href="#">Municipal Subdivisions Infrastructure Upgrade Program (including Ridgeside Lane)</a>	C&D		Council to identify opportunities to provide infrastructure and secure funding.
Nile Road Upgrade	Works		Included in NMC Priority Projects document
<a href="#">Perth Early Learning Centre</a>	Gov		Tender awarded: construction to commence early 2022.
<a href="#">Perth Sports Precinct Concept Master Plan</a>	Gov		Concept master plan developed October 2020. Included in NMC Priority Projects document.
Perth Town Structure Plan	C&D		Council has endorsed the plan and draft amendments to planning scheme to be prepared.
<a href="#">TRANSLink Precinct Renewal - Stormwater</a>	Gov		Seeking grant assistance to fund planned works. Included in NMC Priority Projects document.
<a href="#">Underground Power – Evandale, Longford &amp; Perth</a>	Works		Identified as an election opportunity and awaiting funding streams to come available.
<b>People:</b>			
<i>Cultural and society – a vibrant future that respects the past</i>			
Cohesive Communities & Communities at Risk Plan	Gov		Not yet commenced.
Discrimination Strategy	Gov		Officers investigating development of strategy
Family Violence Strategy	Gov		Council continues to support <i>End Men's Violence Against Women</i> campaign. Officers investigating development of strategy
Longford Road Safety Park	Works		Funding agreement being finalised.
<a href="#">Municipal Shared Pathways Program (including pathways within &amp; between towns)</a>	Gov		Committee established and program to be prepared.
Northern Midlands Community House	Gov		Possible site identified. Seeking State and Federal Election funding support.
Ross Recreation Ground Master Plan	Gov		Development of Master Plan underway. October 2021: application submitted for Improving the Playing Field Grant to assist with the cost of constructing inclusive changerooms.
Supporting Employment Programs	Gov		Participating in LGAT special interest groups on a quarterly basis. Support Inspiring Futures program. Host work experience and UTAS placements.
Supporting Health & Education Programs	Gov		Participating in the Northern Health Providers Networks meetings. Further Education Bursary Program finalised for 2021.
Supporting Sport & Recreation Programs	Gov		Participation in quarterly northern Sport & Recreation meetings. Planning and implementation of upgrade to Council owned sporting facilities underway. Support provided to participants in sporting activities on a state and national level. Development of Northern Tasmania Sports Facility Plan underway.
<a href="#">Covering of Campbell Town &amp; Cressy Swimming Pools</a>	Gov		Included in NMC Priority Projects document.
<a href="#">Ross Swimming Pool</a>	Gov		Pool operation continued (as per the current funding model) whilst structurally/operationally safe to do so.
Youth and Ageing Strategy	Gov		Youth programs and services being pursued. Grant funding received for 2020 programs. Programs recommenced October 2020.
<b>Implementation of Final Stages</b>			
• <a href="#">Campbell Town War Memorial Oval Precinct Development Plan</a>	Gov		New public toilet facility, irrigation system and tennis hit-up walls being progressed..



Strategic Plans	Dept.	Status	Current Status
			November 2021: AFL Tas funding (\$20,000) secured towards the oval irrigation upgrade.
• <a href="#">Cressy Recreation Ground Master Plan</a>	Gov		Council accepted Cressy Recreation Ground 2030 Master Plan at April 2018 Council meeting. Levelling the Playing Field funding received. Work nearing completion. Final report and acquittal to be prepared.
• <a href="#">Cressy Swimming Pool Master Plan</a>	Gov		State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to federal election. Works substantially completed concourse and carpark to be completed in 2021/2022.
• <a href="#">Evandale Morven Park Master Plan</a>	Gov		Works substantially completed: grant acquittal report submitted. Relocation of cricket nets to be undertaken 2021/2022..
• <a href="#">Northern Midlands Community Sports Centre</a>	Gov		First floor fit-out to be progressed in 2021/2022.
<b>Place:</b>			
<i>Nurture our heritage environment</i>			
<a href="#">Conara Park Upgrade</a>	Gov		Concept prepared: awaiting funding opportunities.
<a href="#">Cressy Park Redevelopment</a>	Gov		Liaising with Local District Committee to establish/prepare plans for upgrade.
Honeysuckle Banks, Evandale, Master Plan	Works		Included in NMC Priority Projects document. To be progressed as RV site all year round.
Land Use & Development Strategy (includes Rural Processing Centre)	C&D		Endorsed 21 October 2019. Released for public consultation.
Launceston Gateway Precinct Master Planning	Gov		Listed as a component of the Municipal Land Use and Development Strategy.
Longford Expansion Strategy	C&D		Underway: awaiting final report.
<a href="#">Municipal Tree Planting Program</a>			Annual program being implemented.
Natural Resource Management Program Collaboration	Gov		Collaborating with NRM North on the WSUD Master Plan for Sheepwash Creek and Climate Change Strategy/Action Plan.
North Perth Low Density Land Strategy	C&D		Consultants engaged to undertake study. Preparing background documents.
Sense of Place Planning – All Villages & Towns	Gov		Master planning for townships underway.
<a href="#">Sheepwash Creek WSUD Open Space Corridor &amp; Associated Open Space Plan</a>	Gov		Grants to be sought for major new/improved infrastructure.
<a href="#">South Esk River Parklands Master Plan</a>	Gov		March 2021: Application submitted to Building Better Regions Fund for grant to extend the walkway and installation of footbridge. Funding secured October 2021: Grant deed awaited.
Tasmanian Planning Scheme Integration	C&D		Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. For feedback in 2021.
Waste Management	Works		Member of the Northern Waste Management Committee. WTS improvements to be programmed for 2021/2022.
Weed Managements Strategy & Action Plan – Council Assets	Works		2021/22 Budget allocation provided for weed officer/strategy.

*\*Items included in Integrated Priority Projects Plan*

**Completed:**

Strategic Plans	Dept	Implementation Date	Status	Current Status
<b>Lead:</b>				
<i>Serve with honesty, integrity, innovation and pride</i>				
<a href="#">Integrated Priority Projects Plan</a>		June 2021		Consultancy Agreement signed June 2020. Plan accepted at June 2021 Council Meeting.
Media & Marketing	Gov			Communications Strategy and Framework developed. Expanding Council's communications through social media and other publications. Marketing Plan prepared.
<b>Progress:</b>				
<i>Economic health and wealth – grow and prosper</i>				
<b>People:</b>				
<i>Cultural and society – a vibrant future that respects the past</i>				
Disability Action Plan	Gov			Review complete
<b>Place:</b>				
<i>Nurture our heritage environment</i>				





## 8.16 TOURISM & EVENTS AND HERITAGE HIGHWAY TOURISM REGION ASSOCIATION (HHTRA) UPDATE

Prepared by: *Fiona Dewar, Tourism Officer*

### Tourism update:

- Host TVIN Northern Representatives quarterly forum.
- Events:
  - Assist local event organisers to fulfil Council compliance requirements.
  - Coordinate event equipment for event organisers.
  - Keep event list updated and distribute. Update NMC website calendar and ATDW.
- Liaise with various groups re interpretation signage options in the region.
- Respond to general enquiries from visitors and tourism operators.

### HHTRA update:

- Current marketing activities continue and include website blog posts and social media.
- Provide content and feedback on the new HHTRA landing page on the DST website in development.

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## 8.17 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.
- Completed: 4 June: Bicentenary Quilt exhibition open to public.
- Completed: 17 July: Bicentenary Dinner at the Ross Sports Club
- Completed: 3 – 26 Sept: Ross Tin Can Sculpture Show at the Thistle Inn.
- Completed: 26 Sept: Ross Running Festival.
- Completed: 10 Oct: Bicentenary Concert Camerata Obscura, at the Ross Town Hall.
- Completed: 17 Oct: Ross Remembered at the Ross Community Sports Club.
- Current: Education exhibition at the Tasmanian Wool Centre Museum called: It Takes a Village.
- 6 Nov – 5 Dec: Set In Stone | The Daniel Herbert Sculpture Prize.
- 13 Nov: Remembrance Day Dance. 50s Swing Band and Period Dress.
- 27 Nov: Open Houses and Gardens
- 5 Dec: Bicentenary Gala Day of Cricket.
- TBA. Ross Village Green Official Opening.
- 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.
- Completed: August. Historical house/farm tour weekend.
- Completed: September. School sports day (colonial games and costumes).
- Completed: 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.
- Completed: 21 Sept: Seniors High Tea
- Completed: 23 Oct: Perth Bicentenary Memorial Celebration.

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### 8.18 CODE OF CONDUCT PANELS DETERMINATION REPORT: LOCAL GOVERNMENT ACT 1993 (SECTION 28ZJ)

*Report Prepared by: Des Jennings, General Manager*

In accordance with section 28ZK of the *Local Government Act 1993* (the Act) the Code of Conduct Panel has made its determination in relation to the complaint lodged by Councillor (Cr) Matthew Brooks against Cr Dick Adams. A copy of the Determination Report is enclosed.

As per section 28ZK (2) of the Act, copies have also been provided to Cr Brooks, Cr Adams and to the Director of Local Government.

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council.

In accordance with section 28ZK (4) of the Act, this Report is being tabled at the first meeting of the Council at which it is practicable to do so and which is open to the public.

#### ATTACHMENTS

1. Determination Report - NMC - Brooks v Adams [8.18.1 - 5 pages]
-



## 9 GOVERNANCE REPORTS

### 9.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE THREE FUNDING

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Lorraine Green, Project Officer

#### 1 PURPOSE OF REPORT

The purpose of the report is to seek a decision from Council with regard to the allocation of the funding received through Phase Three of the Local Roads and Community Infrastructure Program.

#### 2 INTRODUCTION/BACKGROUND

The purpose of the Local Roads and Community Infrastructure (LRCI) Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. All the projects must deliver benefits to the community such as improved accessibility, visual amenity and/or safety. It is expected that councils will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

Council has received an allocation of \$1,921,874 through Phase Three of the LRCI Program. Council has to submit a Work Schedule for approval by the Department of Infrastructure, Transport, Regional Development and Communications prior to being able to commence the construction time period starting from 3 January 2022. All projects must be physically completed by 30 June 2023.

#### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.3 Management is efficient, proactive and responsible

1.4 Improve community assets responsibly and sustainably

**Progress: Economic health and wealth - grow and prosper**

**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

3.2 Developments enhance existing cultural amenity

3.4 Towns are enviable places to visit, live and work

**Place: Nurture our heritage environment**

**Environment - Cherish, Sustain our Landscapes and Preserve, Protect Our Built Heritage for Tomorrow**

**Strategic outcomes:**

4.4 Our heritage villages and towns are high value assets



**4 POLICY IMPLICATIONS**

N/A

**5 STATUTORY REQUIREMENTS**

N/A

**6 FINANCIAL IMPLICATIONS**

Council has received an allocation of \$1,921,874 through Phase Three of the LRCI Program.

Council has already approved an allocation of \$931,333 towards the new Perth Early Learning Centre and \$30,000 towards the relining of the Ross Swimming Pool. The work at the Ross Swimming Pool will be completed prior to January 2022 and therefore this project is not eligible for this funding.

It is proposed that Council submit the following projects on the LRCI Program Phase Three Work Schedule:

Perth Early Learning Centre:	\$931,333
Cressy Pool concourse and carpark:	\$400,000
Cressy Recreation Ground BBQ and carpark:	\$100,000
Pioneer Park, Evandale, playground upgrade:	\$100,000
Ross Recreation Ground changerooms upgrade:	\$390,541

**7 RISK ISSUES**

Council must have an approved Work Schedule in place before work can commence on the nominated projects. The Department of Infrastructure, Transport, Regional Development and Communications is not responsible for any expenditure on projects until the Work Schedule is approved.

**8 CONSULTATION WITH STATE GOVERNMENT**

Not applicable.

**9 COMMUNITY CONSULTATION**

The nominated projects have been identified through previous priority project documentation or via community feedback since the preparation of the priority project documents.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can either approve or not approve the projects proposed for funding through Phase Three of the LRCI Program.

**11 OFFICER'S COMMENTS/CONCLUSION**

As an economic stimulus measure, the intention is that Councils undertake infrastructure projects which are additional to projects that they had planned to undertake using their own funds or funding available from another opportunity. The funding is not intended to replace existing expenditure commitments, but rather to enable further, additional expenditure as economic stimulus.

**12 ATTACHMENTS**

Nil



## RECOMMENDATION

That Council nominates the following projects for funding through Phase Three of the Local Roads and Community Infrastructure Program:

Perth Early Learning Centre:	\$931,333
Cressy Pool concourse and carpark:	\$400,000
Cressy Recreation Ground BBQ and carpark:	\$100,000
Pioneer Park, Evandale, playground upgrade:	\$100,000
Ross Recreation Ground changerooms upgrade:	\$390,541



## 9.2 LONGFORD MEMORIAL HALL COMMUNITY CONSULTATION

Responsible Officer: Des Jennings, General Manager

Report prepared by: Lorraine Green, Project Officer

### 1 PURPOSE OF REPORT

The purpose of the report is:

- i) To provide Council with the feedback received during the community consultation recently held with regard to the concept plans for the upgrade of the Longford Memorial Hall, and
- ii) To seek Council's advice as to the way forward with the Longford Memorial Hall Upgrade Project.

### 2 INTRODUCTION/BACKGROUND

In June 2020 Council secured funding of \$4M through the Australian Government Community Development Grants Programme for the Longford Urban Design Project. This Urban Design Project synthesised the key findings and recommendations of the numerous studies undertaken of Longford across the years, to create a project to revitalise the public space, community facilities and streetscape in the heart of the town – the precinct from Smith Street to William Street along Wellington Street that also encompasses the town's historic Village Green.

Three of the project components relate to developments on the Village Green: the renovation of the Longford Memorial Hall, the construction of a new BBQ shelter and a new public amenities facility.

Council contracted Loop Architecture to develop concept plans for these project components. At the 18 October 2021 Council Meeting a report assessing the Development Application for the project was tabled and Council resolved:

*That Council refuse the development application, seek community input for the development, and note the exclusion of the amenities block from the plan.*

To facilitate community input to the development, a public drop-in session was held on Tuesday 16 November 2021, from 4-6pm in the Longford Memorial Hall. The project's architect had the project concept plans on display, and the architect and Council staff were available to discuss the plans, and to invite written feedback. The consultation session was promoted in the Northern Midlands Courier and on Council's facebook page, and notice of the meeting was letterbox dropped to property owners adjacent to the Village Green. Community members unable to make the consultation session were invited to view the concept plans at the Council Offices and on Council's website, and to provide their written feedback via hard copy or email.

Local resident Mr J Izzard also organised a written survey that provided respondents with the opportunity to make comment about specific aspects of the concept plans and/or general comments. Mr Izzard collated these responses and submitted a summary report to Council, together with his submission regarding to the proposed alterations and additions to the memorial hall.

The community feedback received has been collated and is held as three Attachments: the responses received on the feedback forms distributed by Council and the surveys distributed by Mr Izzard, and in emails to Council; Mr Izzard's summary of the responses to the specific aspects of the concept plan, together with his submission.

### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.



**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty
- 1.3 Management is efficient, proactive and responsible
- 1.4 Improve community assets responsibly and sustainably

**Progress: Economic health and wealth - grow and prosper**

**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

- 2.1 Strategic, sustainable, infrastructure is progressive

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

- 3.1 Sympathetic design respects historical architecture
- 3.2 Developments enhance existing cultural amenity
- 3.3 Public assets meet future lifestyle challenges
- 3.4 Towns are enviable places to visit, live and work

**Place: Nurture our heritage environment**

**Environment - Cherish, Sustain our Landscapes and Preserve, Protect Our Built Heritage for Tomorrow**

**Strategic outcomes:**

- 4.4 Our heritage villages and towns are high value assets

**4 POLICY IMPLICATIONS**

N/A

**5 STATUTORY REQUIREMENTS**

N/A

**6 FINANCIAL IMPLICATIONS**

Council has secured \$4M for the Longford Urban Design Project, of which \$1.5M is allocated for the upgrade of the Longford Memorial Hall.

**7 RISK ISSUES**

There are several risks issues which must be considered:

- A revised development that meets the community's expectations and requirements
- Unable to meet the funding requirements and returning the funds
- Future Maintenance and repair costs to the ageing facility
  - The main hall floor was only temporally repaired
  - Ground movement within the kitchen area
- Time delays



## **8 CONSULTATION WITH STATE GOVERNMENT**

N/A

## **9 COMMUNITY CONSULTATION**

This report includes the feedback received during the community consultation process for the Longford Memorial Hall upgrade project.

## **10 OPTIONS FOR COUNCIL TO CONSIDER**

The following options for Council to consider:

Option 1. Reduction in building size, additional toilets and Elm tree retained

Option 2. Internal and structural remediation work

Option 3. Option 2 and new connectivity/wall with the cenotaph (RSL input)

Option 4. Option 3 and additional toilets, and storeroom to the east of the building

Option 5. Option 4 and extension to the north

Option 6. Option 4 and extension to the south whilst retaining the Elm tree

Option 7. Option 5, 6

Option 8. Leave the hall as is. Council applies to roll the funds over to the Main Street Upgrade

## **11 OFFICER'S COMMENTS/CONCLUSION**

Council received an extensive amount of public feedback from the consultation process, including the survey Mr J Izzard organised.

The feedback supports the undertaking of internal work and add additional toilets. The general consensuses are to keep the Elm tree, do not encroach on the Cenotaph or grassed areas and keep the Memorial Hall as is.

At the Public drop-in session, questions were asked about the use of the building and did the proposal warrant the upgrade.

Questions regarding the proposed external materials were mentioned in several responses also. These all can be taken into consideration with the Architect, moving forward.

There is a number of options for Council to consider, option 1 reduces the footprint to the cenotaph, and grassed area, incorporates the Cenotaph, retains the Elm tree, additional toilets are added, and the entry is reduced. This option has taken the feedback received into consideration and retains as much as possible. The remaining options decrease the size and scope in one way or another.

## **12 ATTACHMENTS**

1. Longford Memorial hall have your say feedback [9.2.1 - 7 pages]
2. Longford memorial hall J Izzard submission [9.2.2 - 5 pages]
3. Longford Memorial Hall survey summary by J Izzard [9.2.3 - 2 pages]
4. Longford Memorial Hall - Option 1 [9.2.4 - 1 page]
5. Longford Memorial Hall - Option 2 [9.2.5 - 1 page]
6. Longford Memorial Hall - Option 3 [9.2.6 - 1 page]
7. Longford Memorial Hall - Option 4 [9.2.7 - 1 page]
8. Longford Memorial Hall - Option 5 [9.2.8 - 1 page]
9. Longford Memorial Hall - Option 6 [9.2.9 - 1 page]





10. Longford Memorial Hall - Option 7 [9.2.10 - 1 page]

**RECOMMENDATION**

That Council progresses with option 1, reviews the external building materials and makes development application upon redesign.



### 9.3 MORVEN PARK GROUND DRAINAGE PROJECT: GRANT APPLICATION

*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 consider providing funding towards the Morven Park Ground Drainage Project.

#### 2 INTRODUCTION/BACKGROUND

The Morven Park oval is susceptible to flooding in the south west corner and remains boggy for a length of time after heavy rain. The problem is compounded by both male and female football club junior and senior teams training and playing on the oval over the wet winter months. Many training and playing sessions are reported cancelled or rescheduled due to the boggy state of the oval. The Morven Park Recreation Ground 2030 Master Plan identified the installation of subsurface drainage as a key upgrade priority.

In October 2021 Evandale Football Club submitted an application to the 2021-2022 State Government's Communities, Sport and Recreation Improving the Playing Field Grant Program for funds to enable the installation of a subsurface drainage system. The Improving the Playing Field Grant Program guidelines state grant requests must be less than 85 per cent of the total cost of the project. The grant application indicated the 15% co-contribution would be met by cash contributions by the Evandale Senior and Junior Football Clubs, Evandale Cricket Club and Council.

As part of the grant assessment process, a Communities, Sport and Recreation officer contacted the Football Club in November to request further information, including a letter of support and funding commitment from Council. The letter of support was provided advising Council would consider the co-contribution request at the 13 December 2021 Council meeting. Communities, Sport and Recreation has advised the Football Club of the need to submit proof of the Council co-contribution by 20 December 2021.

#### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.4 Improve community assets responsibly and sustainably

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

- 3.2 Developments enhance existing cultural amenity
- 3.3 Public assets meet future lifestyle challenges
- 3.4 Towns are enviable places to visit, live and work

#### 4 POLICY IMPLICATIONS

N/A



## **5 STATUTORY REQUIREMENTS**

N/A

## **6 FINANCIAL IMPLICATIONS**

Evandale Football Club has received a quote of \$274,934 (GST inclusive) for the project and has requested a grant of \$233,693.90. The Club needs to secure \$41,240.10 to meet its 15% cash contribution. The Football Clubs and Cricket Club have committed \$12,000 and the Club is requesting a co-contribution of \$29,240.10 from Council.

It is noted that the quote received was dated September 2020 and the Football Club Secretary advises the company has agreed to honour this quote for an extra year “...but next year there will be an increase and more funds needed.”

It is also noted that the company's quote has a number of conditions applied as the oval upgrade pricing has been quoted without a survey or investigations being undertaken. These include:

- Quantities of topsoil required subject to change depending on final design and shaping requirements
- No allowance for removal or excavation of rock
- No allowance made for a geotechnical assessment although this is recommended
- No allowance made for connection to water main or the provision of backflow infrastructure
- Capacity of stormwater outlet/s are assumed to be adequate – no allowance is made to assess this
- Assumption that the substrate is clean fill/soil material
- Only allowed to install stormwater infrastructure to suit subsurface drainage.

The Council funding would be required in 2022/2023 as the work would be planned to commence at the end of the 2022 football season.

## **7 RISK ISSUES**

The cost of the project is highly likely to increase beyond the current quoted price due to the two year delay between the quote received and the planned commencement of works, and costs associated with the conditions applied to the quote.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/A

## **9 COMMUNITY CONSULTATION**

Extensive community consultation underpinned the development of the Morven Park Recreation Ground 2030 Master Plan.

## **10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can either approve/not approve the allocation requested by Evandale Football Club of \$29,240.10 in the 2022/2023 Council budget towards the Morven Park Ground Drainage Project.

## **11 OFFICER'S COMMENTS/CONCLUSION**

If Council approves the allocation requested, and Evandale Football Club is offered the grant of \$233,693.90, the costs for the project should be comprehensively reviewed before a grant agreement is signed, in order to ensure the project can be achieved within the \$274,934 (GST inclusive) allocation.



## **12 ATTACHMENTS**

Nil

## **RECOMMENDATION**

That Council approve/not approve the allocation of \$29,240.10 (GST inclusive) in the 2022-2023 Council budget towards the Morven Park Ground Drainage Project, and

If the funding is approved, Council requests a comprehensive review of the project costs before a grant agreement is signed, in order to ensure the project can be achieved within the budgeted \$274,934.



## 10 COMMUNITY & DEVELOPMENT REPORTS

### 10.1 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

#### 1 PURPOSE OF REPORT

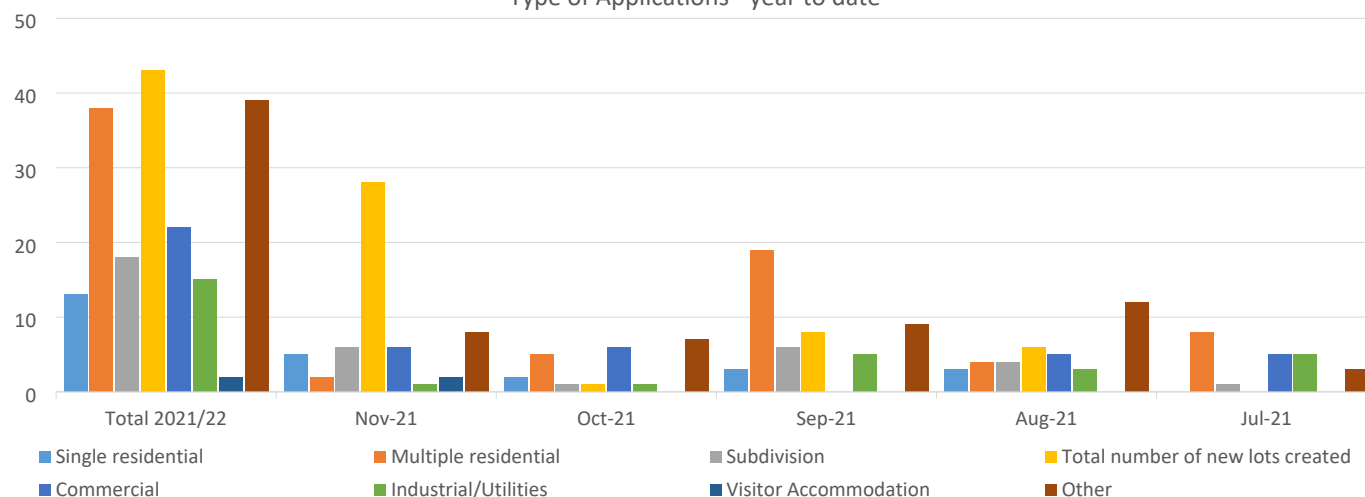
The purpose of this report is to present the Development Services activities as at the month end.

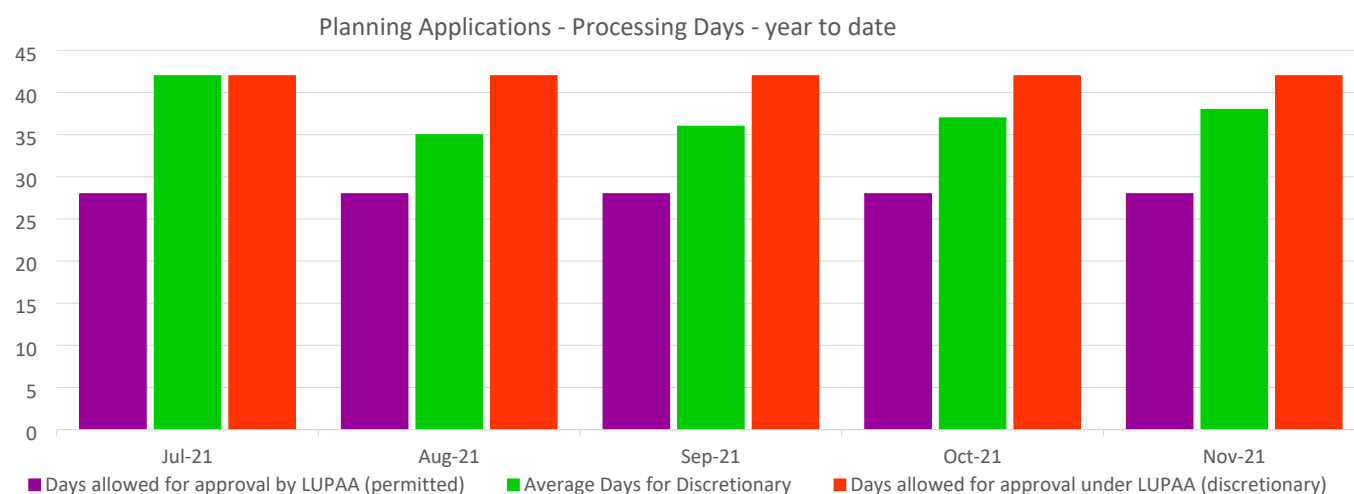
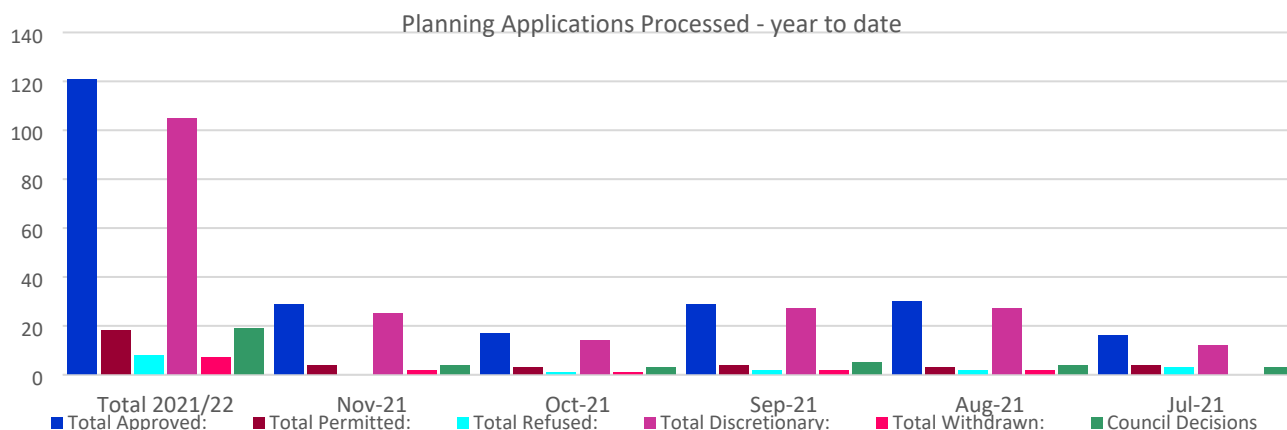
#### 2 DEVELOPMENT SERVICES REPORTING

##### 2.1 Planning Decisions

	Total YTD	July	Aug1	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Number of valid applications	141	14	34	35	21	37							
Single residential	13	0	3	3	2	5							
Multiple residential	38	8	4	19	5	2							
Subdivision	18	1	4	6	1	6							
Total number of new lots created	43	0	6	8	1	28							
Commercial	22	5	5	0	6	6							
Industrial/Utilities	15	5	3	5	1	1							
Visitor Accommodation	2	0	0	0	0	2							
Total permitted	0	0	0	0	0	0							
Total discretionary	2	0	0	0	0	2							
Other (includes all residential development on existing dwellings [alterations/additions, sheds, solar, fences, pools etc])	39	3	12	9	7	8							
Total No. Applications Approved:	121	16	30	29	17	29							
Total Permitted:	18	4	3	4	3	4							
Average Days for Permitted	16.8	23	14	18	13	16							
Days allowed for approval by LUPAA	28	28	28	28	28	28							
Total Exempt under IPS:	40	8	9	5	4	14							
Total Refused:	8	3	2	2	1	0							
Total Discretionary:	105	12	27	27	14	25							
Average Days for Discretionary:	37.6	42	35	36	37	38							
Days allowed for approval under LUPAA:	42	42	42	42	42	42							
Total Withdrawn:	7	0	2	2	1	2							
Council Decisions	19	3	4	5	3	4							
Appeals lodged by the Applicant	5	1	1	3	0	0							
Appeals lodged by third party	1	1	0	0	0	0							

Type of Applications - year to date





Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-20-0256	Extension to shed (vary rear and side [E] setbacks & site coverage provisions)	9 Elizabeth Street, Perth TAS 7300	Mr John Woolhouse	43	D
PLN-21-0204	Signs for medical centre (heritage precinct, signs code)	101 High Street, Campbell Town TAS 7210	Flying Colours Group	22	D
PLN-21-0226	Worker accommodation (vary Valleyfield Road setback)	283 Valleyfield Road, Campbell Town TAS 7210	Homes 4 You	36	D
PLN-21-0234	Shed (12Mx8M) (Vary outbuilding gross floor area; Scenic Management)	8 Sinclair St, PERTH TAS 7300	The Shed Company	43	D
PLN-21-0235	3 Lot Subdivision from 2 Lots (vary passing bay provision - Lot 2)	19 Bulwer Street, Longford TAS 7301	6ty° Pty Ltd	42	D
PLN-21-0249	Visitor Accommodation (non-impervious access and parking)	466 Evandale Road, Western Junction TAS 7212	Ian Campbell	40	D
PLN-21-0255	Ancillary Dwelling (Heritage Precinct)	70 Main Road, Perth TAS 7300	Urban Design Solutions	42	D
PLN-21-0256	Yard cover & extension to shearing shed (vary side setback)	Brambletye, 1014 Glen Esk Rd, CONARA TAS 7211	Mr Wayne Wilson	39	D
PLN-21-0259	Dwelling & Shed (vary side and rear boundary setbacks)	19 Mary Street, Perth TAS 7300	Urban Design Solutions	39	D
PLN-21-0260	17 Lot Subdivision	7 Laycock Street, Longford TAS 7301	6ty° Pty Ltd	42	D
PLN-21-0261	Dwelling & Carport (Scenic Protection)	6 Gibbet Hill Rise, Perth TAS 7300	Cataract Designs	39	D
PLN-21-0262	Dwelling, Carport, Studio, Pool & Machinery Shed (vary setbacks in Rural Resource zone,	183 Perth Mill Road, Evandale TAS 7212	WOODBURYCO DESIGN	32	D



Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
	irrigation district)				
PLN-21-0264	Part Change of Use to Body Works (Heritage Precinct, non-impervious parking)	75 Wellington Street (access over right of way), Longford TAS 7301	Commercial Project Delivery	32	D
PLN-21-0265	2-lot subdivision (vary frontage)	1 George Street, Longford TAS 7301	D J McCulloch Surveying	39	D
PLN-21-0266	Change of Use to Visitor Accommodation (non-impervious access and parking)	132 Chatsworth Lane, Longford TAS 7301	Margit Smith	39	D
PLN-21-0272	Shed 6mx6m (Vary rear setback)	8 George Street, Perth TAS 7300	Rainbow Building Solutions	42	D
PLN-21-0274	7 Lot Subdivision - Staged (Road & Railway Assets Code, Flood Prone Areas Code, Recreation & Open Space, Heritage Precinct)	4-10 Park Street (CT 16858/1), Ross TAS 7209	Vincent Butler	42	D
PLN-21-0277	2 Lot Subdivision (vary passing bay provision - Lot 2)	25 Arthur Street, Evandale TAS 7212	Greg Maxfield	29	D
PLN-21-0284	Shed (8.5m x10.6m x 4.24m high) (Scenic Management Code)	201 Norwich Drive, Longford TAS 7301	David Robertson	29	D
PLN-21-0286	Single Dwelling (Scenic Management Code, Vary side [E] setback)	8 Sinclair Street, PERTH TAS 7300	Abode Designer Homes	35	D
PLN-21-0290	Mural x 2 (Road & Railways Assets Code)	Mulgrave Street, Perth TAS 7300	Northern Midlands Council	27	D
PLN-21-0253	Awning (2.4mx4m)	U4 42-44 Pakenham Street, Longford TAS 7301	Optimo Awnings	13	P
PLN-21-0263	Multiple Dwellings x 2	18 Zircon Place, Perth TAS 7300	Prime Design	14	P
PLN-21-0305	Minor boundary adjustment between CT-125313/36 & 234362/1	315 Woodburn Lane and 125313/36 Woodburn Lane, Cressy TAS 7302	Cohen & Associates	11	P
PLN-21-0317	Demolition of raspberry storage shed and spa shed	241 Cotton Street, Longford TAS 7301	Allan Howard & Deborah Thompson	10	P
<b>COUNCIL DECISIONS</b>					
PLN-21-0062	44-lot subdivision, 3 x roads & associated services, building demolition (vary lot size, Bushfire Prone Area, Road & Railway Assets Code, Attenuation Area)	145 Marlborough St, 153 Marlborough St, 173 Marlborough St, 119 Catherine St, 344 Cressy Rd, unmade street (Queen St),, and Anstey St, Brickendon St, Marlborough St,, Cressy Rd, Catherine St & Cracroft St road reserves, Longford TAS 7301	Mr Carlton Dixon	42	C
PLN-21-0206	Boundary Fencing (Heritage Listed Property)	St Thomas Anglican Church, 9 Falmouth Street, Avoca TAS 7213	Nicolas & Alice Fischer	42	C
PLN-21-0229	New building (formal and informal meeting areas, food preparation and service facilities, multi-purpose room, church administration offices, amenities), alterations to existing church building, provision for vehicle access and parking (Community meeting & entertainment use class) (Heritage Listed, Heritage Precinct, Road & Railway Assets Code)	71-73 High Street, Campbell Town TAS 7210	1+2 Architecture Pty Ltd	42	C
PLN-21-0248	6M x 6M Shed (vary Side Setback)	6 Muirton Way, Perth TAS	Evonne Van Veen	42	C

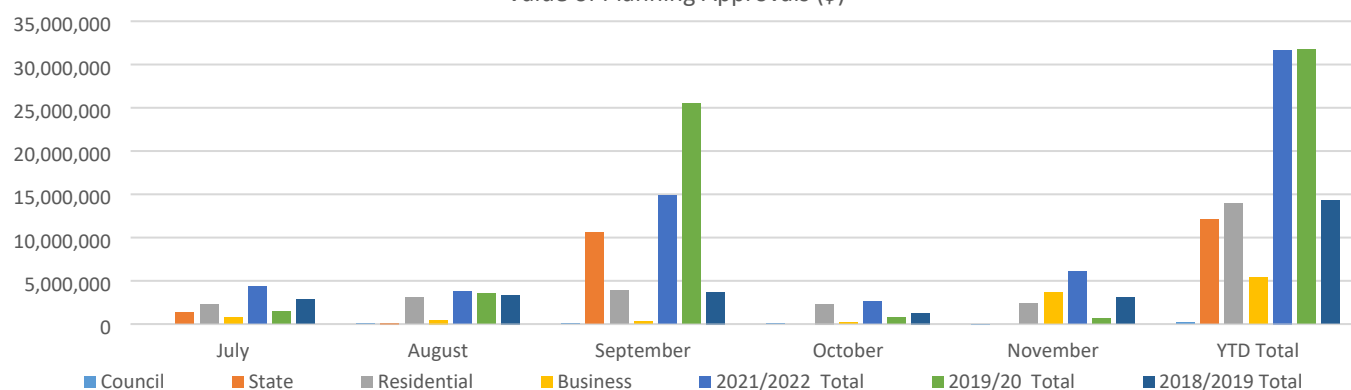


Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
		7300			
<b>COUNCIL DECISIONS - REFUSAL</b>					
<b>DELEGATED DECISIONS - REFUSAL</b>					

## 2.2 Value of Planning Approvals

	2021/2022					2020/21	2019/20	2018/2019
	Council	State	Residential	Business	Total	Total	Total	Total
July	0	1,327,500	2,310,000	743,247	4,380,747	3,377,500	1,429,000	2,863,500
August	106,000	120,000	3,070,274	485,000	3,781,274	3,709,500	3,503,000	3,369,300
September	27,000	10,605,000	3,910,000	275,000	14,817,000	6,189,000	25,457,550	3,704,400
October	86,000	0	2,322,500	230,295	2,638,795	9,987,000	717,900	1,282,500
November	1,800	0	2,365,619	3,684,800	6,052,219	3,281,226	648,500	3,079,000
<b>YTD Total</b>	<b>220,800</b>	<b>12,052,500</b>	<b>13,978,393</b>	<b>5,418,342</b>	<b>31,670,035</b>	<b>26,544,226</b>	<b>31,755,950</b>	<b>14,298,700</b>
<b>Annual Total</b>						<b>59,101,247</b>	<b>55,891,900</b>	<b>36,482,950</b>

Value of Planning Approvals (\$)



## 2.3 Matters Awaiting Decision by TASCAT & TPC

TASCAT	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLN21-0183	Appeal 118/21P. Illawarra Road upgrades. Appeal against conditions of the permit approved by Council. Preliminary conference held 08/10/2021. Mediation undertaken. Hearing held 2 December 2021. Awaiting decision.
PLN21-0125	Appeal 119/21S. 2 Sinclair Street, Perth. Appeal against Council's refusal of permit for 3 lot subdivision. Preliminary conference held 12/10/2021. Mediation undertaken. Hearing listed for 8 December 2021.
PLN21-0199	Appeal 126/21P. 7 Bedford Street, Campbell Town. Appeal against conditions of the permit approved by Council. Preliminary conference held 13/10/2021. Mediation undertaken. Hearing listed for 13 December 2021.
<b>Decisions received</b>	
-	-

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. TPC advised



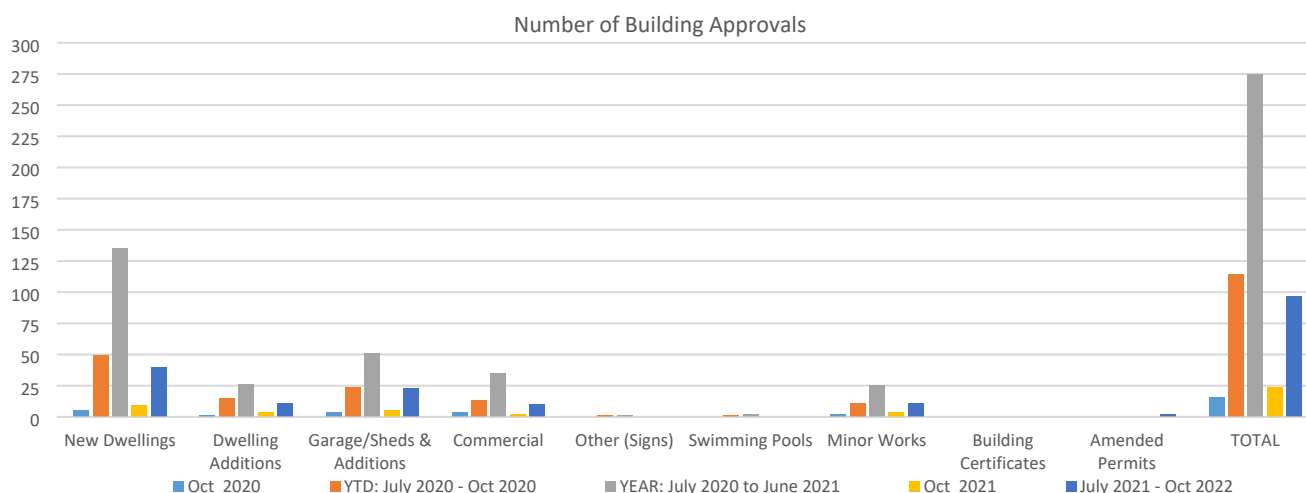


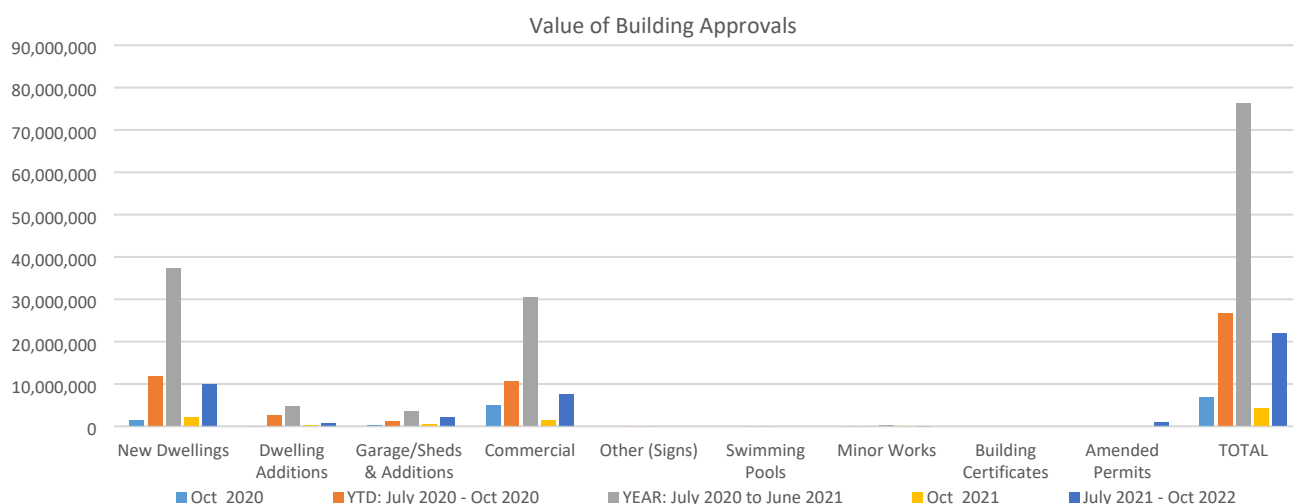
TPC	TASMANIAN PLANNING COMMISSION
	13/8/2021 of final mapping changes needed for exhibition. GIS consultant made map changes required by the Minister. Provided to TPC 19/7/2021. 6/10/2021, received direction to publicly exhibit draft Local Provisions Schedule. Draft Local Provisions Schedule on public exhibition from 22 October to 21 December 2021.
PLN21-0189	Draft Amendment 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'. A new clause F1.4.3 A6 & P6; and A new clause F1.4.7 A9 & P9. Report on representations considered at October 2021 Council meeting and sent to TPC. Hearing date to be set.
PLN21-0301	Draft Amendment to for new collocated Emergency Services Facility for the Tasmania Fire Service and State Emergency Service at 17 Church Street, Campbell Town.
<b>Decisions received</b>	
-	-

## 2.4 Building Approvals

The following table provides a comparison of the number and total value of building works for 2020/2021 – 2021/2022 (figures do not include Building Approvals processed under Resource Sharing Agreements).

	YEAR: 2020-2021				YEAR: 2021-2022					
	Nov 2020		YTD 2020-2021		July 2020 - June 2021		Nov-2021		YTD 2021-2022	
	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value
		\$		\$		\$		\$		\$
New Dwellings	5	1,492,000	49	11,956,433	135	37,308,797	9	2,244,520	40	10,070,230
Dwelling Additions	1	135,000	15	2,743,970	26	4,678,970	4	215,000	11	715,000
Garage/Sheds & Additions	4	227,000	24	1,250,700	51	3,494,830	5	451,780	23	2,268,150
Commercial	4	5,014,500	13	10,675,650	35	30,391,057	2	1,388,930	10	7,688,930
Other (Signs)	0	0	1	12,000	1	12,000	0	0	0	0
Swimming Pools	0	0	1	49,000	2	104,000	0	0	0	0
Minor Works	2	9,200	11	115,088	25	266,844	4	56,200	11	152,826
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	0	0	0	0	0	0	2	1,035,000
<b>TOTAL</b>	<b>16</b>	<b>6,877,700</b>	<b>114</b>	<b>26,802,841</b>	<b>275</b>	<b>76,256,498</b>	<b>24</b>	<b>4,356,430</b>	<b>97</b>	<b>21,930,136</b>
<b>Inspections</b>										
Building	0		15		30		0		2	
Plumbing	37		147		299		26		182	





## 2.5 Planning and Building Compliance – Permit Review

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

	This Month	2021/2022	Total 2020/2021
Number of Inspections	2	12	31
Property owner not home or only recently started			
Complying with all conditions / signed off		2	11
Not complying with all conditions			1
Re-inspection required	2	10	9
Notice of Intention to Issue Enforcement Notice			
Enforcement Notices issued			
Enforcement Orders issued			
Infringement Notice			
No Further Action Required			10

	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

	This Month	2021/2022	Total 2020/2021
Number of Inspections	3	10	35
Commitment provided to submit required documentation			11
Re-inspection required	1	8	11
Building Notices issued			5
Building Orders issued			5
Emergency Order			3
No Further Action Required	2	2	13

	This Month	2021/2022	Total 2020/2021
Number of Inspections	10	28	81
Commitment provided to submit required documentation	1	3	9
Re-inspection required	7	20	48
Enforcement Notices issued			1
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			6
No Further Action Required	2	5	24

## 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 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**

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

3.1 Sympathetic design respects historical architecture

3.2 Developments enhance existing cultural amenity

3.4 Towns are enviable places to visit, live and work

**Place: Nurture our heritage environment**

**Environment - Cherish, Sustain our Landscapes and Preserve, Protect Our Built Heritage for Tomorrow**

**Strategic outcomes:**

4.1 Cherish and sustain our landscape

4.2 Meet environmental challenges

4.4 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 10 commercial building approvals valued at \$7,688,930 for 2021/22 (year to date), compared to 13 commercial building approval valued at \$10,675,650 (year to date) for 2020/2021.

In total, there were 97 building approvals valued at \$21,930,136 (year to date) for 2021/2022, compared to 114 building approvals valued at \$26,802,841 (year to date) for 2020/21.



**RECOMMENDATION**

That the report be noted.



## 10.2 AMEND PART 5 AGREEMENT, 50 LOGAN ROAD, EVANDALE

File: 202700.221  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Paul Godier, Senior Planner

### 1 PURPOSE OF REPORT

This report considers a request to amend a Part 5 Agreement prohibiting further subdivision on 50 Logan Road, Evandale.

### 2 INTRODUCTION/BACKGROUND

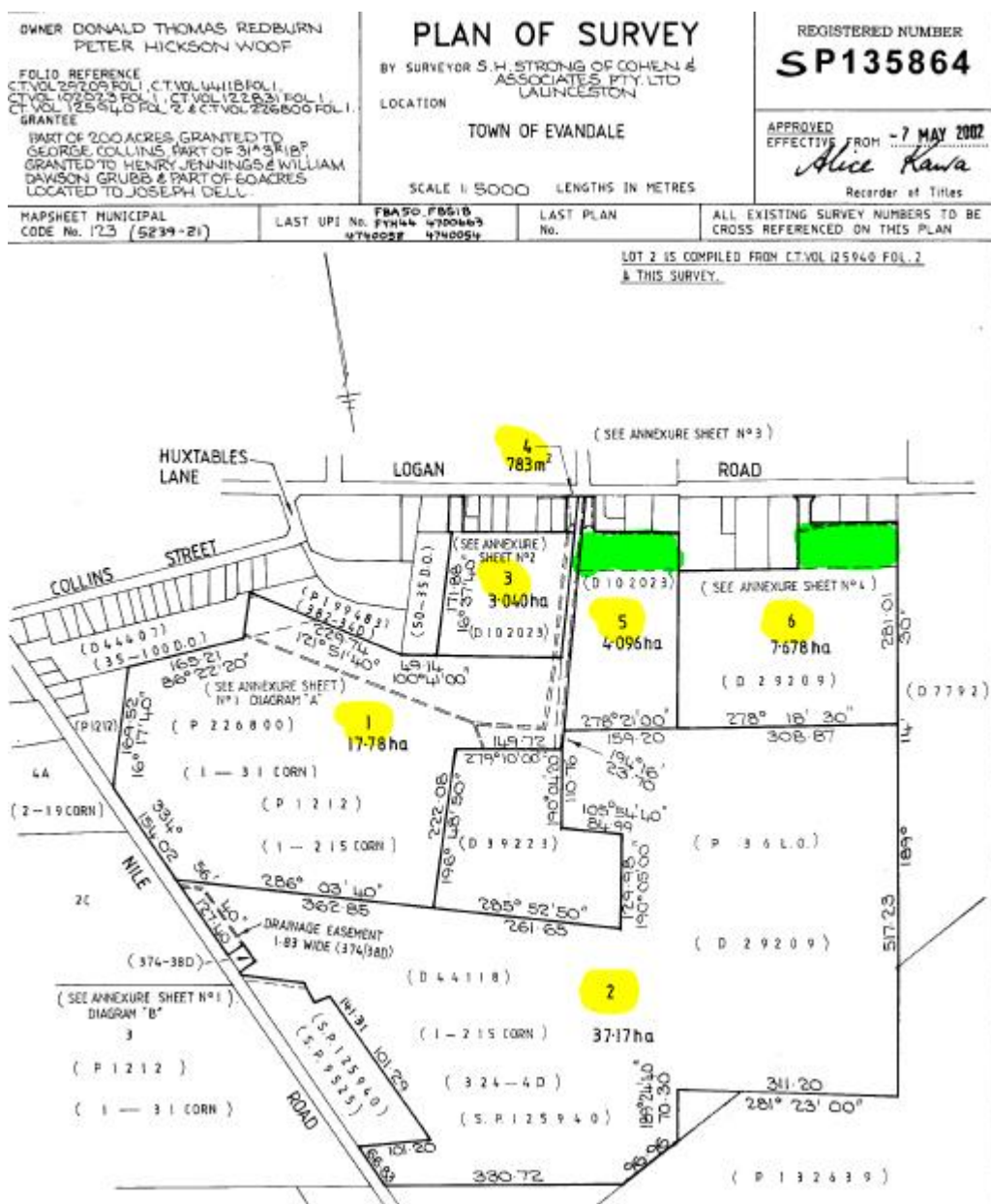
A planning permit issued in 2001 required a Part 5 Agreement requiring:

- 3.2 *Subdivision of the land, except as authorised by the permit, is prohibited.*
- 3.3 *That within the area marked "STUV" on Lots 1, 5 & 6 on the Plan attached hereto and marked "A" any housing development shall be limited to a single dwelling or a single dwelling and ancillary apartment and that in either case the development shall be limited to single storey.*

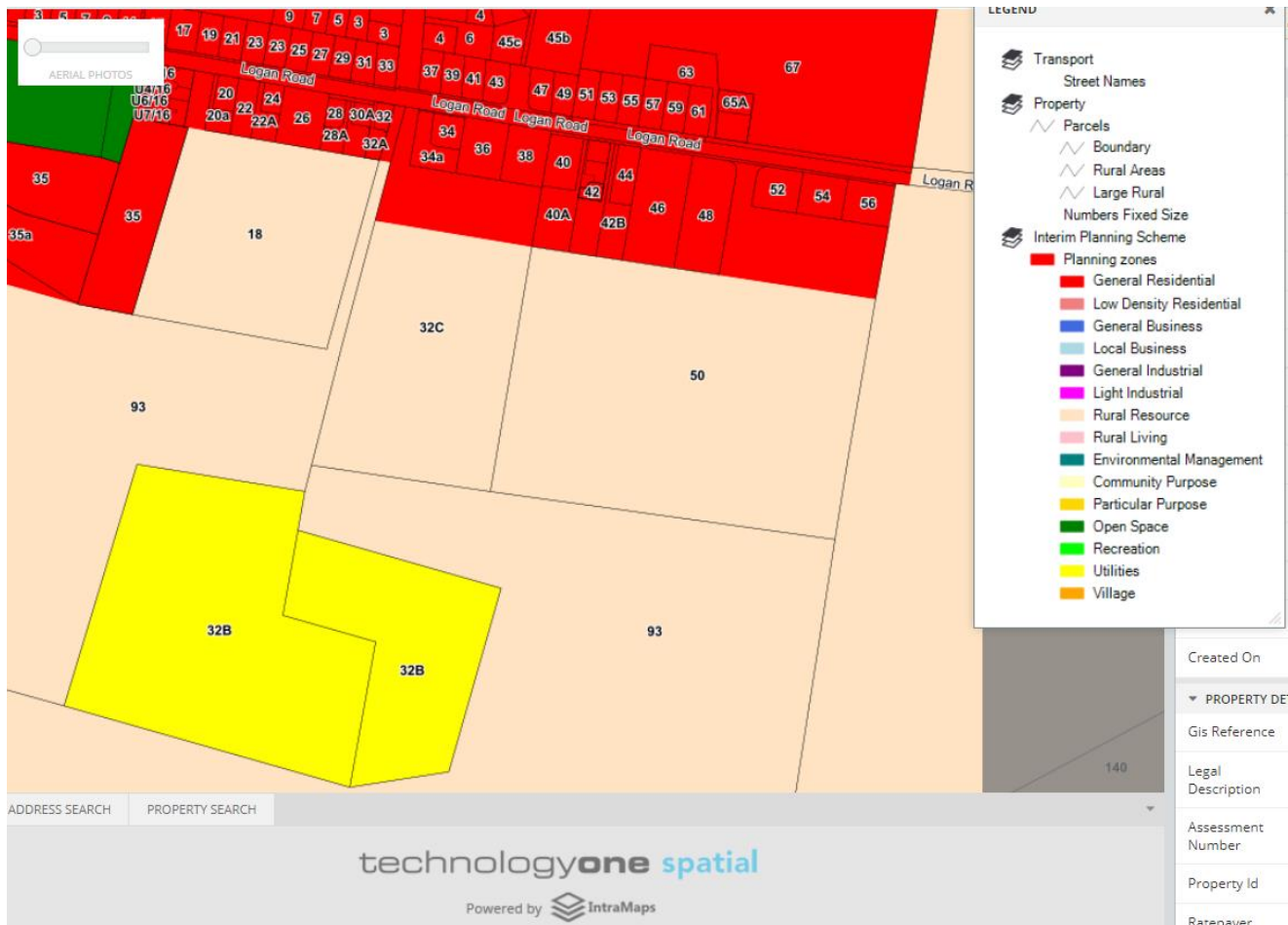
The owner of 50 Logan Road has requested amendment which would allow the General Residential section of the property to be subdivided.

Requested amendment – delete ~~strikethroughs~~, add **highlights**.

- 3.2 *Subdivision of the land, except as authorised by the permit, is prohibited for all lots except lot 6 shown on the Plan attached hereto and marked "A".*
- 3.3 *That within the area marked "STUV" on Lots ~~1, 5 & 6~~ **1 & 5** on the Plan attached hereto and marked "A" any housing development shall be limited to a single dwelling or a single dwelling and ancillary apartment and that in either case the development shall be limited to single storey*
- 3.4 *~~N/A~~ **That within the area marked "STUV" on Lot 6 on the Plan attached hereto and marked "A" any housing development shall be limited to a single dwelling, or if lot 6 is further subdivided those lots created shall be limited to a single dwelling, and that in either case the development shall be limited to single storey.***



**^ Figure 1 - Attachment A to Part 5 Agreement. Subject titles highlighted in Yellow, STUV areas highlighted in Green.**



^ Figure 2 - Zone Map

### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty
- 1.3 Management is efficient, proactive and responsible

### 4 POLICY IMPLICATIONS

There are no policy implications.

### 5 STATUTORY REQUIREMENTS

#### 5.1 Part 5 Agreement

Clause 19.1 of the Agreement states “This agreement may be amended by agreement between the Council and all persons who are bound by any covenant in the agreement”.



**6 FINANCIAL IMPLICATIONS**

There are no financial implications to Council.

**7 RISK ISSUES**

No risk issues are identified.

**8 CONSULTATION WITH STATE GOVERNMENT**

Not required for this matter.

**9 COMMUNITY CONSULTATION**

The applicant has provided consent from all property owners to which the Part 5 Agreement relates.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can:

- Amend the Part 5 Agreement as requested; or
- Not amend the Part 5 Agreement as requested.

**11 OFFICER'S COMMENTS/CONCLUSION**

The proposed amendment to the Part 5 Agreement does not contravene the planning scheme and has agreement from all affected parties. It is recommended it be approved.

**12 ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council agree to amend the Part 5 Agreement as requested, in accordance with clause 19.1 of the agreement.





## 10.3 CONSULTATION ON DRAFT AMENDMENT 01/2021 TO THE STATE PLANNING PROVISIONS

File: 13/004  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Paul Godier, Senior Planner

### 1 PURPOSE OF REPORT

This report advises Council of consultation being undertaken on draft amendment 01/2021 to the State Planning Provisions.

### 2 INTRODUCTION/BACKGROUND

The Explanatory Document to the draft amendment advises that:

*The State Planning Provisions (SPPs) were made on 22 February 2017 and came into effect on 2 March 2017 as part of the Tasmanian Planning Scheme. The SPPs are now in effect in several municipalities with the remaining municipalities to following when each Local Provisions Schedule is approved.*

*It is important that the SPPs are kept under regular review. Previous amendments of the SPPs were made on 19 April 2018 and 19 February 2020 for a number of minor amendments including correcting clerical errors and anomalies, clarifying provisions, and alignment with legislation and previously approved or modified planning directives. A comprehensive review of the SPPs is due to commence in 2022 as part of the 5-yearly statutory review required under the Land Use Planning and Approvals Act 1993 (the LUPA Act).*

*With the SPPs currently in effect in several municipalities, and the recent introduction of parts of the SPPs in interim planning schemes through Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions (Interim Planning Directive No. 4), further amendments of the SPPs have been identified which can be managed through the minor amendment process under the LUPA Act.*

*The proposed minor amendments are detailed in draft amendment document. They are shown in tabular format with documented reasons provided for each.*

*In summary, the draft amendment comprises the following amendments to the SPPs:*

- *Four new terms and definitions in Table 3.1 and a new general provision at clause 7.13 to implement the provisions from Planning Directive No. 7.*
- *Revision to the exemption for home-based child care in clause 4.1.3 to remove an inconsistency between the SPPs and Child Care Act 2001.*
- *Revision to the exemption for minor infrastructure in clause 4.2.7 to remove an inconsistency in the SPPs and to clarify the scope of the exemption.*
- *Redrafting of the exemption for outbuildings in clause 4.3.7 to correct a number of clerical errors and to clarify the original intent.*
- *Revisions to the exemption for agricultural buildings and works in the Rural Zone or Agriculture Zone in clause 4.3.9 to clarify that it does not apply to land filling.*
- *Revisions to the exemption for vegetation removal in clause 4.4.1 to correct a clerical error and remove an inconsistency between the SPPs and the Forest Practices Regulations 2017.*
- *Correction of clerical errors in clauses 8.4.2, 8.5.1, 9.4.2, 9.4.3 and 9.5.1 of the General Residential Zone and Inner Residential Zone relating to the building envelope requirements.*



- *Revisions to clauses 8.4.8 and 9.4.8 of the General Residential Zone and Inner Residential Zone to remove an inconsistency in the SPPs by aligning the Performance Criteria with the corresponding Acceptable Solution for the waste storage requirements.*
- *Revisions to clauses 8.5.1, 9.5.1 and 10.5.1 of the General Residential Zone, Inner Residential Zone and Low Density Residential Zone to clarify the requirements for outdoor storage areas.*
- *Revisions to clause 11.5.1 of the Rural Living Zone to correct clerical errors in cross referencing other clauses in the subdivision standards.*
- *Revisions to clause 20.5.1 in the Rural Zone to correct a clerical error in the subdivision standards and remove an inconsistency in the SPPs.*
- *Correction of a clerical error in the Discretionary qualification for the Storage Use Class in the Agriculture Zone Use Table.*
- *Revisions to various clauses in the Environmental Management Zone to remove the inconsistency between the SPPs and the National Parks and Reserve Management Regulations 2019.*
- *Correction of a clerical error in clause C1.6.4 of the Signs Code to align with a defined term in the Local Historic Heritage Code.*
- *Revision to clause C2.3.1 in the Parking and Sustainable Transport Code to amend the definition of parking precinct plan to remove an inconsistency in the SPPs by aligning the definition with its scope for varying the car parking requirements in clause C2.5.1.*
- *Correction of clerical errors in clause C2.7.1 of the Parking and Sustainable Transport Code.*
- *Correction of a clerical error in clause C6.6.9 of the Local Historic Heritage Code to align the Acceptable Solution with the corresponding objective and Performance Criteria.*
- *Correction of clerical errors in clauses C7.6.2 and C7.7.2 of the Natural Assets Code.*
- *Correction of clerical errors in clause C10.5.4 of the Coastal Erosion Hazard Code.*
- *Correction of clerical errors in clause C14.5.1 of the Potentially Contaminated Land Code.*
- *Updating the references to various Australian Standards in the Bushfire-Prone Areas Code and the Applied, Adopted or Incorporated Documents table.*

### **3 STRATEGIC PLAN 2021-2027**

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

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**Leaders with Impact**

**Strategic outcomes:**

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- 1.2 Councillors serve with integrity and honesty
- 1.3 Management is efficient, proactive and responsible

**Progress: Economic health and wealth - grow and prosper**

**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

- 2.1 Strategic, sustainable, infrastructure is progressive



#### **4 POLICY IMPLICATIONS**

There are no policy implications.

#### **5 STATUTORY REQUIREMENTS**

Council's comments on the draft amendment are sought in accordance with section 30NA(2) of the *Land Use Planning and Approvals Act 1993*.

#### **6 FINANCIAL IMPLICATIONS**

There are no financial implications.

#### **7 RISK ISSUES**

No risk issues are identified.

#### **8 CONSULTATION WITH STATE GOVERNMENT**

Council's comments on the draft amendment are to be sent to the Planning Policy Unit by close of business on Friday, 17 December 2021.

#### **9 COMMUNITY CONSULTATION**

The State Government is undertaking consultation. It is not known if this includes community consultation.

#### **10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can submit the response as recommended or submit an alternative response.

#### **11 OFFICER'S COMMENTS/CONCLUSION**

Council's Senior Planner has reviewed the draft amendment and finds that the amendments further the objectives of the *Land Use Planning and Approvals Act 1993*.

Of note for particular support is amendment No. 15 which seeks to include 'grain storage' as a Discretionary qualification to the Storage Use Class in the Agriculture Zone. The reason given is that this is to correct a clerical error by including 'grain storage' in the list of Discretionary uses under the Storage Use Class. The qualification was meant to be consistent with the Permitted qualification for the Storage Use Class in the Rural Zone.

#### **12 ATTACHMENTS**

1. A 1 - Revised Draft Amendment 01-2021 of the SP Ps [10.3.1 - 14 pages]
2. A 2 - Draft Amendment 01-2021 of the SP Ps - Revised Explanatory Document [10.3.2 - 5 pages]

#### **RECOMMENDATION**

That Council provide the following comment on the draft amendment:

The Northern Midlands Council supports the draft amendment and in particular amendment No. 15 to include 'grain storage' as a Discretionary qualification for the Storage Use Class in the Agriculture Zone.



## 10.4 NORTHERN PERTH ZONING REVIEW

File: 13/026/007  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Paul Godier, Senior planner

### 1 PURPOSE OF REPORT

This report seeks Council's decision on how to progress with rezoning/amendment for land at the north of Perth, and south of Devon Hills (see figure 1).

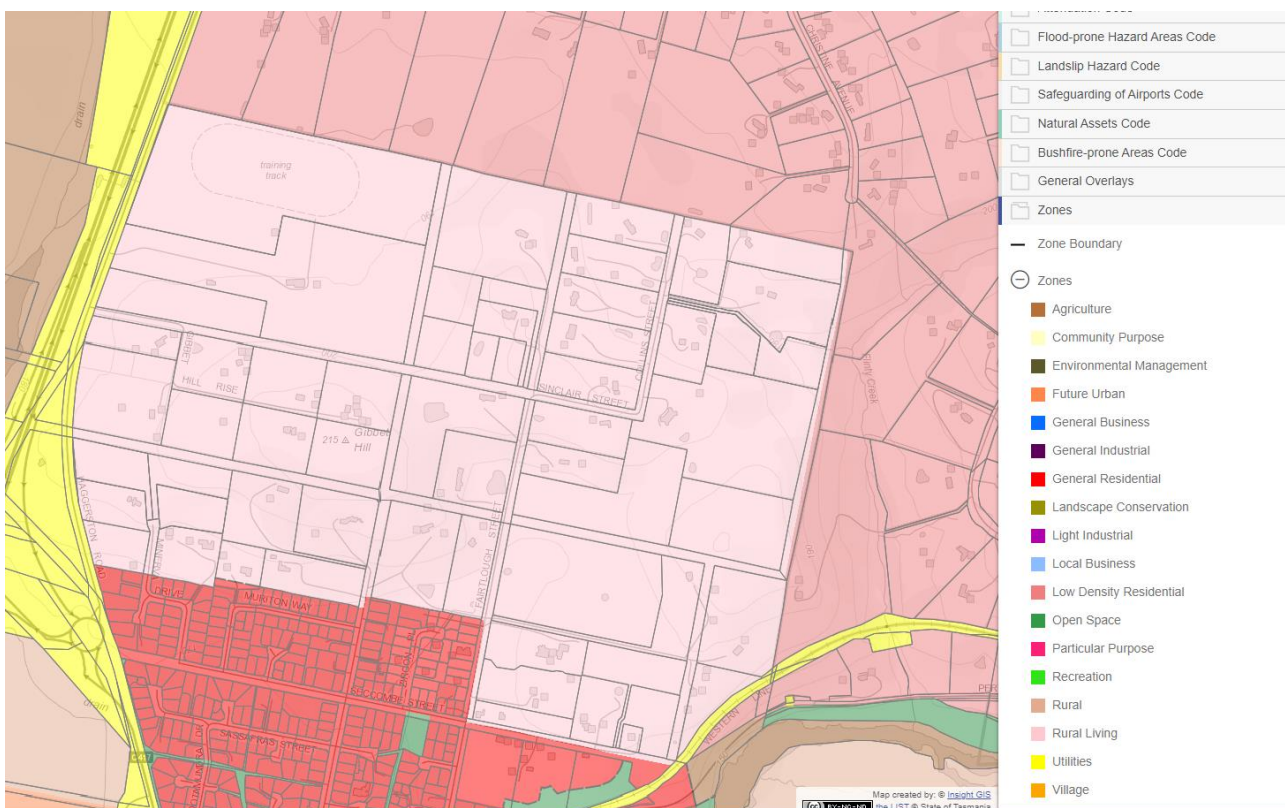
### 2 INTRODUCTION/BACKGROUND

Council engaged ERA Planning & Environment (ERA) to prepare an amendment to the planning scheme to either prohibit subdivision entirely, or to have no performance criteria allowing subdivision below 1ha for the north of Perth, south of Devon Hills.

ERA have recently advised that upon reviewing the draft Local Provisions Schedule currently on exhibition, the area is proposed to be zoned Rural Living A with a minimum lot size of 1ha (Acceptable Solution standard) and an absolute minimum of 8000 m<sup>2</sup> (20% smaller than the Acceptable Solution standard).

ERA advises that in their experience, if the Tasmanian Planning Commission has agreed to exhibit a draft LPS then it is an indication that they more or less agree with what is proposed, with any changes usually occurring only as a result of representations received during the exhibition process.

Given that the timing of the LPS coming into effect would be similar to that for a scheme amendment at this stage in the process, ERA advises that as an alternative, they can prepare a letter of support for the proposed zoning on behalf of council and submit this as a representation during the public exhibition process. This would be useful to have in the event that representations against the proposed zoning are received.





^Figure 1 - Subject Area – light pink between red and darker pink

### **3 STRATEGIC PLAN 2021-2027**

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty
- 1.3 Management is efficient, proactive and responsible

**Progress: Economic health and wealth - grow and prosper**

**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

- 2.1 Strategic, sustainable, infrastructure is progressive

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

- 3.3 Public assets meet future lifestyle challenges
- 3.4 Towns are enviable places to visit, live and work

**Place: Nurture our heritage environment**

**Environment - Cherish, Sustain our Landscapes and Preserve, Protect Our Built Heritage for Tomorrow**

**Strategic outcomes:**

- 4.1 Cherish and sustain our landscape
- 4.2 Meet environmental challenges

### **4 POLICY IMPLICATIONS**

There are no policy implications.

### **5 STATUTORY REQUIREMENTS**

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

Amendment to Planning Scheme – section 33 (former provisions).

Representations to the draft Local Provisions Schedule - section 35E(1).

### **6 FINANCIAL IMPLICATIONS**

There will be cost savings if ERA provides Council with a representation in support of its draft Local Provisions Schedule, rather than preparing a planning scheme amendment.

### **7 RISK ISSUES**

No risk issues are identified.



## **8 CONSULTATION WITH STATE GOVERNMENT**

The draft Local Provisions Schedule was prepared in consultation with the Tasmanian Planning Commission.

## **9 COMMUNITY CONSULTATION**

The draft Local Provisions Schedule is on public notification until 21 December 2021.

## **10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can:

- Request ERA Planning & Environment to prepare a representation for Council in support of its draft Local Provisions Schedule which proposes to zone the area Rural Living A (a minimum lot size of 1ha (Acceptable Solution standard) and an absolute minimum of 8000 m<sup>2</sup> (20% smaller than the Acceptable Solution standard)); or
- Consider preparing a representation to the draft Local Provisions Schedule recommending the zone of the area be Rural Living B (a minimum lot size of 2ha (Acceptable Solution standard) and an absolute minimum of 16,000 m<sup>2</sup> (20% smaller than the Acceptable Solution standard)); or
- Have ERA Planning & Environment prepare an amendment to the planning scheme to either prohibit subdivision entirely, or to have no performance criteria allowing subdivision below 1ha for the area.

## **11 OFFICER'S COMMENTS/CONCLUSION**

Given that the draft Local Provisions Schedule is currently on public notification, it is recommended that Council have ERA Planning & Environment prepare a representation for Council in support of its draft Local Provisions Schedule which proposes to zone the area Rural Living A (a minimum lot size of 1ha (Acceptable Solution standard) and an absolute minimum of 8000 m<sup>2</sup> (20% smaller than the Acceptable Solution standard)), rather than prepare an amendment which would then need to be initiated and certified at a council meeting before being placed on public notification for 28 days.

## **12 ATTACHMENTS**

Nil

## **RECOMMENDATION**

That Council request ERA Planning & Environment to prepare a representation for Council in support of its draft Local Provisions Schedule which proposes to zone the area Rural Living A (a minimum lot size of 1ha (Acceptable Solution standard) and an absolute minimum of 8000 m<sup>2</sup> (20% smaller than the Acceptable Solution standard)).





## 11 CORPORATE SERVICES REPORTS

### 11.1 MONTHLY REPORT: FINANCIAL STATEMENT

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 30 November 2021.

#### 2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 30 November 2021 is circulated for information.

#### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 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**

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

#### 4 ALTERATIONS TO 2021-22 BUDGET

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

##### SUMMARY FINANCIAL REPORT

For Month Ending: 30-Nov-21 5

##### A. Operating Income and Expenditure

	Budget	Year to Date Budget 42%	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$12,271,834	-\$12,271,834	-\$12,282,290	\$10	100.1%	
Recurrent Grant Revenue	-\$4,723,956	-\$1,968,315	-\$1,767,697	-\$201	89.8%	
Fees and Charges Revenue	-\$2,387,167	-\$994,653	-\$1,229,053	\$234	123.6%	* Fee income above budget
Interest Revenue	-\$741,548	-\$308,979	-\$256,952	-\$52	83.2%	* Interest penalty on rates raised Feb'22
Reimbursements Revenue	-\$53,978	-\$22,491	-\$24,711	\$2	109.9%	
Other Revenue	-\$1,786,968	-\$744,570	-\$303,532	-\$441	40.8%	* TasWater Dividends not yet received
	-\$21,965,451	-\$16,310,842	-\$15,864,235	-\$447	97.3%	
Employee costs	\$6,028,712	\$2,511,963	\$2,406,580	\$105	95.8%	
Material & Services Expenditure	\$5,612,165	\$2,338,402	\$2,306,717	\$32	98.6%	
Depreciation Expenditure	\$6,519,158	\$2,716,316	\$2,716,268	\$0	100.0%	
Government Levies & Charges	\$961,484	\$400,618	\$271,189	\$129	67.7%	* State Fire Commission paid quarterly
Councillors Expenditure	\$205,180	\$85,492	\$61,051	\$24	71.4%	* Allowances paid quarterly for most Cllrs
Interest on Borrowings	\$272,007	\$113,336	\$117,996	-\$5	104.1%	
Other Expenditure	\$1,315,204	\$548,002	\$738,797	-\$191	134.8%	* Pension rebates received for full year
Plant Expenditure Paid	\$538,650	\$224,438	\$280,984	-\$57	125.2%	
	\$21,452,560	\$8,938,567	\$8,899,582	\$39	99.6%	
	-\$512,891	-\$7,372,275	-\$6,964,653			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$505,860	\$210,775	\$292	\$210	0.1%	* Asset recognition not yet
Underlying (Surplus) / Deficit	-\$7,031	-\$7,161,500	-\$6,964,361		1*	
	\$0					
Capital Grant Revenue	-\$8,697,948	-\$3,624,145	-\$400,000	-\$3,224	11.0%	* Not paid until milestones met
Subdivider Contributions	-\$330,765	-\$137,819	(14,072)	-\$124	10.2%	* Not recognised until EOY
Capital Revenue	-\$9,028,713	-\$3,761,964	-\$414,072			



### 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				
November				
Ctown - Tennis Court Shade Shelter		707805.51	\$16,000	Additional allocation
Ctown - Rec Entrance Improvements		707805.97	-\$16,000	
Pth - Edward Street Footpath & Driveways		750395.6	\$18,664	Required after subdivision
Lfd - Paton Street Footpath south side		750999.6	\$2,817	Additional allocation
Cry - Main Street Saundridge south		750795	\$11,315	Unbudgeted project
Footpath Replacements unallocated		750000	-\$32,796	
Ctown - Stormwater High St (Edgar to Mason)		788637	\$10,000	Unbudgeted project
Cry - Stormwater Church Street		788638	\$30,000	Unbudgeted project
Stormwater - Unallocated Projects		788575	-\$40,000	
October				
Fees & Charges - Impounding Fee Initial	From \$ 72	Increased to \$75		Increased in line with fees from pound operator increases
Fees & Charges - Impounding Fee Subsequent	From \$ 95	Increased to \$98		Increased in line with fees from pound operator increases
Fees & Charges - Pound Fee after 1st day	From \$ 22	Increased to \$25		Increased in line with fees from pound operator increases
September				
D2018010 R Preece		101.10		Bad Debt - Deemed uncollectable by EMPRS
D201908 P Groves		326.00		Bad Debt - Deemed uncollectable by EMPRS
D2019019 P Groves		163.00		Bad Debt - Deemed uncollectable by EMPRS
D2019021 P Groves		168.00		Bad Debt - Deemed uncollectable by EMPRS
D2019023 P Groves		168.00		Bad Debt - Deemed uncollectable by EMPRS
D2019024 P Groves		168.00		Bad Debt - Deemed uncollectable by EMPRS
D2019025 P Groves		168.00		Bad Debt - Deemed uncollectable by EMPRS
D2019027 P Groves		168.00		Bad Debt - Deemed uncollectable by EMPRS
D2020036 P Groves		168.00		Bad Debt - Deemed uncollectable by EMPRS
August				
Footpath - Main Street Cressy	750796.6		-\$67,000	Trf allocation to different
Footpath - Church Street (Main to Charles) at Cressy			\$67,000	location in Cressy
Footpath - Park St (High to Bridge) Ross	750986.6		-\$30,000	Completed 2020/21 reallocate
Footpath & ramp - to old Lfd Gym access	707752.96		\$30,000	
July				
No adjustments for July.				

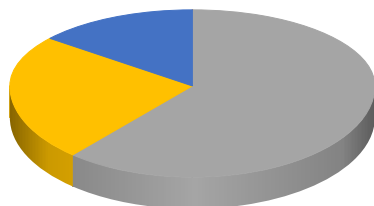
### B. Balance Sheet Items

	Year to Date Actual		Monthly Change		Same time last year	Comments
<b>Cash &amp; Cash Equivalents Balance</b>						
- Opening Cash balance	\$19,432,295		\$22,294,604			
- Cash Inflow	\$13,631,173		\$3,109,661			
- Cash Payments	-\$9,501,455		-\$1,842,252			
- Closing Cash balance	\$23,562,013		\$23,562,013			
Account Breakdown						
- Trading Accounts	\$1,462,370					
- Investments	\$22,099,643					
	\$23,562,013					
<b>Summary of Investments</b>						
	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value	
Tasmanian Public Finance Corporation Call Account	1/11/2021	30/11/2021	0.10	\$5,397	\$5,398	
CBA Call Account	1/11/2021	30/11/2021	0.01	\$1,574	\$1,574	
CBA Business Online Saver	4/11/2021	30/11/2021	0.20	\$5,218,608	\$5,219,351	
Westpac Corporate Regulated Interest Account	30/11/2021	30/11/2021	0.35	\$6,981,054	\$6,981,054	
My State Financial	25/05/2021	25/05/2022	0.85	\$3,343,010	\$3,371,425	
Westpac	5/10/2021	4/07/2022	3.37	\$5,500,000	\$5,638,124	
Westpac	29/09/2021	29/06/2023	3.30	\$1,050,000	\$1,110,566	
Total Investments				\$22,099,643	\$22,327,493	



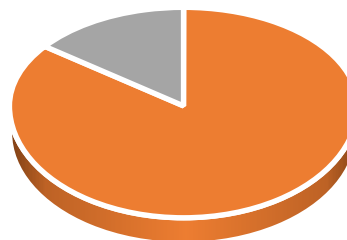


Investments by Institution



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

Total Investments by Rating (Standard & Poor's)

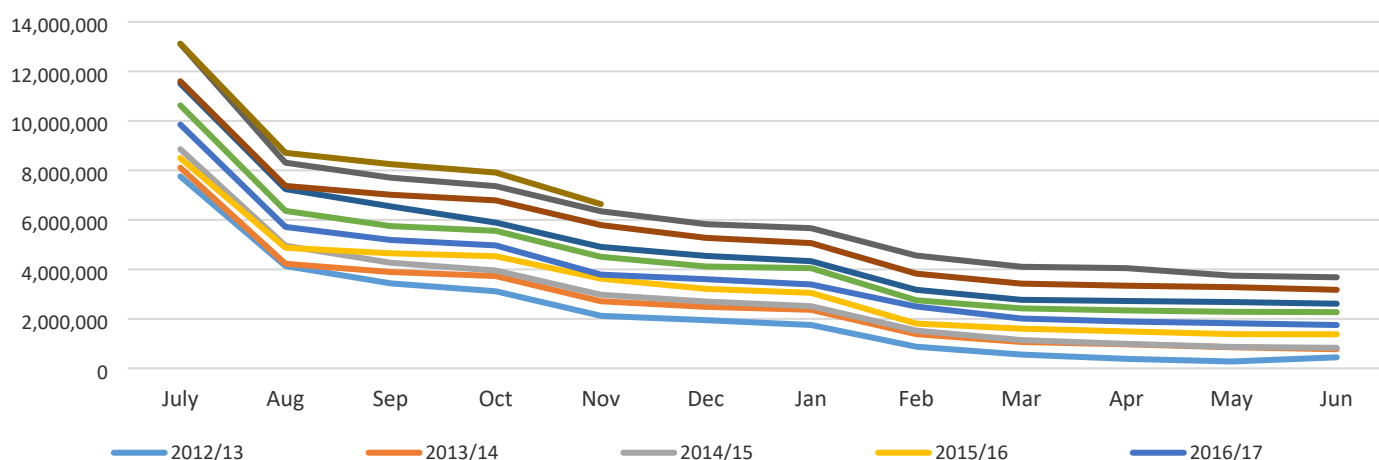


■ AA+ ■ AA- ■ BBB ■ Unrated

Rate Debtors	2020/21	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$3,205,341		\$2,808,852	
Rates Raised	\$12,355,916		\$11,678,054	
	\$15,561,257		\$14,486,906	
Rates collected	\$8,404,611	68.0%	\$7,762,266	66.5%
Pension Rebates	\$495,199	4.0%	\$481,731	4.1%
Discount & Remissions	\$25,015	0.2%	\$56,731	0.5%
	\$8,924,825		\$8,300,728	
Rates Outstanding	\$6,636,432	53.7%	\$6,347,430	54.4%
Advance Payments received	-\$233,855	1.9%	-\$161,252	1.4%



Outstanding Rates



Trade Debtors				
Current balance	\$291,483			
- 30 Days		\$97,484		
- 60 Days		\$28,651		
- 90 Days		-\$11,171		
- More than 90 days		\$176,519		
Summary of Accounts more than 90 days:				
- Norfolk Plains Book sales			171	
- Hire/lease of facilities			7,233	
- Removal of fire hazards			6,042	
- Dog Registrations & Fines			15,936	
- Private Works			1,863	
- Regulatory Fees			16	
- Govt Reimbursements			145,289	



### C. Capital Program

	Budget	Actual (\$,000)	Target 42%	Comments
Renewal	\$11,921,744	\$2,898,430	24%	
New assets	\$11,399,505	\$2,337,758	21%	



Total	\$23,321,249	\$5,236,187	22%	
Major projects:				
- Longford Sports Centre lift & level 1	\$270,000	\$174,597	65%	In progress
- Cressy Rec Ground Amenities	\$1,013,866	\$1,003,642	99%	Substantially complete
- Cressy Pool Improvements	\$800,000	\$614,432	77%	Substantially complete
- Ross Village Green	\$558,000	\$547,434	98%	Substantially complete
- Longford Victoria Square Hall	\$1,518,272	\$22,498	1%	Consultation stage
- Longford Victoria Square Amenities	\$334,415	\$1,179	0%	Hold
- Perth Childcare Centre	\$3,550,607	\$153,128	4%	Commence Jan 2022
- Lake Leake Amenities	\$145,256	\$268	0%	Preliminaries
- Translink Detention Basin	\$252,540	\$25,410	10%	Ready to construct
- Footpath Program	\$748,000	\$67,396	9%	In progress
- Bryants Lane Bridge	201,777	\$167	0%	Tender accepted
- William Street Footbridge	270,000	\$12,433	5%	Tender accepted
- Glen Esk Road Reconstruction	411,400	\$149,815	36%	In progress

\* 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%	77.4%	-21.6%	⬇
- Own Source Revenue / Total Revenue	78%	89%	-10.4%	⬇
Sustainability Ratio				
- Operating Surplus / Operating Revenue	0.0%	43.9%	-43.9%	⬇
- Debt / Own Source Revenue	43.0%	52.6%	-9.6%	↔
Efficiency Ratios				
- Receivables / Own Source Revenue	40.2%	45.0%	-4.8%	⬇
- Employee costs / Revenue	27.4%	15.2%	12.3%	⬆
- Renewal / Depreciation	182.9%	106.7%	76.2%	⬆
Unit Costs				
- Waste Collection per bin	\$10.12	\$12.92		↔
- Employee costs per hour	\$50.24	\$39.39		⬆
- Rate Revenue per property	\$1,727.45	\$1,728.93		↔
- IT per employee hour	\$3.30	\$6.12		⬇

#### E. Employee & WHS scorecard

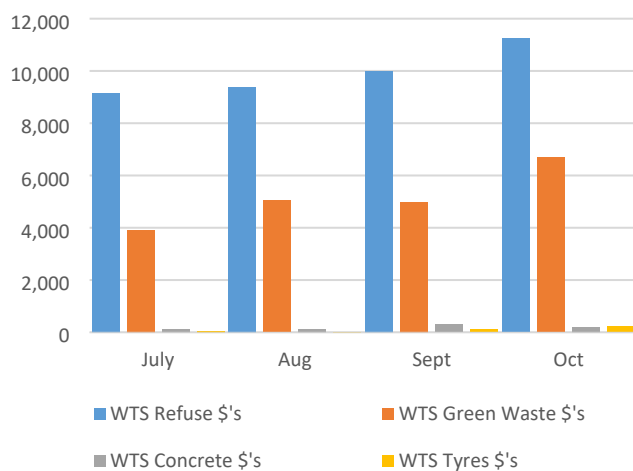
	YTD	This Month
Number of Employees	98	98
New Employees	18	8
Resignations	8	2
Total hours worked	61,100	17,269
Lost Time Injuries	0	0
Lost Time Days	1	0
Safety Incidents Reported	10	2
Hazards Reported	17	0
Risk Incidents Reported	5	0
Insurance claims - Public Liability	0	0
Insurance claims - Industrial	0	0
Insurance claims - Motor Vehicle	4	0
IT - Unplanned lost time	0	0
Open W/Comp claims	7	2

#### F. Waste Management

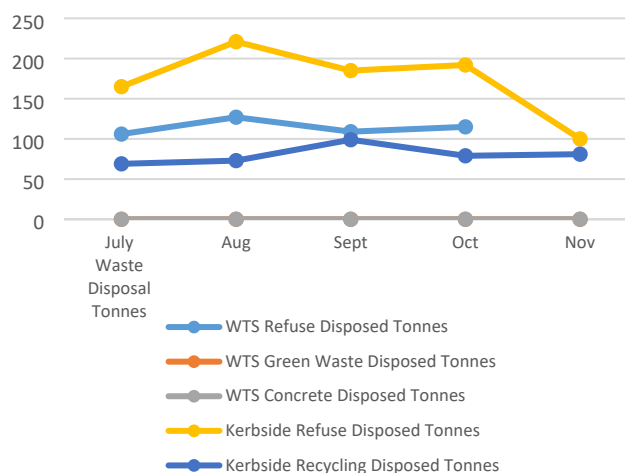
Waste Transfer Station	2019/20	2020/21	2021/22 Budget Year to Date	2021/22
<b>Takings</b>				
- Refuse	\$92,611	\$119,842	\$42,681	\$39,802
- Green Waste	\$50,996	\$80,904	\$27,948	\$20,661
- Concrete	\$1,551	\$2,293	\$713	\$741
- Tyres		727	\$233	\$393
Total Takings	\$142,782	\$203,767	\$71,576	\$61,597
<b>Tonnes Disposed</b>				
WTS Refuse Disposed Tonnes	1388	1432	511	457
WTS Green Waste Disposed Tonnes	5400	4670	2039	0
WTS Concrete Disposed Tonnes	0	3056	0	0
Kerbside Refuse Disposed Tonnes	2326	2435	933	863
Kerbside Recycling Disposed Tonnes	1036	1051	498	401
Total Waste Tonnes Disposed	10150	12644	3980	1721



Waste Transfer Station Fees 2021-22



Waste Disposal Tonnes 2021/22



## 5 OFFICER COMMENTS

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

## 6 ATTACHMENTS

1. Account Management Report November 2021 [11.1.1 - 1 page]
2. Capital Works Report November 2021 [11.1.2 - 6 pages]

## RECOMMENDATION

That Council:

- i) receive and note the Monthly Financial Report for the period ending 30 November 2021, and
- ii) authorise Budget 2021/22 alterations as listed in Item 4.



## 11.2 LONGFORD NEW YEARS DAY CUP DAY - FINANCIAL SUPPORT

File: {custom-field-file}  
Responsible Officer: Fiona Dewar, Tourism Officer  
Report prepared by: Maree Bricknell, Corporate Services Manager

### 1 PURPOSE OF REPORT

To provide information to Councillors to support the request from the Tasmanian Turf Club for financial and in-kind assistance to run the Longford Cup New Year's Day Picnic Races in 2022.

### 2 INTRODUCTION/BACKGROUND

#### The Event

For many people in the Northern Midlands community and beyond the New Year's Day Picnic Races is a major date in their calendars and is looked forward to all year, contributing to community identity and wellbeing. People travel from far and wide to attend, making Longford the destination to be on New Year's Day.

The event is historically important, attracting 3,000 attendees along with event staff, jockeys, trainers, and racehorse owners.

#### The Challenge

Covid 19 has significantly impacted on the management and coordination of the event, resulting in increased associated costs to achieve operational compliance.

The Tasmanian Turf Club is determined to keep the Longford Cup in Longford.

The event runs on a lean budget, and implementing a Covid-19 safety plan and putting practices in place has incurred a financial burden that is beyond the normal budget. To keep the event at Longford organisers have requested assistance:

#### **\$6,100.00 towards the cost of Covid safety items:**

- 250 mt of Covid required zone fencing
- 500 chairs to adhere to Covid seating plan
- Sanitising requirements
- Cleaning cloths and disinfectant
- Additional portaloos to meet Covid usage numbers
- Additional Security staff to adhere to Covid plan
- Additional Gate staff to adhere to Covid plan
- Additional ATMs to adhere to Covid plan.

#### **In-kind support**

- Assistance with the event Traffic Management Plan

### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.1 Council is connected to the community



**Progress: Economic health and wealth - grow and prosper**

**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

2.2 Proactive engagement drives new enterprise

#### **4 POLICY IMPLICATIONS**

Special Project funding policy applies also to this application.

#### **5 STATUTORY REQUIREMENTS**

##### **Emergency Management Implication and Covid-19 Risk.**

The minimum standards for managing the risks of Covid-19 have been determined by Public Health. Under the work Health and Safety Act 2012, a business must manage the risks of Covid-19 entering or spreading at their business workplace and event site. In many cases the risk may not be completely eliminated, so other steps are taken to reduce the risk as far as reasonably practicable.

Covid-19 Safety Plans, including Risk Assessment and Emergency Management Plan must be in place.

#### **6 FINANCIAL IMPLICATIONS**

A request has been received for \$6,100 and this would need to be funded from Special Event funding budget allocation.

#### **7 RISK ISSUES**

The risk is that Longford and the Northern Midlands may lose a significant and popular annual event if the cost of meeting the extensive Covid safety requirements prevents the event from being held at the Longford racetrack. Once gone, the event will not come back to Longford, and that is a great loss to the community.

There is also reputational risk to the Northern Midlands Council, as the community will be very disappointed if Council did not assist this popular event to go ahead.

#### **8 CONSULTATION WITH STATE GOVERNMENT**

Start typing on this line

#### **9 COMMUNITY CONSULTATION**

Not applicable.

#### **10 OPTIONS FOR COUNCIL TO CONSIDER**

To provide or not provide the financial support as requested.

#### **11 OFFICER'S COMMENTS/CONCLUSION**

By providing the support requested Council will be assisting the organisers to run the event within Covid safe protocols, keeping the community safe, as well as ensuring the success and future of a significant and historic



event in the Northern Midlands that is enjoyed by many of our community and that attracts many people from around Tasmania to the town of Longford.

## **12 ATTACHMENTS**

1. admin@turfclubtas.com 20211115 102059 [**11.2.1** - 1 page]

## **RECOMMENDATION**

That Council provide the financial support of \$6,100.00 to the Covid safe plan for Longford New Year's Day Cup event.



### **11.3 POLICY REVIEW - INVESTMENTS, BUSINESS CREDIT CARDS, FINANCIAL ASSISTANCE HARDSHIP, ASSISTANCE TO COMMUNITY SPORTING AND NON-PROFIT**

*File:* {custom-field-file}  
*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 for Council to review and amend the following Council policies:

- Investment Policy
- Business Card Policy
- Financial Assistance Hardship Policy
- Assistance to Community Sporting and Non-Profit Organisations Policy
- Cemeteries Policy.

#### **2 INTRODUCTION/BACKGROUND**

Council has a schedule to review policies on an ongoing basis and the above policies have been reviewed with only minor alterations. The full policy documents have been attached with all changes tracked to highlight the minor alterations.

#### **3 STRATEGIC PLAN 2021-2027**

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.4 Improve community assets responsibly and sustainably

**Progress: Economic health and wealth - grow and prosper**

**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

#### **4 POLICY IMPLICATIONS**

It is important that policies are reviewed on a regular basis to keep them current and fit for purpose.

#### **5 STATUTORY REQUIREMENTS**

Not applicable.

#### **6 FINANCIAL IMPLICATIONS**

There are no financial implications at the review stage.

#### **7 RISK ISSUES**

There is a risk that Policies are not relevant if not reviewed regularly.



**8 CONSULTATION WITH STATE GOVERNMENT**

Not applicable.

**9 COMMUNITY CONSULTATION**

Not applicable.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can accept, change or not accept the changes to the policies.

**11 OFFICER'S COMMENTS/CONCLUSION**

Changes are very minor and do not change the intent of each policy.

**12 ATTACHMENTS**

1. Policy Review - Investment Policy - 2021 [**11.3.1** - 2 pages]
2. Policy Review - Assistance to Community Sporting and non-profit organisations - 2021 [**11.3.2** - 2 pages]
3. Policy Review - Financial Assistance Hardship - 2021 [**11.3.3** - 11 pages]
4. Policy Review - Cemeteries 2021 [**11.3.4** - 8 pages]
5. Policy Review - Business Credit Cards [**11.3.5** - 5 pages]

**RECOMMENDATION**

That Council adopt the amended Investment Policy, Business Card Policy, Financial Assistance Hardship Policy, Assistance to Community Sporting and Non-Profit Organisation Policy and Cemeteries Policy.





## 12 WORKS REPORTS

### 12.1 TRAFFIC CONCERNS: INTERSECTION - WELLINGTON AND MARLBOROUGH STREETS, LONGFORD

Responsible Officer: Leigh McCullagh, Works Manager

Report prepared by: Leigh McCullagh, Works Manager

#### 1 PURPOSE OF REPORT

The purpose of this report is for Council to consider and endorse works to be undertaken to mitigate traffic concerns relating to the intersection (known locally as Heritage Corner or Sticky Beaks Corner) at the junction of Marlborough and Wellington Streets, Longford.

#### 2 INTRODUCTION/BACKGROUND

The intersection of Wellington and Marlborough Street is one of the busiest intersections in Longford. When upgrades were carried out in the Longford Main Street, approximately 16 years ago, works were done to improve the alignment of this intersection.

On 17 September 2019 a collision occurred at this intersection when a vehicle failed to give way. This accident caused damage to the Sticky Beaks Café. Earlier this year an accident occurred at the intersection causing damage to the former Antique Shop. There have also been anecdotal reports of other accidents at this intersection.

On 23 September 2019, a letter was received from the owner of the Sticky Beaks Café, Mr Gregory Howlett expressing his concerns about the risk to pedestrians or patrons of the café.

At the Council meeting on 20 July 2020 (min. ref. 241/20) the following decision was made:

#### DECISION

*Cr Goninon/Cr Lambert*

*That Council*

- i) conduct a vehicle movement survey on the
  - Wellington/Marlborough street and
  - Wellington/Lyttleton Streetintersections to ascertain the data on vehicle movements through those intersections; and*
- ii) investigate current heavy vehicle movements and routes through Longford and identify possible solutions and alternate routes; and*
- iii) present the data and options for discussion at a Council Workshop prior to a report being tabled at a future Council meeting.*

A report was received from JMG Engineers on 3 November 2020, which reviewed traffic movements in the area and proposed possible improvements. In preparing the report Engineers from JMG met with the owner of Stickybeaks Café and a number of other nearby businesses. The report was tabled at the 15 February 2021 Council meeting (minute reference 059/21), at which time the following was the decision of Council:

*Cr Brooks/Cr Adams*

*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).*

*Carried unanimously*

On the 22<sup>nd</sup> of February 2021 Council Officers met with Mr. Garry Hills from the Department of State Growth and the possibility of installing a roundabout was discussed. Mr. Hills advised that it would be difficult to construct a roundabout



in the existing road reserve because there would be insufficient room for heavy vehicles to negotiate the intersection. He also advised that the roundabout need to be positioned so that there was significant deviation in the approaches to the roundabout to slow vehicles to a safe speed. It was agreed that for a suitable roundabout to be constructed at this location there would be a need to acquire some land on the western side of Wellington Street from the church.

Following the onsite meeting, Council engaged JMG Engineers to prepare a design for a roundabout and this was received on the 19<sup>th</sup> of May 2021.

On 29 November 2021 Mr Geoff Brayford of JMG Engineers & Planners presented on various options to alleviate concerns relating to the intersection for Council's consideration.

The report outlined the need for access and connectivity for the local community, (zoned "General Business"), as well as being required to continue to serve the function of a State Government Class 4 Feeder Road, being part of the Tasmanian 26m B-Double Network.

Three alternatives are summarised in the attached report, two of which have already been presented to Council. No new plans were prepared, but plans of the preferred options previously considered are included in the Appendix.

The options included in the 29 November 2021 report are:

- A Roundabout as per JMG drawings 212107
- B Outstands and Barriers as per J202357 C12
- C Raised plateau to slow traffic.

Wellington and Marlborough Streets are Department of State Growth owned roads at this location. The Department of State Growth is responsible for the central 7.4m of the road and Council is responsible for the maintenance of the road verges, kerb and channel and footpaths but are not the road owner.

### **3 STRATEGIC PLAN 2021-2027**

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.3 Management is efficient, proactive and responsible

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

- 3.4 Towns are enviable places to visit, live and work

**Place: Nurture our heritage environment**

**Environment - Cherish, Sustain our Landscapes and Preserve, Protect Our Built Heritage for Tomorrow**

**Strategic outcomes:**

- 4.2 Meet environmental challenges

### **4 POLICY IMPLICATIONS**

N/A



## **5 STATUTORY REQUIREMENTS**

The following Acts, legislation, and standards relevant to this matter:

- *Local Government Highways Act 1982*
- *LGAT Tasmanian Municipal Standard drawings*
- *Standard drawings transport services*

## **6 FINANCIAL IMPLICATIONS**

Council has received a grant for 66% of the cost up to a maximum of \$53,600 to install bollards or concrete planter boxes to protect pedestrians and the Stickybeaks Café.

Council would be responsible for at least one third of the cost of this project.

Council Officers requested the Department of State Growth that the grant money be put on hold until further options had been more fully investigated.

A preliminary costing for a roundabout has been prepared which estimates the cost of works at \$2.5 million, and would require the acquisition of a portion of the land on which Christ Church is situated and belonging to the Anglican Parish.

## **7 RISK ISSUES**

There is a significant risk of further collisions at this intersection, and the possibility that a pedestrian could be struck by a vehicle due to the high numbers of pedestrians that use this area.

## **8 CONSULTATION WITH STATE GOVERNMENT**

Several onsite meetings have been held between Council Officers and officers from the Department of State Growth (DSG) and there has been ongoing discussion between Council Officers and representatives of the Department of State Growth since that time. Most recently, Council officers met with Garry Hills, Department of State Growth, on 24 August 2021.

## **9 COMMUNITY CONSULTATION**

A number of community members have written to Council and attended Council meetings to raise their concerns over this matter and in preparation of their initial report on this intersection JMG staff carried out community consultation with several nearby businesses owners.

Council officers met with Reverend Gannon, the Rector at Christ Church, on 19 August 2021.

## **10 OPTIONS FOR COUNCIL TO CONSIDER**

The following are options for Council to consider

- Take no action
- Continue to lobby the State and Federal Governments for funding to construct a roundabout
- Accept the Blackspot Funding money received from the Department of State Growth and install bollards and outstands to protect pedestrians near the entrance to the Stickybeaks Café

## **11 OFFICER'S COMMENTS/CONCLUSION**

A further report was prepared by JMG Engineers & Planners and presented at the 29 November 2021 Council Workshop, which provides an analysis of options for consideration, as follows:



### 11.1 Roundabout

A Roundabout will be the most expensive solution, but it will address most problems concerning speed and sight distance. Access can be problematic if the intersecting roads do not have balanced traffic flow, wherein one access leg may dominate, and other legs may have difficulty finding gaps to enter the roundabout. These roads are not particularly balanced but the volumes are not excessive at up to 8,000 vehicles per day.

Roundabouts are also good if there is a staggered or offset intersection arrangement where right of way is unclear or confusing. The existing intersection with William Street is offset but the arrangements with the Bi-Centennial fountain and landscaping have already resolved the confusion about the offset that would have once existed here.

This project requires land acquisition from the Anglican Parish. Construction will also see one tree removed and landscaping adjustments in the church land and around the Bi-Centennial fountain. Pedestrian movements will be different but will not be impeded. Sticky Beaks Café – the most exposed building will be provided with good offsets from traffic movement.

Overall the roundabout is considered the best traffic management outcome for this site. A driver does not have to look in two directions, but only to the left and in general they lower the number of conflict points, as well as lowering the speed environment.

Feasibility estimates without landscaping or acquisition indicate a price of \$1.5M.

Most of this work is on a Department of State Growth road, and despite any view they may previously have had that the work cannot be justified – there continue to be traffic accidents, not resolved by other investments.

The Department of State Growth would be expected to bear a major share of this cost.

### 11.2 Outstands and Barriers

This is a protection strategy rather than an avoidance strategy. The project aims to protect pedestrians and building damage. It will do this reasonably well, but not all truck movements out of Wellington Street can be accommodated. Large Vehicle turning paths will likely cross over the right turn lane on Marlborough Street, as shown.

Pedestrians ought to feel much safer than at present, but sight distance and the propensity for accidents is unchanged.

The JMG report includes concept designs for three suggested types of outstand or barrier (Appendix B, Option 3 Drawing C12), the report does not recommend 50 kmp/h crash rated bollards of the type that were previously installed for the Wellington St parklet.

1. Mass concrete block bollards / planter boxes and a realignment of the kerb to narrow the intersection.
2. “Ezy-Guard” smart roadside safety barrier and a realignment of the kerb to narrow the intersection.
3. New rigid bollards as per the IPWEA Standard Drawing TSD R31-v2 installed on a concrete infill outstand.

Installation of outstands and barriers reasonable “band-aid” measure with a feasibility cost of up to \$100,000. The Department of State Growth has given in principle approval for these works to be carried out under their blackspot funding program but the final design will require their approval.

### 11.3 Raised Plateau

A raised safety platform can be installed on the approach to an intersection, and these are allowed by Vic Roads, although the Codes discuss avoiding routes with high volumes of heavy vehicles, for obvious reasons.

These can be problematic in that they can take on the false appearance of a pedestrian crossing and there are instances where the platform has had to be marked that they are not pedestrian crossings. These can be relatively cheap, compared to a roundabout, but they can offer many unsatisfactory consequential outcomes.



An alternative to a raised safety platform may include a safety threshold plateau. This will only provide benefit if it functions to change the perceived environment of the through traffic along Wellington Street North and Marlborough Street and encourage a speed reduction – to no more than 30Km/hr. This would mean that the plateau must be placed across most of all of the intersection somewhat like the following plan, or perhaps larger.

A plateau must have a sloped approach that is gentle but uncomfortable at speed and on a residential street this would generally follow what is called a “Watts Profile”, or a 100mm hump over 1.5 to 2.0 m, (minimum 1:15).

On a residential street they can be noisy, particularly for empty trailers that have been known to bounce over them. Plateaus are generally rarely used on major roads, because of the road function and the possible noise, especially in Cities and Towns.

The noise and driver impact can be reduced by making the sloped approach flatter, but at some point, the speed reduction incentive will diminish severely if it is too comfortable.

The above area is a substantial area for a raised plateau and all the traffic islands will likely have to be reformed to achieve this outcome.

An indicative cost would be some \$500,000, a major reduction on the cost of the roundabout, but the local disadvantages may be significant, particularly noise on a B-Double route.

If Council was of a mind to try a cheaper but similar approach to the raised plateau it may wish to consider a stamped or street printed threshold. This would require no level adjustments and can certainly create the awareness of a changed environment and produce a speed reduction without the disbenefit of the associated noise.

Paint will deteriorate over time and it will have to be maintained more often than resealing with asphalt, and even though drivers will learn that it is a passive control and is only advisory and requires no real change in behaviour all but the most recalcitrant of drivers ought to comply with a much slower vehicle speed.

A feasibility estimate has not been sought but an indicative cost might be in the order of \$200,000.

DSG should be expected to have to contribute to this cost. They will need to be asked if they will approve this alternative.

The Department of State Growth have advised that they are not opposed to the installation of a suitably designed roundabout but don't currently have a budget for these works. For works to proceed Council would need to lobby the State or Federal Governments for funding to complete the works.

The design Option 11.2 design provided by JMG is a possible solution to mitigate traffic concerns at this intersection, it slows traffic approaching the intersection and the traffic islands provide safe crossing points for pedestrians and protect buildings from the risk of vehicle impact.

The Blackspot funding proposal provides some safety improvements for pedestrians and protects the Stickybeaks Café, but does not protect other buildings or Council land in the area which have been damaged in the two most recent crashes at the intersection.

Both Wellington and Marlborough Streets are Department of State Growth owned roads at this location. The Department of State Growth is responsible for the central 7.4m of the road and Council is responsible for the maintenance of the road verges, kerb and channel and footpaths but are not the road owner.

## 12 ATTACHMENTS

1. 2021-05 JMG Traffic Roundabout Concept [12.1.1 - 19 pages]
2. 2020-10 Traffic Study - Wellington and Marlborough Street intersection Longford JMG [12.1.2 - 28 pages]
3. 2021-11-29 Longford Roundabout - Supplemental Option discussion [12.1.3 - 12 pages]



**RECOMMENDATION**

That Council

- i) receive JMG Engineers and Planners report titled Wellington – Marlborough Street Longford Intersection Options dated 29 November 2021; and
- ii) endorse the 29 November 2021 JMG Engineers and Planners proposal Appendix B, concept design 1, to install Outstands and Mass Concrete Block and/or Bollards and/or Planters to protect pedestrians and building from damage.



## 13 PUBLIC QUESTIONS AND 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](mailto: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 prior to 5.00pm and between 6.30pm to 6.40pm. Public Question Time commences at 6.45pm.

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](mailto: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.

#### **PUBLIC QUESTIONS**





## 14 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.

### 14.1 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 15.1: PLN21-0147: 861 Hobart Road, Breadalbane
- PLAN 15.2: PLN21-0254: 18 Range Road, Western Junction
- PLAN 15.3: PLN21-0223: 102 & 104 Marlborough Street, Longford
- PLAN 15.4: PLN21-0271 42-48 Fairtlough Street, Perth
- PLAN 15.5: PLN21-0153: 20 Longford Close and 123A Wellington Street, Longford



## 15 PLANNING REPORTS

### 15.1 PLN21-0147: 861 HOBART ROAD, BREADALBANE

*File:* 203300.17; PLN21-0147  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Rebecca Green, Planning Consultant

#### 1 INTRODUCTION

This report assesses an application for 861 Hobart Road, Breadalbane for a change of use to Service Industry (mechanical repairs).

#### 2 BACKGROUND

**Applicant:**

G Mech Tas Pty Ltd

**Zone:**

Rural Resource Zone

**Owner:**

James Andrew Dodson

**Codes:**

Road and Railway Assets Code  
Car Parking and Sustainable Transport Code  
Environmental Impacts and Attenuation Code  
Airports Impact Management Code  
Signs Code

**Classification under the Scheme:**

Service Industry

**Deemed Approval Date:**

18/12/2021

**Existing Use:**

Manufacturing and processing

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Discretionary use; and
- Reliance on performance criteria of the Car Parking and Sustainable Transport Code (no formal bicycle parking, no formal loading bay, parking forward of building line).

**Planning Instrument:**

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

**Preliminary Discussion**

Prior to the application being placed on public exhibition, further information was requested from the applicant – copies of outgoing correspondence attached.



### Subject Site



## 3 STATUTORY REQUIREMENTS

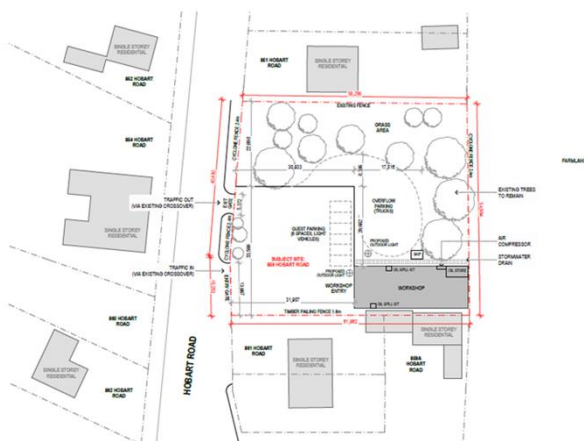
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 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

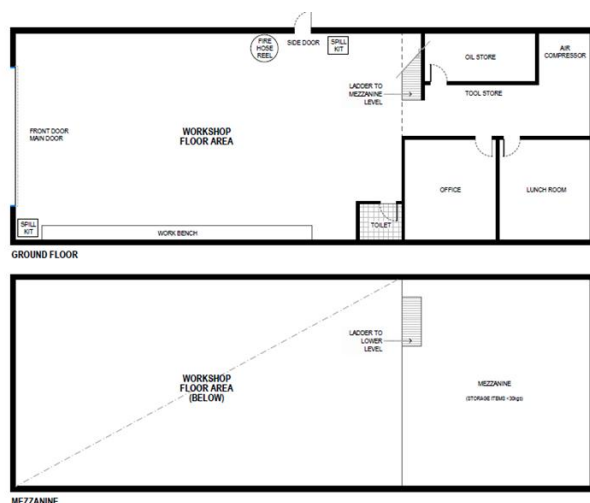
- Change of Use to Service Industry (mechanical repairs).

#### Site Plan (extract)





## Floor Plan



### 4.2 Zone and Land Use

The land is zoned *Rural Resource* and is subject to the *Environmental Impacts & Attenuation Code*, the *Car Parking and Sustainable Transport Code*, and the *Airport Impacts Management Code*.

The relevant Planning Scheme definition is:

Service industry	use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.
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Service industry is Discretionary in the zone.

### 4.3 Subject Site and Locality

A site inspection was undertaken on 24 November 2021 by Paul Godier, Council's Senior Planner and Rebecca Green, Planning Consultant. The subject site comprises an area of approximately 3370m<sup>2</sup> and contains an existing structure formally used as a glassblower, manufacturing and processing use. A concrete hardstand area and currently overgrown adjacent gravelled area adjoins the structure to the north and west. Further to the north is a large landscaped area, comprising grass and established trees





*Aerial photograph of area*



*Photographs of subject site*





















#### 4.4 Permit/Site History

Relevant permit history includes:

- 20/51 – Temporary Living Quarters
- 22/76-530/76 – Office Extensions
- 289/63 – Office Block
- 9/53 – Dwelling
- DA08/89-90 -Alterations to Glass Blowing Factory
- PLN21-0250 – Minor Boundary Adjustment

#### 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 three (3) representations (attached) were received from:

- H. Clayton, 832 Hobart Road, Breadalbane
- M-J. Wright, 851 Hobart Road, Breadalbane
- E. Vos, 847 Hobart Road, Breadalbane

Map showing location of representors properties in relation to subject site



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

**Issue 1**

- Lack of detail of what is planned and how the building will be used.

**Planner's comment:**

The business is owned by a husband and wife couple. The business services and maintains light and heavy mechanical equipment and machinery, with one of the owners a diesel mechanic. The business also employs one additional full time diesel mechanic, with the option of 'onsite' servicing which equates to approximately 50% of the business. The proponents have advised that they estimate that on average (per business day), that the business would undertake servicing and repairs (onsite) on 3 trucks and / or light vehicles. At any one time there is likely to be up to 3 trucks on site.

A general service of a truck that may take place onsite would involve only the use of hand tools, emitting very little noise.

The general operating hours are 8am to 5pm, however due to the nature of the business, there are time when they require work to be done outside these hours although infrequent, hence the initial request to allow 7am to 6pm operating hours Monday to Friday and 8am to 4pm Saturdays, to allow for infrequent instances. The employed diesel mechanic is employed from 8.30am to 4.30pm Monday to Friday. No operations are proposed outside 7am to 6pm Monday to Friday and 8am to 4pm Saturdays. A condition restricting the business operations to this and precluding from operating Sundays and Public Holidays could be placed upon any approval.

**Issue 2**

- No details in relation to what plant and equipment will be utilised in the workshop.

**Planner's comment:**

The proponents have advised that the loudest machinery/equipment to be used would be a battery operated impact gun, which are used predominantly when required to remove vehicle wheels. This may take place once every 2 days for



an estimated time of 1 minute maximum. A forklift will be used on site which the proponents are purchasing from the current owner, and not a new piece of equipment therefore to be used on site. An air compressor will be utilised, and will be situated inside the workshop.

No plant or equipment will be located outside of the workshop, aside from vehicle parking and a small skip bin which will be located in the heavy vehicle overflow parking area.

**Issue 3**

- Acoustic report makes some recommendation, will these be undertaken or not?

**Planner's comment:**

Prior to the use commencing on site, all noise control recommendations of the report will need to be implemented, and these can be conditioned to ensure that these measures are in place prior to the business operations commencing from the site.

**Issue 4**

- The application does not deal with trade waste, given this area is not connected to reticulated sewage. Stormwater runoff and drainage from existing hardstand area.

**Planner's comment:**

New oil will be located in the 'oil storage area' of the workshop, and stored on an approved drum spill pallet, designed to provide a secure 230 litre secondary containment facility.

Waste oil will be stored in an approved pod. This will also be located in the proposed oil storage area of the workshop. The pod will be removed by Hagen Oil fortnightly or as required.

In the event of an oil spill, the proponents will be utilizing oil spillage kits with two being located inside the workshop at any given time. Once a spill has been absorbed, the hydrocarbon waste will be deposited in an approved hydrocarbon waste bin, with the bin to be removed as required by Tox Free.

No vehicle washing is proposed on site.

**Issue 5**

- Hours of operation are proposed from 7am to 6pm, no consideration for vehicle movements at 7am.

**Planner's comment:**

The general operating hours are 8am to 5pm, however due to the nature of the business, there are time when they require work to be done outside these hours although infrequent, hence the initial request to allow 7am to 6pm operating hours Monday to Friday and 8am to 4pm Saturdays, to allow for infrequent instances. The employed diesel mechanic is employed from 8.30am to 4.30pm Monday to Friday. No operations are proposed outside 7am to 6pm Monday to Friday and 8am to 4pm Saturdays. A condition restricting the business operations to this and precluding from operating Sundays and Public Holidays could be placed upon any approval.

**Issue 6**

- Full traffic movement details required, there is no mention of anticipated customers.

**Planner's comment:**

The proponents anticipate an average of 10-20 vehicle movements in and out of the premise per business day, given that approximately 50% of the business operations are offsite. The estimated include the transportation of the occasional vehicle that requires a wash down to an approved wash bay offsite.

**Issue 7**

- Background noise level, requesting levels to be measured at 7am as this will be the most intrusive time for the adjacent properties. Noise concerns in relation with vehicles reversing, accelerating and braking to enter the site. Concerns in relation to location of bedrooms. Clarification requested of suggested lining to cover vents, skylights, all corrugated iron through the hangar. General noise concerns raised in all representations.

**Planner's comment:**

A Noise Impact Assessment prepared by an Acoustical Engineer accompanied the application and made a number of recommendations including installation of noise barriers. Measurements and calculations show that, noise emissions from the operation of the mechanical workshop will meet the noise limits at the proposed operational times provided the noise recommendations in Section 7 of that report are applied. The general operating hours will be between 8am and 5pm, however 7am has been applied for to allow the business to operate earlier than 8am should they be required to do so. Hours of operation have been considered earlier within this section.





**Issue 8**

- The application does not state the sort of vehicles being serviced and what type of mechanical repair they provide.

**Planner's comment:**

The proponents have responded to concerns and advised that the business on average per business day would undertake servicing and repairs (onsite) on 3 trucks and or light vehicles. The business services and maintains light and heavy mechanical equipment and machinery with one of the owners a Diesel Mechanic.

**Issue 9**

- Alternative location of industrial areas with existing infrastructure and zoning would be much better suited for such operation.

**Planner's comment:**

This is not a matter for consideration, as Council must assess the application based on its own merits and the subject application, alternative sites is not relevant to this assessment.

**Issue 10**

- Concerns of use of a wash bay and suited to an established industrial area.

**Planner's comment:**

The proponents have confirmed that no wash bay is proposed and any vehicle requiring a wash down will be transported to an approved wash bay facility.

**Issue 11**

- Proposing to construct boundary fence utilising cyclone fencing for security with no consultation with neighbouring property owners and no mention of screening in the residential strip of homes.

**Planner's comment:**

The proponents have confirmed the style of fencing proposed, which includes a cyclone fence on the eastern and western boundaries 2.4m in height and a new timber paling fence on the southern boundary 1.8m in height. No change is proposed to the fencing along the northern boundary.



**Issue 12**

- Request for more information for outside lighting to avoid environmental nuisance.

**Planner's comment:**

Proposed lighting is indicated on site plan detailing location. This lighting will be non-intrusive and aimed downward to ensure it does not spill out of the property and is approximately centrally located within the boundaries of the site. All lights proposed will be 30watt LED lighting and would be only switch sensitive.

**Issue 13**

- Concerns regarding the eco-system existing in the vegetated area, including frogs and habitat. Concerns the proposal will impact on its surrounding environment.



Planner's comment:

Apart from the scraping back of weeds and growth of the existing gravelled area and fencing there is limited development proposed. The existing vegetation will be retained on site. No further consideration of the eco system of the vegetated area is required as no development proposed will impact upon this area.

**Issue 14**

- Query regarding the location of the septic tank as not noted in the drawings.

Planner's comment:

2 septic tanks and associated absorption trenches are located as indicated on the site plan attached in yellow, and they then run into the grassed area within the site boundary as indicated by the arrows. The proponents have also entered into a contract to buy the brick dwelling located on CT32317/1 and CT32317/2. Provided that at the time of separate ownership the septic tank is contained within titles under the same ownership there is no need to require any changes to the existing wastewater disposal arrangements.



**Issue 15**

- Query how the use will cope in summer with the doors closed, does the proponent intend to stop work when they open the door to allow vehicle to enter and exit.

Planner's comment:

The proponents have never indicated that they will be closing the doors of the workshop during operation of all equipment. It is not necessary to do so as there is no requirements of the noise impact assessment report, however as a courtesy, the proponents have offered to close the doors only when using the impact gun.

**Issue 16**

- Concerns that the operation will exceed operating hours, new car wash or a tyre fitting facility, and go outside the scope of the proposal. Concerns that the proposal will operate evening and nights and includes a car wash and expand without the necessary approvals or process.

Planner's comment:

This is not a matter for consideration at this time, the proponents have advised that no car wash forms part of this submission and have provided for business operation details and hours of operation. Should the use ever operate outside the restrictions as either imposed by way of a planning permit condition, in accordance with material approved as part of a planning permit, and/or an additional land use which would require further approvals, then Council's enforcement process will be evoked.

**Issue 16**

- Against any noisy industrial business in this residential/farming area, and the disturbance to the background quiet, including vehicles with holes in exhausts driving past my front for repair.

Planner's comment:

The site is located within an area where a range of uses exist, including but not limited to residential, extractive industries, boarding kennels, mechanical repairs and panel beating, as well as existing glassblower operations on the



subject site. The site is immediately adjacent to Hobart Road which sees significant traffic movements of varying types and is also located in close proximity to the Launceston Airport. The site is not considered to be located in a quiet and peaceful setting where residential/farming are characteristic of the land uses.

A Noise Impact Assessment prepared by an Acoustical Engineer accompanied the application and made a number of recommendations including installation of noise barriers. Measurements and calculations show that, noise emissions from the operation of the mechanical workshop will meet the noise limits at the proposed operational times provided the noise recommendations in Section 7 of that report are applied. Council engaged a peer assessment to be undertaken of the Noise Impact Assessment due to the noise concerns raised in all representations by Mr. Bruce Harpley, Senior Environmental Consultant, es&d. The peer review noted that the methodology, equipment and noise measurement taken are considered compliant with the noise measurement manual and the Australian Standard. The installation of acoustic barriers at the source (the proposed workshop and compressor) and at the boundary with sensitive premises to reduce sound transmission were considered valid options for reducing potential noise nuisance. The peer review concluded that the assessment and recommendations are reasonable for the types and equipment proposed.

#### 4.6 Referrals

The following referrals were required:

##### **Council's Works Department**

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reported on 17/9/21 that the department has no comment to make on the subject application.

#### 4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE
ZONE PURPOSE
<i>26.1.1 Zone Purpose Statements</i>
<i>26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.</i>
<i>26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.</i>
<i>26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.</i>
<i>26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i>
<b>Assessment:</b> The proposal meets the zone purpose.
LOCAL AREA OBJECTIVES
a) Primary Industries: Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability. The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context. Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.
b) Tourism Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised. The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.
c) Rural Communities





Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.

**Assessment: The proposal does not conflict with the local area objectives.**

### 26.1.3 DESIRED FUTURE CHARACTER STATEMENTS

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

Assessment: The proposal meets the local area objectives. The proposed use is to be housed within an existing structure and is consistent with the existing landscape in the area.

## USE AND DEVELOPMENT STANDARDS

### 26.3 Use Standards

#### 26.3.1 Discretionary Uses if not a single dwelling

##### Objective

- a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose-built precincts.
- b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.
- c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.
- d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.
- e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.
- f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.

Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>
Does not comply. <i>Service Industry</i> is a discretionary use in the zone.	<p>P1.1 The proposal is consistent with the applicable local area objectives, the site has previously been used for non-primary industry uses where the conversion is existing of non-prime land and located such that the use will not unreasonably confine or restrain the operation of primary industry use. The application documentation has provided details in how with the implementation of noise controls will not create an unreasonable adverse impact on existing sensitive uses. The proposal will see the re-purposing of an existing structure. The proposal is consistent with the performance criteria, notably c) – f).</p> <p>P1.2 Not applicable.</p>
A2 If for permitted or no permit required uses.	<p>P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</p> <ul style="list-style-type: none"> <li>i) amount of land alienated/converted is minimised; and</li> <li>ii) location is reasonably required for operational efficiency; and</li> </ul> <p>P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.</p>



Does not comply. <i>Service Industry</i> is a discretionary use in the zone.	P2.1 Not applicable. P2.2 Not applicable, the subject site is not prime agricultural land being mapped (and field checked) as Class 4.
A3 If for permitted or no permit required uses.	P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that: a) the amount of land converted is minimised having regard to: i) existing use and development on the land; and ii) surrounding use and development; and iii) topographical constraints; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry; or c) the location of the use on the site is reasonably required for operational efficiency.
Does not comply. <i>Service Industry</i> is a discretionary use in the zone.	P3 Proposal complies. The site is already converted to a non-agricultural use, being used for years for manufacturing and processing. No further conversion of agricultural land for non-agricultural use is proposed.
A4 If for permitted or no permit required uses.	P4 It must demonstrated that: a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and c) the capacity of the local road network can accommodate the traffic generated by the use.
Does not comply. <i>Service Industry</i> is a discretionary use in the zone.	P4 The proposal has detailed through the implementation of noise controls that the use emissions will not cause an environmental nuisance and this has been verified through a peer review of the Noise Impact Assessment. The site has previously been used for a number of decades for a range of uses, including the most recent use as a glass blowing operation. Adjoining primary industry uses will not be unreasonably confined or restrained from conducting normal operations, the business will operate from an existing structure. The proposal has detailed the number of anticipated daily traffic movements, which given the traffic movements on Hobart Road will not result in any issue with the capacity of the local road network being able to accommodate the traffic generated by the use. The proposal is consistent with the performance criteria.
A5 The use must: a) be permitted or no permit required; or b) be located in an existing building.	P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to: a) the impacts on skylines and ridgelines; and b) visibility from public roads; and c) the visual impacts of storage of materials or equipment; and d) the visual impacts of vegetation clearance or retention; and e) the desired future character statements.
Complies with b), the use is to be located within an existing building.	N/a

#### 26.3.2 Dwellings

Objective To ensure that dwellings are: a) incidental to resource development; or b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.	
Acceptable Solutions	Performance Criteria
A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or	P1.1 A dwelling may be constructed where it is demonstrated that: a) it is integral and subservient to resource



<p>A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or</p> <p>A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.</p>	<p>development, as demonstrated in a report prepared by a suitably qualified person, having regard to:</p> <ul style="list-style-type: none"> <li>i) scale; and</li> <li>ii) complexity of operation; and</li> <li>iii) requirement for personal attendance by the occupier; and</li> <li>iv) proximity to the activity; and</li> <li>v) any other matters as relevant to the particular activity; or</li> </ul> <p>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:</p> <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and</li> </ul> <p>P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling; and</p> <p>P1.3 A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles.</p>
N/a	N/a

#### 26.3.3 Irrigation Districts

<p><b>Objective</b> To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i>.</p>	<p>P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced having regard to:</p> <ul style="list-style-type: none"> <li>a) the location and amount of land to be used; and</li> <li>b) the operational practicalities of irrigation systems as they relate to the land; and</li> <li>c) any management or conservation plans for the land.</li> </ul>
Complies – the site is not located within an irrigation district.	N/a

#### 26.4 Development Standards

##### 26.4.1 Building Location and Appearance

<p><b>Objective</b> To ensure that the:</p> <ul style="list-style-type: none"> <li>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</li> <li>b) development of buildings is unobtrusive and complements the character of the landscape.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Building height must not exceed:</p> <ul style="list-style-type: none"> <li>a) 8m for dwellings; or</li> <li>b) 12m for other purposes.</li> </ul>	<p>P1 Building height must:</p> <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding landscape; and</li> </ul>



	b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
N/a – building is existing.	N/a
A2 Buildings must be set back a minimum of: a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
N/a – building is existing.	N/a

26.4.2 Subdivision – 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
E.5.0	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	Complies – See code assessment below
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	Complies – See code assessment below
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	Complies – See code assessment below

ASSESSMENT AGAINST E4

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.
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.
It is not anticipated that the use will increase the AADT movements at the existing access by more than 10%.	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:

- ensure the safe and efficient operation of roads and railways; and
- allow for future road and rail widening, realignment and upgrading; and
- 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 children's play areas	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 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

<b>Objective</b> 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.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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. No new access is proposed.	N/a

#### E4.7.3 Management of Rail Level Crossings

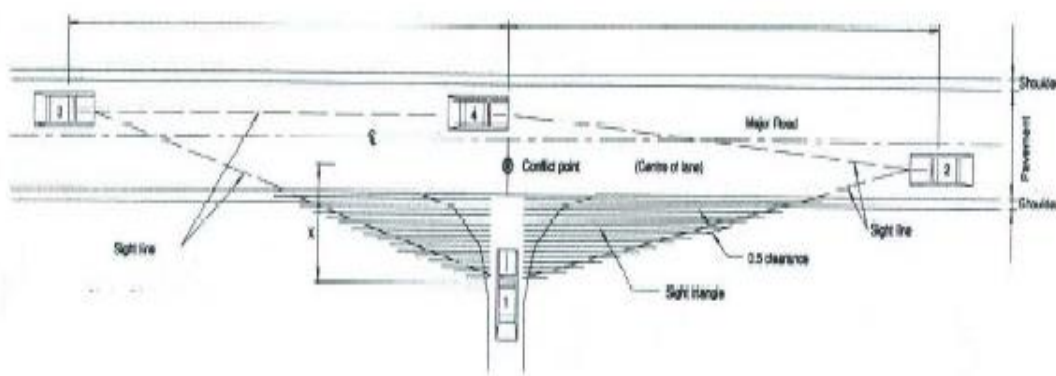
<b>Objective</b> To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Where land has access across a railway: a) development does not include a level crossing; or b) development 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

<b>Objective</b> 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.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>



<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>
<p>Complies with A1 – The accesses are existing. The proposal will see the southern access used for ingress to the site whilst the northern access will be used only for egress to Hobart Road.</p>	<p>N/a</p>



**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:**

- 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.
- For safe intersection sight distance (SISD):
  - 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;
  - 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;
  - 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;
  - A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
  - 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.
<p>Comment:</p> <p>Complies with A1 (a) as follows:</p> <p>Service Industry – 4 spaces required due to floor area.</p> <p>It is proposed to provide 6 parking spaces at the main car park.</p>			

**Table E6.1: Parking Space Requirements**

Use	Parking Requirement	
	Vehicle	Bicycle
Service Industry (car wash, commercial laundry, repair garage, panel beater)	1 space per 80m <sup>2</sup> or 2 spaces per 3 employees whichever is greater	1 space per 5 employees

**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	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





contained in Table E6.6: Precinct Parking Plans.	c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
<p>Comment:</p> <p>Complies with P1 – the application does not propose formal parking spaces for bicycles, given the nature of the use, where vehicles are required for the employees and clients. The site due to the size of the land and building would be able to accommodate the parking of a bicycle should one be required, just not in a dedicated and formalised location.</p>	

#### 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.
<p>Comment:</p> <p>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
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.
<p>Comment:</p> <p>Not applicable.</p>	

### 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: <ul style="list-style-type: none"> <li>a) formed to an adequate level and drained; and</li> <li>b) except for a single dwelling, provided with an impervious all weather seal; and</li> <li>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</li> </ul>	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:</p> <p>Complies with A1 (a-c) (refer to plans), line-marking or other clear physical means to delineate car spaces of the 6 light vehicles is required prior to the use commencing on site and can be conditioned.</p>	

#### 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: <ul style="list-style-type: none"> <li>a) the layout of the site and the location of existing buildings; and</li> <li>b) views into the site from the road and adjoining public spaces; and</li> <li>c) the ability to access the site and the rear of buildings; and</li> <li>d) the layout of car parking in the vicinity; and</li> <li>e) the level of landscaping proposed for the car parking.</li> </ul>
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:**

Does not comply with A1.1. Parking is located in front of the building line as this is existing. The parking will be delineated which is not provided for currently, and will provide in excess of the required number of spaces. A one way ingress and egress is proposed and landscaping is existing and provided between the car parking area and the road frontage and to adjacent properties.

A1.2 – N/a.

<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</li> <li>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</li> </ul> <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</p> <ul style="list-style-type: none"> <li>a) Car parking and manoeuvring space must: 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</li> <li>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.</li> </ul>
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**Comment:**

Complies with A2.1 & A2.2 (refer to plans).

**Table E6.2: Access Widths for Vehicles**

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

\*

Note 2

2. For on-way operation the minimum access width is 3 metres and there is no passing bay requirement

**E6.7.3 Car Parking Access, Safety and Security**

<b>Objective:</b> To ensure adequate access, safety and security for car parking and for deliveries.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Car parking areas with greater than 20 parking spaces must be:</p> <ul style="list-style-type: none"> <li>a) secured and lit so that unauthorised persons cannot enter or;</li> <li>b) visible from buildings on or adjacent to the site during the times when parking occurs.</li> </ul>	<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> <ul style="list-style-type: none"> <li>a) levels of activity within the vicinity; and</li> <li>b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.</li> </ul>
<p><b>Comment:</b> N/a</p>	

**E6.7.4 Parking for Persons with a Disability**

<b>Objective:</b> To ensure adequate parking for persons with a disability.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>P1 The location and design of parking spaces considers the needs of disabled persons, having regard to:</p> <ul style="list-style-type: none"> <li>a) the topography of the site;</li> <li>b) the location and type of relevant facilities on the site or in the vicinity;</li> <li>c) the suitability of access pathways from parking spaces, and</li> </ul>



	d) applicable Australian Standards.
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.
<p>Comment:</p> <p>Complies with A1 &amp; A2 – disabled parking to be provided adjacent to the front entrance of the building. A condition to ensure compliance is appropriate.</p>	

#### 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>
<p>Comment:</p> <p>Although no formal loading area is proposed the existing concrete apron in front of the building provides for loading and unloading with adequate space for the type of vehicles associated with delivering and collecting goods, although this is not expected on a regular basis. Proposal is consistent with the performance criteria.</p>	

#### 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>
<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:	



Complies with P1 & P2 – the application does not propose formal parking spaces for bicycles, given the nature of the use, where vehicles are required for the employees and clients. The site due to the size of the land and building would be able to accommodate the parking of a bicycle should one be required, just not in a dedicated and formalised location.

#### 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: N/a	

**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 E11 Environmental Impacts and Attenuation Code

#### E11.6 Use Standards

##### E11.6.1 Attenuation Distances

Objective To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the: <ol style="list-style-type: none"> <li>a) degree of encroachment; and</li> <li>b) nature of the emitting operation being protected by the attenuation area; and</li> <li>c) degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</li> </ol>
N/a	N/a – no sensitive use proposed.
A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Village, Local Business, General Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site-specific study that there will not be an environmental nuisance or environmental harm having regard to: <ol style="list-style-type: none"> <li>a) the degree of encroachment; and</li> <li>b) the nature of the emitting operation being protected by the attenuation area; and</li> <li>c) the degree of hazard or pollution that may emanate from the emitting operation; and</li> </ol>



	d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i> .
N/a	N/a

#### E11.7 Development Standards

Not used in this Scheme.

#### Assessment against E12 Airports Impact Management Code

##### E12.5 Use Standards

##### E12.5.1 Noise Impacts

Objective To ensure that noise impacts on use within the ANEF contours from aircraft and airports are appropriately managed.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 All new buildings must comply with the <i>Australian Standard 2021-2000 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i> .
N/a	N/a – existing building.
A2 Sensitive use (whether ancillary to other use or development or not) must not occur within the 25 ANEF contour.	P2 No performance criteria.
N/a – no sensitive use proposed.	N/a

##### E12.6 Development Standards

##### E12.6.1 Obstacles to Aircraft

Objective To ensure that development does not impact on the safety of prescribed airspace.	
Acceptable Solutions	Performance Criteria
A1 Development must be approved pursuant to the <i>Airports Act 1996</i> and the <i>Airport (Protection of Airspace) Regulations 1996</i> and the Manual of Standards.	P1 No performance criteria.
Complies. Change of use proposed.	N/a

#### Assessment against E15 Signs Code

No new signage proposed, replacement of the existing sign on the shed front with company logo -same size, and replacement of the existing sign at the road side with company logo – also same size. No further consideration of the code is required.

#### 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
<b>STATE POLICIES</b>	
The proposal is consistent with all State Policies.	
<b>OBJECTIVES OF LAND USE PLANNING &amp; APPROVALS ACT 1993</b>	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
<b>STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES</b>	
<b><i>Strategic Plan 2017-2027</i></b> <ul style="list-style-type: none"> <li><i>Statutory Planning</i></li> </ul>	

## 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:

- Discretionary use; and
- Reliance on performance criteria of the Car Parking and Sustainable Transport Code (no formal bicycle parking, no formal loading bay, parking forward of building line).

Given the location of the subject site and the nature of the use it is unlikely that regular bicycle access and parking will occur. The existing hardstand area can accommodate loading and unloading of goods whilst the car parking is already existing and forward of the building line, formalization of this will be required by way of condition.

The use has demonstrated that it will not unreasonably impact on adjoining uses, the site has a history of being used for industrial type uses. A Noise Impact Assessment accompanied the application together with additional information and this was peer reviewed to ensure that the noise control measures recommendation would be sufficient.

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

1. Application documents [15.1.1 - 28 pages]
2. Additional Information Request PL N-21-0147 [15.1.2 - 1 page]
3. 1) Representation [15.1.3 - 1 page]
4. 2) Representation [15.1.4 - 5 pages]
5. 3) Representation [15.1.5 - 2 pages]
6. EHO comments [15.1.6 - 2 pages]
7. 859 Hobart Road - drawings 211105 (2) [15.1.7 - 4 pages]
8. J 2722 - Mechanical Workshop Noise Impact Assessment - Breadalbane ( Rev 1) [15.1.8 - 25 pages]
9. J 2722 -2 Response to Council RFI ( Rev 0) [15.1.9 - 5 pages]
10. Response to Representations and EHO concerns required FINA L.docx [15.1.10 - 7 pages]
11. es&d 29-11-2021 [15.1.11 - 7 pages]



12. Granted further representation 03.12.21 [**15.1.12** - 5 pages]
13. es&d 7-12-2021 [**15.1.13** - 1 page]

## RECOMMENDATION

That land at 861 Hobart Road, Breadalbane be approved to be developed and used for a Change of Use to Service Industry (mechanical repairs) in accordance with application PLN-21-0147, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P4** (*Plans prepared James Hart, Dated: 5/11/2021*); and **D1** (*Planning Application (Supporting Documentation)*); and **D2** (*Noise Impact Assessment, Alpha Acoustics, Dated: 13 October 2021*).

### 2 Hours of operation

Without the further approval of Council, the use must not operate outside the following hours:

- 7am to 6pm Monday to Friday; and
- 8am to 4pm Saturdays

The business must not operate on Sundays or public holidays.

### 3 Vehicle Washing

There must be no vehicle washing on the subject site without the further approval of Council.

### 4 Noise Control Measures

- a) Prior to the commencement of the use authorised by this permit, all recommendations of Section 6 of the Noise Impact Assessment prepared by Alpha Acoustics, dated: 13 October 2021 must be implemented to the satisfaction of Council's General Manager.
- b) The main doors facing Hobart Road must be closed for the duration the Battery Operated Impact Gun is in use within the building.
- c) Works, including the use of power tools, must not occur outside the confines of the building.

### 5 Noise levels

Noise levels at the boundary of the site with any adjoining land must not exceed 50dB(A).

### 6 Car Parking

- a) Prior to the commencement of the use authorised by this permit, a minimum six (6) parking spaces must be line marked or provided with other clear physical means to delineate car spaces.
- b) Prior to the commencement of the use authorised by this permit, one (1) parking space must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009. All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.





## 15.2 PLN21-0254: 18 RANGE ROAD, WESTERN JUNCTION

**File:** 204000.17; PLN21-0254  
**Responsible Officer:** Des Jennings, General Manager  
**Report prepared by:** Rebecca Green, Planning Consultant

### 1 INTRODUCTION

This report assesses an application for 18 Range Road, Western Junction to construct a shed (15m x 20m x 5.74m high) (outbuildings with a combined floor area of more than 80m<sup>2</sup> on the lot, vary side setback).

### 2 BACKGROUND

**Applicant:**

The Shed Company

**Zone:**

Low Density Residential

**Classification under the Scheme:**

Residential Single Dwelling

**Deemed Approval Date:**

18 December 2021

**Owner:**

Alex Michael Jensen & Jade Allyse Martin

**Codes:**

Car Parking and Sustainable Transport Code  
Environmental Impacts and Attenuation Code

**Existing Use:**

Residential (single dwelling)

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Variation to development standards (vary side setback and total floor area greater than 80m<sup>2</sup> of outbuildings on lot).

**Planning Instrument:**

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

**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

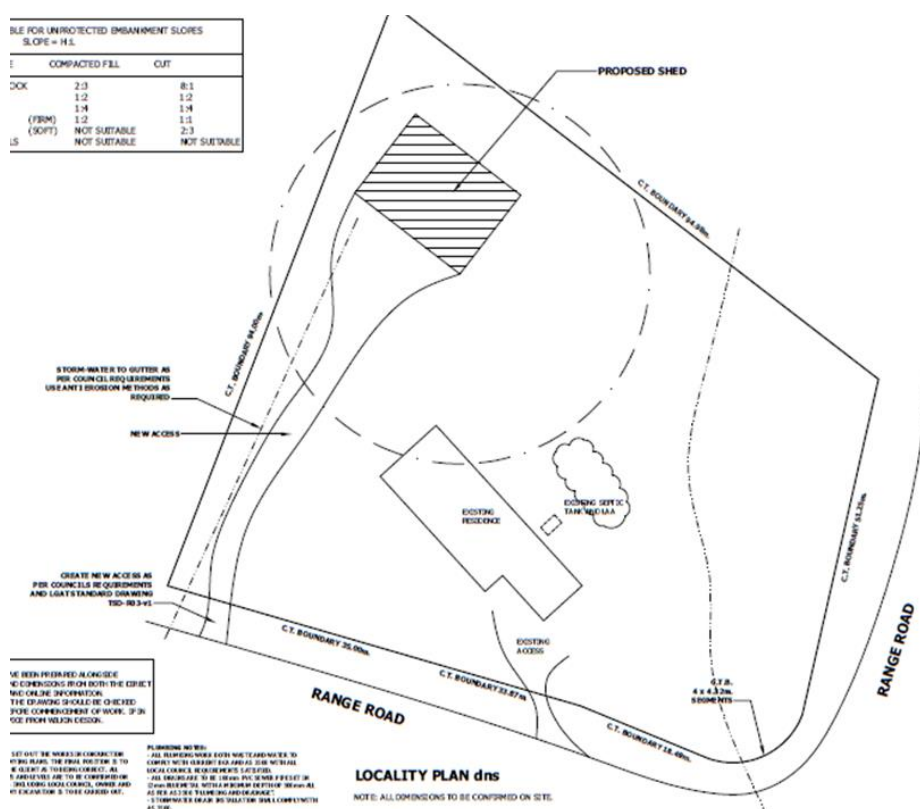
## 4.1 Proposal

It is proposed to:

- Construct a shed (15m x 20m x 5.74m high) (outbuildings with a combined floor area of more than 80m2 on the lot, vary side setback).

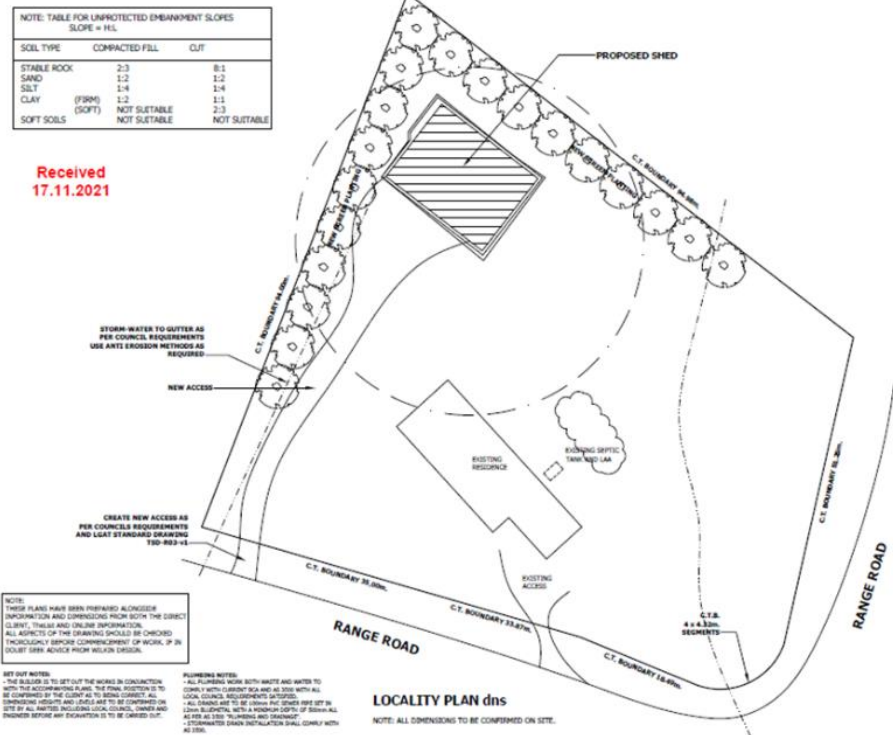
**Locality Plan (Exhibited)**

	COMPACTED FILL	CUT
DOX	2:3	8:1
	1:2	1:2
	1:4	1:4
(FIRM)	1:2	1:1
(SOFT)	NOT SUITABLE	2:3
LS	NOT SUITABLE	NOT SUITABLE

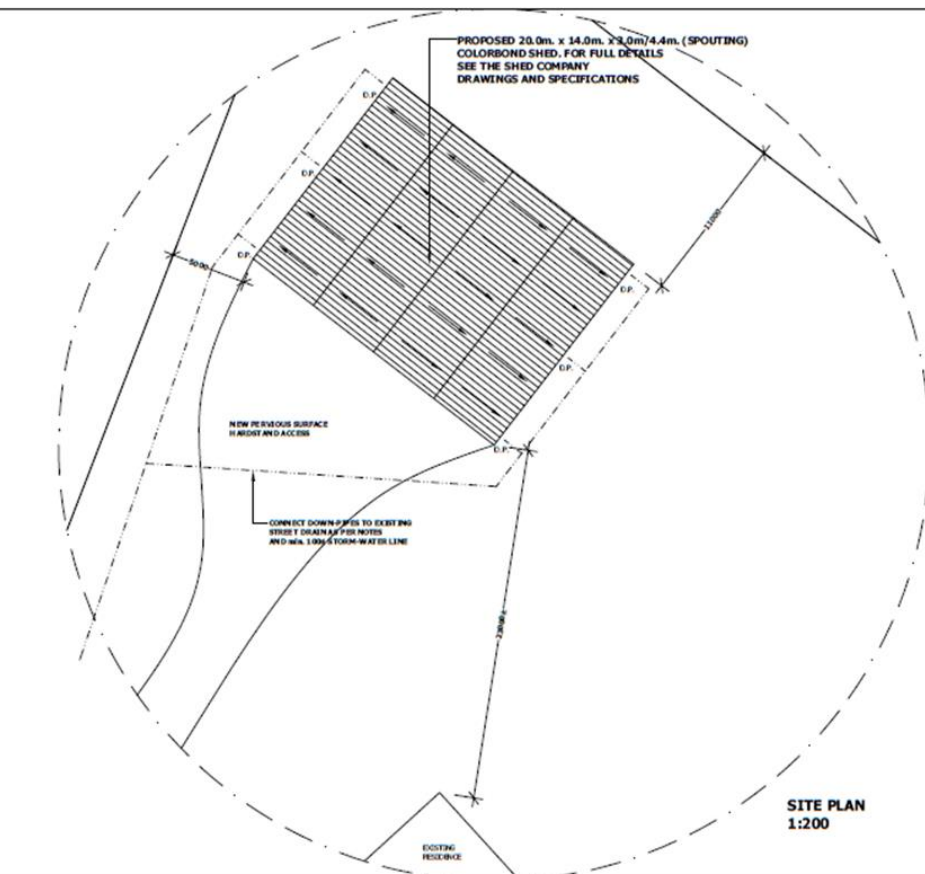




**Locality Plan (following receipt of representations and mediation)**



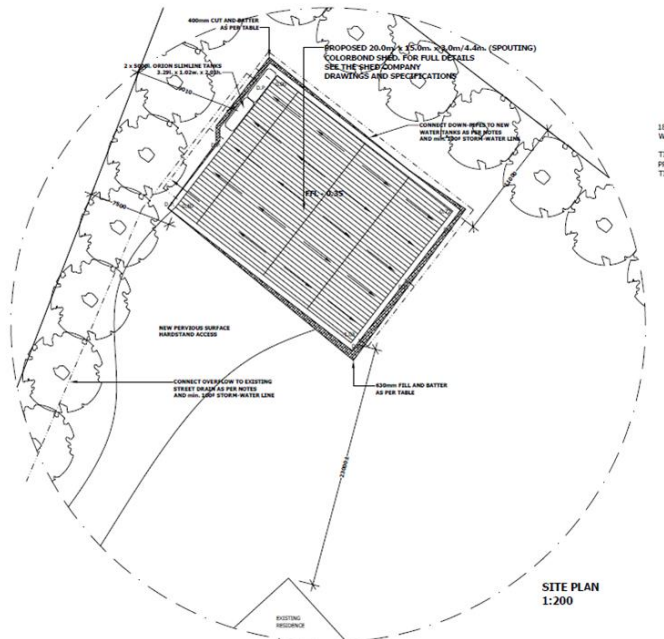
**Part site plan (Exhibited)**



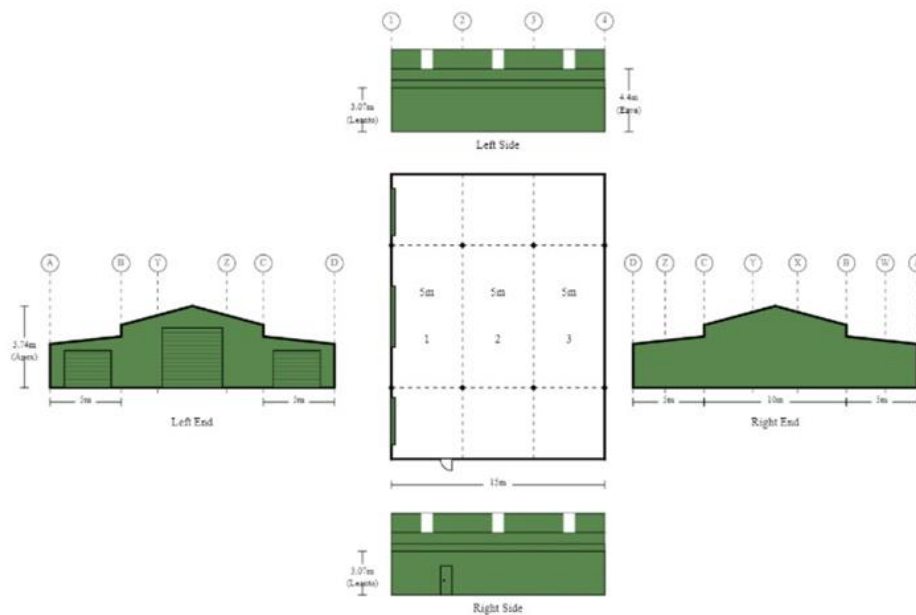


**Revised Part Site Plan (following receipt of representations and mediation)**

Received  
17.11.2021

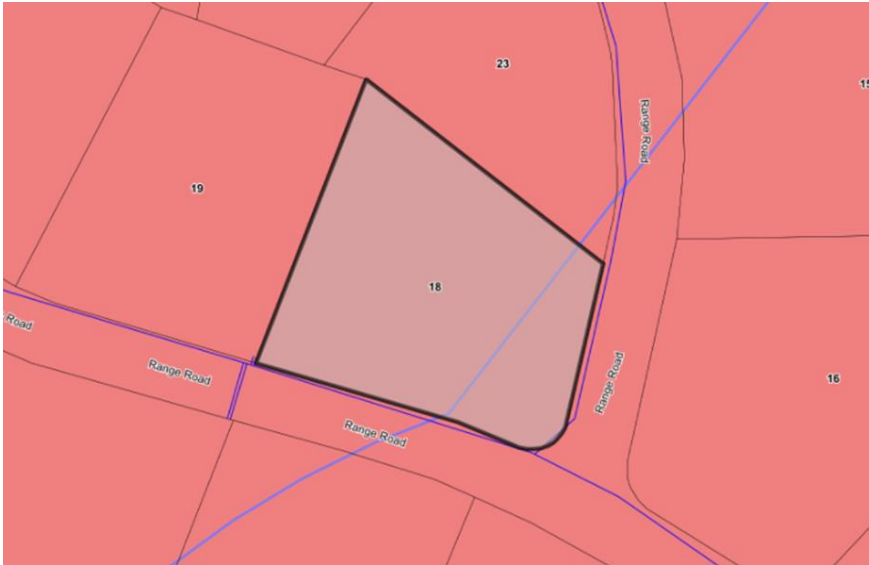


**Elevations**



**4.2 Zone and Land Use**

The land is zoned Low Density Residential and is subject to the Attenuation Code.



The relevant Planning Scheme definition is:

<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 garage, carport or shed</i>

Residential is permitted with permit in the zone.

#### 4.3 Subject Site and Locality

A site inspection was undertaken on 22 January 2021 and 24 September 2021. The subject site is a 7208m<sup>2</sup> lot and contains an existing single dwelling on a corner lot. The site is surrounded by established residential uses on similar lot sizes.

##### ***Aerial photograph of area***







#### 4.4 Permit/Site History

Relevant permit history includes:

- PLN21-0014 – Tree removal – native vegetation

#### 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 three (3) representations (attached) were received from:

- Mr. and Mrs. M. Thompson, 19 Range Road, Western Junction
- Mr. and Mrs. C. McCafferty, 23 Range Road, Western Junction
- T. Pickett & M. Dearing, 14 Range Road, Western Junction

Map showing location of representors properties in relation to subject site



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

##### Issue 1

- Size of building, height of building and variation to side setback from 7.5m to 5m.



Planner's comment:

The building design (American Barn style) was chosen to achieve a reduction in scale and bulk allowing for articulation of form to achieve a domestic scale in terms of height including the 15 degree roof pitch to an apex of 5.74m above natural ground level. The height of the walls on either side of the building facing the side and rear boundaries are 3.07m to the gutters, stepping up to 4.4m to the gutter of the apex gable positioned 5.0m from the outer side walls of the structure.

Further to the receipt of representations and on-site mediation, the proponents have moved the structure to meet the side setback requirements of 7.5m, and in doing so, the height of the structure overall will be reduced by a further 400mm as the finished level will be excavated to address the slope of the site. The building will appear lower when viewed from outside the site.

Whilst the height will mean that the roof/apex section can be viewed from adjoining properties, this will not impact amenity nor appear out of character and development pattern of the neighbourhood. No overshadowing of adjoining properties will result from the proposal.

The floor area of the building is permissible under the performance criteria where having regard to its visual impact on the streetscape, adverse impact upon native vegetation, overshadowing of adjoining properties and the compatibility with the size and location of outbuildings in the neighbourhood.

**Issue 2**

- Potential uses as a home business of body work and car repairs and the noise factor occurring from these uses. There is not enough information on future uses of the building of this size.

Planner's comment:

In response to the representation, the proponent has engaged a town planner, Mr. John Ayers who has provided clarification in relation to the intended purpose of the outbuilding. The purpose is to accommodate equipment, vehicles and associated materials associated with the residential use of the property. The proponents have a number of passenger vehicles which will be housed in the structure, including vehicles being maintained as part of a hobby interest in modern vehicle restoration. The application does not seek approval for a commercial/semi-industrial use, but rather an outbuilding associated with/incidental to the residential use of the property.

Council officers have no reason to consider the use classification of the proposal as any other than Residential (Single Dwelling).

**Issue 3**

- Lack of plans, notes about colour, of windows overlooking adjacent property small yard.

Planner's comment:

The proponent planning consultant, Mr. John Ayers has advised that the colour of the building is Colorbond: Deep Ocean, and will be the same toning as the outbuilding located in the rear curtilage of the adjoining property at 19 Range Road. This colour tone will enable the proposed to blend more readily with the plantings in the landscape.

**Issue 4**

- Shed will be visible from the road and at least 5 other residences. Not sympathetic to the form and scale of the neighbourhood and will affect the amenity of nearby residential properties.

Planner's comment:

As detailed above, the structure will be reduced by a further 400mm as the finished level will be excavated to address the slope of the site. The building will appear lower when viewed from outside the site. The structure is setback in excess of 60m from the site's front boundary and located in the rear curtilage of the site. The structure will not be apparent from the street and will be partially screened by existing vegetation and proposed landscape planting, which forms part of amended plans further to receipt of representations and on-site mediation.



The proponents also as part of the new driveway propose to include a fence and gate running from the west boundary to the existing dwelling which will then with the introduction of further landscape plantings have the effect of further reducing the visual extent of the structure.

#### 4.6 Referrals

The following referrals were required:

##### Council's Works Department

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reported on 24/9/21 and their recommended conditions are included in the conditions of approval.

#### 4.7 Planning Scheme Assessment

LOW DENSITY RESIDENTIAL ZONE	
ZONE PURPOSE	
<p><b>12.1.1 Zone Purpose Statements</b></p> <p><i>12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.</i></p> <p><i>12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.</i></p> <p><i>12.1.1.3 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></p>	
<b>Assessment:</b> The proposal meets the zone purpose.	
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.	
<b>Assessment:</b> The proposal meets the local area objectives.	

#### 12.2 Use Table

Permitted	
Use Class	Qualification
Residential	If an ancillary dwelling, caretakers dwelling, home-based business, single dwelling

#### USE AND DEVELOPMENT STANDARDS

#### 12.3 Use Standards

##### 12.3.1 Amenity

<p><b>Objective</b></p> <p>To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.</p>	
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 – permitted use.	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 – Permitted use.	N/a

### 12.3.2 Low Density Residential Character

<b>Objective</b> To ensure that discretionary uses support the: a) visual character of the area; and b) local area objectives, if any.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
N/a – no commercial vehicles required.	N/a
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.
N/a – permitted use.	N/a
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.
N/a – permitted use.	N/a

### 12.4 Development Standards

12.4.1 Clauses 12.4.1.1 – 12.4.1.6 only apply to development within the Residential Use Class.

#### 12.4.1.1 Site Coverage

<b>Objective</b> a) To ensure that the site coverage respects the existing or preferred neighbourhood character; and b) To reduce the impact of increased stormwater runoff on the drainage system; and c) To ensure sufficient area for landscaping and private open space.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 The site coverage must not exceed 10% of the site.	P1 The site coverage must have regard to the: a) size and shape of the site; and b) existing buildings and any constraints imposed by existing development or the features of the site; and c) site coverage of adjacent properties; and d) effect of the visual bulk of the building and whether it respects the neighbourhood character; and e) capacity of the site to absorb runoff; and f) landscape character of the area and the need to remove vegetation to accommodate development.
Complies with A1 – the subject site is 7,208m <sup>2</sup> . 10% of site is 720.8m <sup>2</sup> . Total area of buildings existing and proposed is approximately 9.62%.	N/a

#### 12.4.1.2 Building Height

<b>Objective</b> To ensure that the height of dwellings respects the existing or desired future character statements.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Building height must not exceed 8 metres.	P1 Building height must be appropriate to the site and the streetscape having regard to the: a) effect of the slope of the site on the height of the



	building; and b) relationship between the proposed building height and the height of existing adjacent buildings; and c) visual impact of the building when viewed from a road.
Complies with A1.	N/a

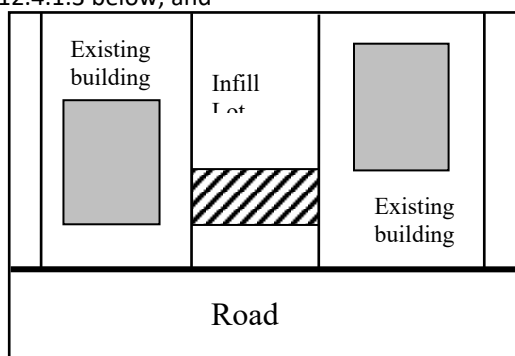
#### 12.4.1.3 Frontage Setbacks

##### Objective

To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.

##### Acceptable Solutions

A1.1 Primary frontage setbacks must be a minimum:  
a) of 15m; and  
b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and



**Figure 12.4.1.3 – Primary Frontage Setback for Infill Lots**

A1.2 Buildings must be set back a minimum of 15m from any other frontage.

Complies – 15m front setback achieved.

##### Performance Criteria

P1 Buildings are set back from the primary frontage an appropriate distance having regard to:  
a) the efficient use of the site; and  
b) the safety of road users; and  
c) the prevailing setbacks of existing buildings on nearby lots; and  
d) the visual impact of the building when viewed from the road; and  
e) retention of vegetation within the front setback.

N/a

#### 12.4.1.4 Rear and Side Setbacks

##### Objective

To ensure that the:

- a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and
- b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.

##### Acceptable Solutions

A1 Buildings must be set back 5m from the rear boundary.

##### Performance Criteria

P1 Building setback to the rear boundary must be appropriate to the location, having regard to the:  
a) ability to provide adequate private open space for the dwelling; and  
b) character of the area and location of dwellings on lots in the surrounding area; and  
c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and  
d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and  
e) locations of existing buildings and private open space areas; and



	f) size and proportions of the lot.
Complies – 5m + rear boundary setback achieved, the proposal provides for a setback of 11.0 metres.	N/a
A2 Buildings must be set back 7.5m from side boundaries.	P2 Building setback to the side boundary must be appropriate to the location, having regard to the: a) ability to provide adequate private open space for the dwelling; and b) character of the area and location of dwellings on lots in the surrounding area; and c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and e) locations of existing buildings and private open space areas; and f) size and proportions of the lot; and g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.
Further to receipt of representations and on-site mediation, the proponent has provided amended plans, locating the outbuilding to 7.5m from the side boundary and angled to vary between 7.5 and 9.01 metres from the west boundary.	N/a

#### 12.4.1.5 Location of Car Parking

Objective	
a) To provide convenient parking for resident and visitor vehicles; and b) To minimise the impacts of garage doors to the neighbourhood.	
Acceptable Solutions	Performance Criteria
A1 A garage or carport must be located: a) within 10 metres of the dwelling it serves; and b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.	P1 Car parking facilities must be: a) close and convenient to dwellings and residential buildings; and b) located to minimise visual impact to the streetscape; and c) provided in a form that is appropriate to the area and development.
Car parking facilities are existing and adjacent to the dwelling frontage.	N/a
A2 The total width of the door or doors on a garage facing a road frontage must: a) be not more than 6m; or b) the garage must be located within the rear half of the lot when measured from the front boundary.	P2 The width of garage doors should not be a visually dominant element in the streetscape and must be designed having regard to the: a) existing streetscape and the design and locations of garages in the area; and b) location of existing buildings on the site.
Not applicable to the subject application, the garage facility is existing.	N/a

#### 12.4.1.6 Outbuildings and Ancillary Structures

Objective	
To ensure that: a) outbuildings do not detract from the amenity or established neighbourhood character; and b) dwellings remain the dominant built form within an area.	
Acceptable Solutions	Performance Criteria
A1 Outbuildings must not have a: a) combined gross floor area of greater than 80m <sup>2</sup> ; and b) maximum wall height of greater	P1 Outbuildings must be designed and located having regard to: a) visual impact on the streetscape; and b) any adverse impacts on native vegetation; and



than 3.5m; and c) maximum building height greater than 4.5m.	c) overshadow adjoining properties; and d) compatibility with the size and location of outbuildings in the neighbourhood.
Relies on P1 for compliance.	Complies with P1 as follows: a) The proposed outbuilding will be located in excess of 60 metres from the street frontage, with a minimal impact visually on the streetscape. b) No native vegetation removal is proposed to enable the siting of the proposed outbuilding. c) The outbuilding is designed and located so that there will not be any overshadowing of adjoining properties. d) The outbuilding is designed to reduce scale and bulk, with the variation of forms and three sections of the building. The proponents propose additional plantings between the outbuilding and the side and rear boundaries which will further reduce the visual impact of the outbuilding from view. The outbuilding will be screened by plantings within the front and central areas of the site. 9 Range Road has outbuildings with a combined gross floor area of 252m <sup>2</sup> , and 5 Range Road has outbuildings with a combined gross floor area of 278m <sup>2</sup> . The proposed outbuilding is compatible with the size and location of outbuilding in the neighbourhood. Performance criteria met.
A2 A swimming pool or tennis court for private use must be located: a) behind the primary frontage setback; or b) in the rear yard.	P2 A swimming pool or tennis court for private use must designed and located to: 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.
N/a	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	N/a
E.5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – No changes.
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	Complies, the proposal is for non-sensitive use.
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
SPECIFIC AREA PLANS		
F1.0	TRANSLINK SPECIFIC AREA PLAN	N/a



F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a
<b>SPECIAL PROVISIONS</b>	
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
<b>STATE POLICIES</b>	
The proposal is consistent with all State Policies.	
<b>OBJECTIVES OF LAND USE PLANNING &amp; APPROVALS ACT 1993</b>	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
<b>STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES</b>	
<b><i>Strategic Plan 2017-2027</i></b> <ul style="list-style-type: none"> <li><i>Statutory Planning</i></li> </ul>	

## 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 development standards (vary side setback and total floor area greater than 80m<sup>2</sup> of outbuildings on lot).

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

It is recommended that the proposal be conditioned to be used and developed in accordance with the proposal plans.

## 8 ATTACHMENTS

- Planning Application [15.2.1 - 7 pages]
- 1) Representation [15.2.2 - 1 page]
- 2) Representation [15.2.3 - 1 page]
- 3) Representation [15.2.4 - 1 page]
- Response to representations [15.2.5 - 13 pages]
- Appendix A -18 Range Rd Site and Drainage Plan Rev 16-11-21 [15.2.6 - 3 pages]
- Appendix B - Design Layout TLA N 214028.pdf martin [15.2.7 - 1 page]



8. Representor's reponse [15.2.8 - 2 pages]
9. WI referral PL N-21-0254 18 Range Road Western Junction [15.2.9 - 1 page]

#### RECOMMENDATION

That land at 18 Range Road, Western Junction be approved to be developed and used for a Shed (15m x 20m x 5.74m high) (outbuildings with a combined floor area of more than 80m<sup>2</sup> on the lot, vary side setback) in accordance with application PLN-21-0254, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered P1 – P3 (Plans prepared by Wilkin Design, Drawing No: DA/Ba-21SCJEN, Sheet No's: coverpage, 1 & 2, Dated: 16/11/2021); and P4 (Shed Plans by Apex Engineering Group Pty Ltd, Drawing No: TLAN214028-0, Dated: 03/09/21); and D1 (Planning Submission – Response to representations, JDA Planning Pty Ltd, Dated: November 2021).

2 Council's Works Department conditions

2.1 Access

- a) A sealed driveway apron must be constructed for the proposed shed from the edge of Range Road to the property boundary in accordance with Council standards.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.
- c) All works must be done in accordance with Council Standard Drawing TSD-R09 and to the satisfaction of the Works Manager.





### 15.3 PLN21-0223: 102 & 104 MARLBOROUGH STREET, LONGFORD

*File:* 109300.92; PLN21-0223  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

#### 1 INTRODUCTION

This report assesses an application for 102 and 104 Marlborough Street, Longford to fill the land by up to 0.7m and construct 7 dwellings.

#### 2 BACKGROUND

**Applicant:**

Wilson Homes

**Zone:**

General Residential Zone

**Classification under the Scheme:**

Residential (multiple dwellings)

**Deemed Approval Date:**

22 December 2021

**Owner:**

Director of Housing

**Codes:**

Road and Railway Assets Code

Car Parking and Sustainable Transport Code

**Existing Use:**

Vacant

**Recommendation:**

Refuse

**Discretionary Aspects of the Application:**

- More than 9m of retaining walls on side and rear boundaries.
- Reliance on performance criteria of Road and Railway Assets Code.
- Reliance on performance criteria of Car Parking and Sustainable Transport Code.

**Planning Instrument:**

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

**Preliminary Discussion**

The application originally did not include filling of the land. Council's Works & Infrastructure Department advised that the public stormwater system is at capacity, so on site detention would be required. To achieve this, the proposal was revised to include filling of the land.



*^Subject Site from Marlborough Street*

### **3 STATUTORY REQUIREMENTS**

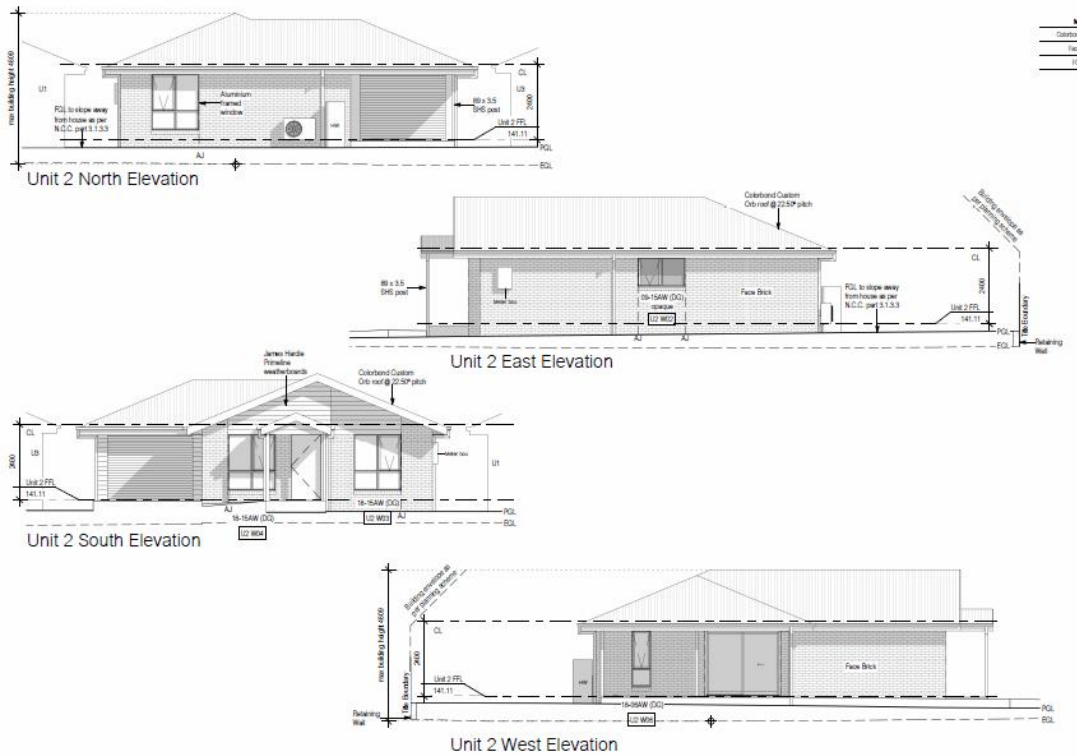
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 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**

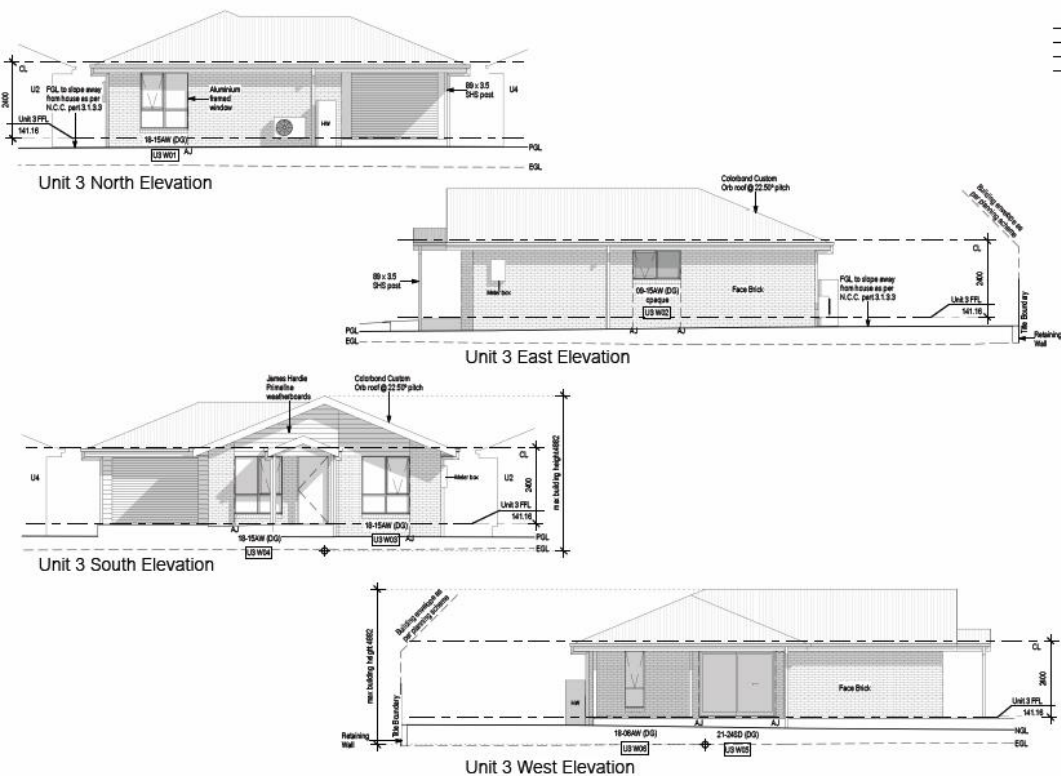
#### **4.1 Proposal**

It is proposed to fill the land up to 0.7m and construct 7 multiple dwellings.





#### ^Elevations – Unit 2



#### ^Elevations – Unit 3



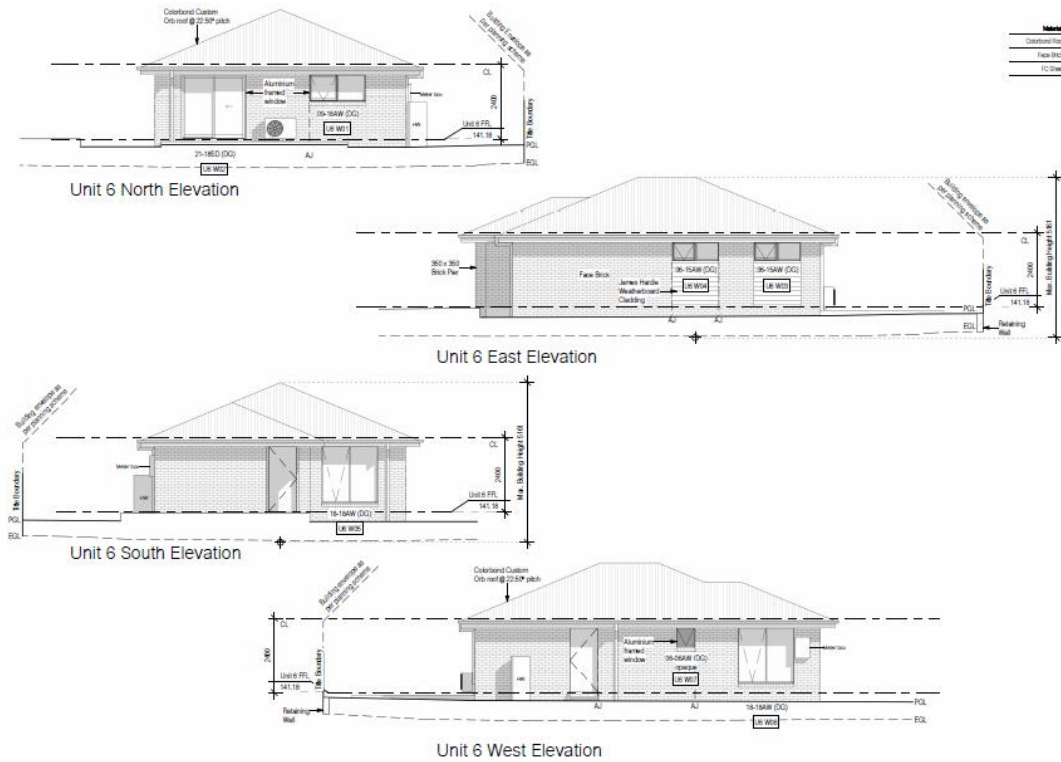
Technical drawing of a building elevation showing a garage and workshop area. The drawing includes the following details:

- Garage Door:** Labeled "80 x 3.5 SHD post".
- Workshop Area:** Includes a door labeled "SHD" and a window labeled "Aluminium framed window".
- Window:** Labeled "18-1600 (2x)".
- Dimensions:**
  - Overall height: 2040.
  - Overall width: 141.14.
  - Ground level: G.L. W.D.
- Other Labels:** "Unit 4 PFL", "G.L.", and "PGL to show slope from house as per N.C.C. part 5.1.3.3".

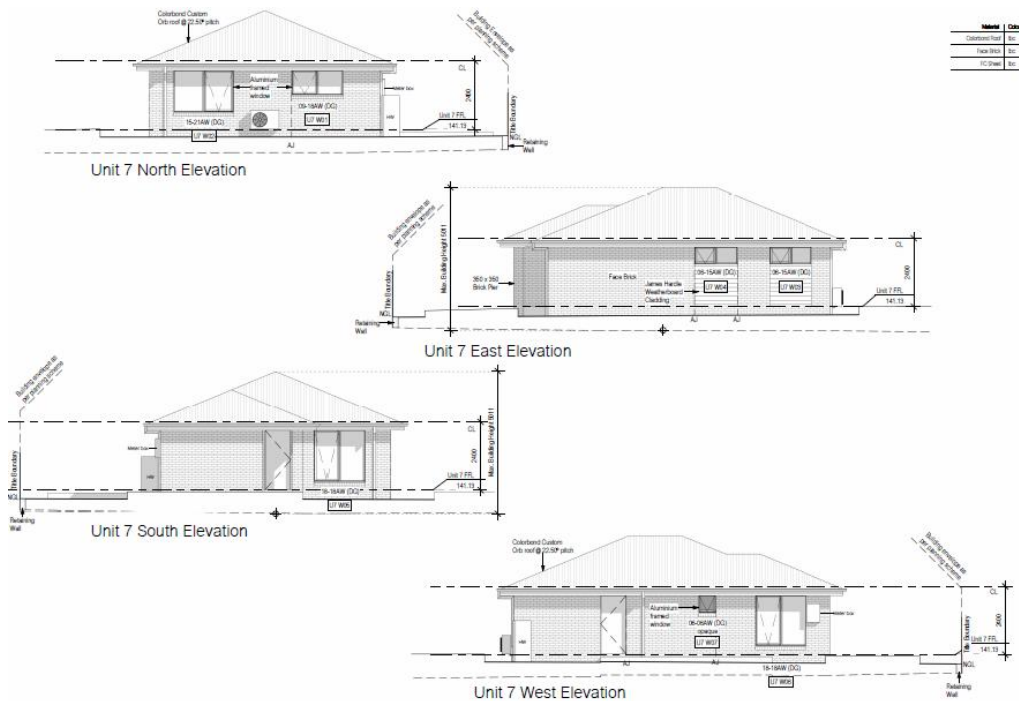
[illegible]

Architectural elevation drawing of a house. The drawing shows a gabled roof with a pitch of 22.5°. The roof is labeled "Colored Custom Gie-roof @ 22.5° pitch". The exterior walls are labeled "James Hardie Fencing woodwork". The drawing includes a vertical dimension line on the left side indicating a height of 141.22'. The drawing also shows a horizontal dimension line at the bottom indicating a width of 16'-15" (15'0").

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#### ^Elevations – Unit 6



#### ^Elevations – Unit 7

### 4.2 Zone and Land Use

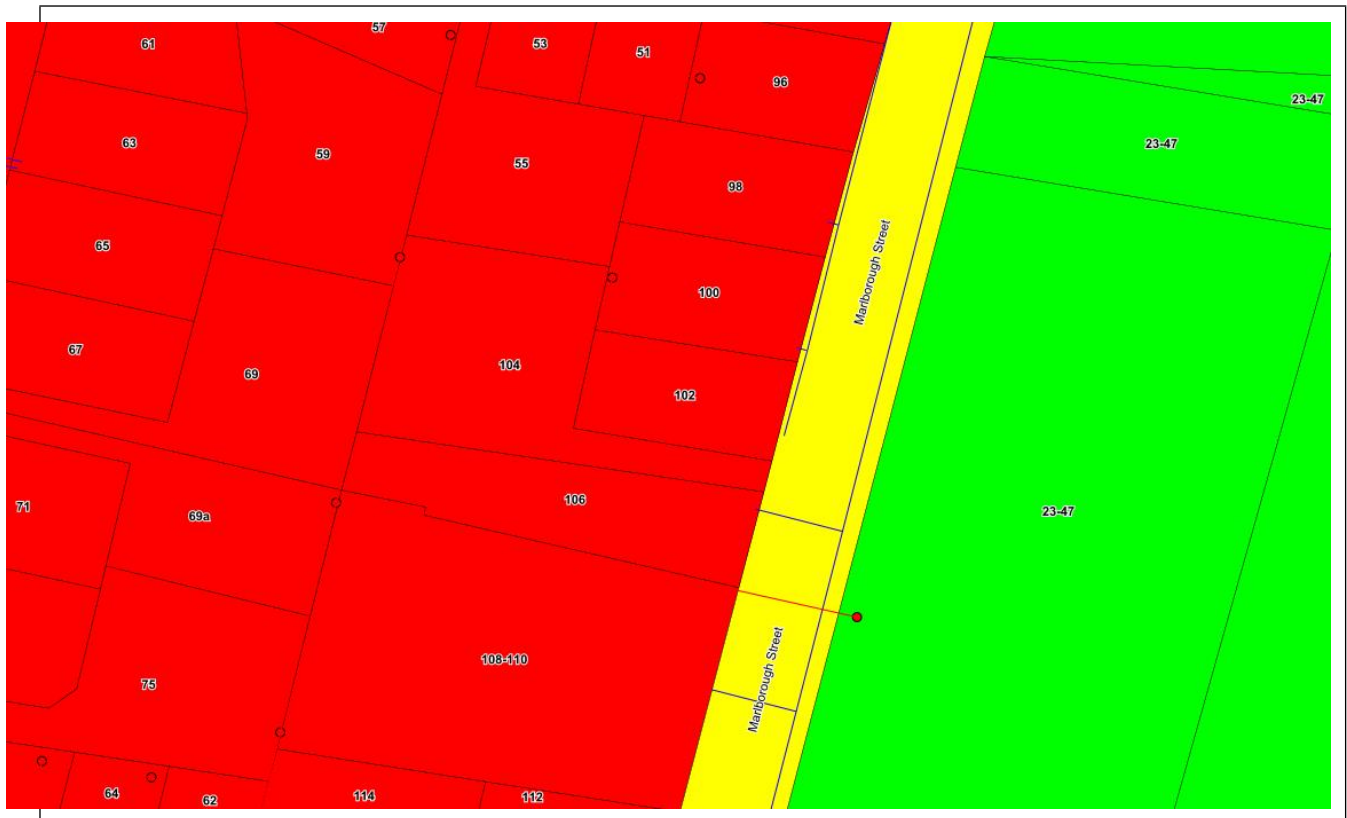
The land is zoned General Residential. The relevant Planning Scheme definition is:

multiple dwellings	means 2 or more dwellings on a site.
--------------------	--------------------------------------





Residential (multiple dwellings) is Permitted (with permit) in the zone.



^Zone Map – General Residential Zone

#### 4.3 Subject Site and Locality

A site inspection was carried out on 6th December 2021. The subject site comprises two titles of 765m<sup>2</sup> and 1,542m<sup>2</sup>. The site is vacant land surrounded by single dwellings to the north, south and west, and is opposite the Longford Show Ground to the east.



*^Aerial photograph of area*

#### 4.4 Permit/Site History

There is no permit or site history relevant to this application.

#### 4.5 Referrals

##### **Council's Works Department**

Council's Engineering Officer, Jonathan Galbraith, advised that:

A better and possibly cheaper option than filling the land could be to go through 69 Pakenham Street and into the system in Pakenham Street. The applicant may need to take levels to confirm this would work but the main is about 1.2m deep so it should work. In this case, no detention will be required. Mr. Galbraith provided the attached conditions of approval for the proposal to fill the land.

##### **TasWater**

TasWater issued an Amended Submission to Planning Authority Notice 18/11/2021 (Taswater Ref: TWDA 2021/01570-NMC).

##### **TasNetworks**

TasNetworks reviewed the application on 24 September 2021 and advised that the development is not likely to adversely affect TasNetworks' operations.

#### 4.6 Planning Scheme Assessment

##### **GENERAL RESIDENTIAL ZONE**

##### **ZONE PURPOSE**

*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.*

*To provide for compatible non-residential uses that primarily serve the local community.*

*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.*

*To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.*

**Assessment:** The proposal complies with the zone purpose.

#### LOCAL AREA OBJECTIVES

*To consolidate growth within the existing urban land use framework of the towns and villages.*

*To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.*

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

**Assessment:** The proposal complies with the local area objectives.

### 10.3 Use Standards

#### 10.3.1 Amenity

<b>Objective</b> <i>To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.</i>	
Acceptable Solutions	Performance Criteria
<b>A1</b> <i>If for permitted or no permit required uses.</i>	<b>P1</b> <i>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.</i>
<b>Complies</b> – Multiple dwellings is a permitted use.	<b>N/a</b>
<b>A2</b> <i>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.</i>	<b>P2</b> <i>Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.</i>
<b>N/a</b> – not a discretionary use.	<b>N/a</b>
<b>A3</b> <i>If for permitted or no permit required uses.</i>	<b>P3</b> <i>External lighting must demonstrate that:</i> <i>a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and</i> <i>b) all direct light will be contained within the boundaries of the site.</i>
<b>Complies</b> – Multiple dwellings is a permitted use.	<b>N/a</b>

#### Residential Character – Discretionary Uses

**N/a** – not a discretionary use

### 10.4 Development Standards for Dwellings

#### 10.4.1 Residential density for multiple dwellings

<b>Objective:</b>	<i>That the density of multiple dwellings:</i> <i>(a) makes efficient use of land for housing; and</i> <i>(b) optimises the use of infrastructure and community services.</i>
Acceptable Solutions	Performance Criteria
<b>A1</b>	<b>P1</b>



Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	Multiple dwellings must only have a site area per dwelling that is less than 325m <sup>2</sup> , if the development will not exceed the capacity of infrastructure services and: <ul style="list-style-type: none"> <li>(a) is compatible with the density of existing development on established properties in the area; or</li> <li>(b) provides for a significant social or community benefit and is: <ul style="list-style-type: none"> <li>(i) wholly or partly within 400m walking distance of a public transport stop; or</li> <li>(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.</li> </ul> </li> </ul>
<b>Complies.</b> The site has an area of 2,307m <sup>2</sup> . 7 dwellings gives a site area per dwelling of 329.57m <sup>2</sup> .	<b>N/a</b>

10.4.2 Setbacks and building envelope for all dwellings

<b>Objective:</b>	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(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</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></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> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>	<p><b>P1</b></p> <p>A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</li> <li>(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.</li> </ul>
<b>Complies.</b> Front setback of 4.5m proposed.	<b>N/a</b>
A2	P2





<p><i>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</i></p> <ul style="list-style-type: none"> <li><i>(a) 5.5m, or alternatively 1m behind the building line;</i></li> <li><i>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</i></li> <li><i>(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.</i></li> </ul>	<p><i>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.</i></p>
<p><b>Complies.</b> Front setback for carport is more than 5.5m.</p>	<p><b>N/a</b></p>
<p><b>A3</b> 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 envelope, must:</p> <ul style="list-style-type: none"> <li><i>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</i> <ul style="list-style-type: none"> <li><i>(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</i></li> <li><i>(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</i></li> </ul> </li> <li><i>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</i> <ul style="list-style-type: none"> <li><i>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the mm adjoining property; or</i></li> <li><i>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</i></li> </ul> </li> </ul>	<p><b>P3</b> The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li><i>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i> <ul style="list-style-type: none"> <li><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i></li> <li><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></li> <li><i>(iii) overshadowing of an adjoining vacant property; or</i></li> <li><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i></li> </ul> </li> <li><i>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i></li> <li><i>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i> <ul style="list-style-type: none"> <li><i>(i) an adjoining property; or</i></li> <li><i>(ii) another dwelling on the same site.</i></li> </ul> </li> </ul>
<p>Building setbacks comply. Retaining walls on the boundary do not comply.</p>	<p>It is proposed to construct retaining walls and fill the land: 0.5m adjacent to 69 Pakenham St; 0.5m – 0.7m adjacent to 55 Hobhouse Street; 0.5m – 0.7m adjacent to 100 Marlborough Street and 0m – 0.5m adjacent to 106 Marlborough Street. The retaining walls will need 1.8m high fences constructed on top of them to provide privacy to the adjoining properties. A site inspection revealed that given the nearness of the houses and backyards on these properties there will be an unreasonable visual impact caused by the filled land with the 1.8m high fence required for privacy.</p>

Table 10.4.2

Road	Setback (m)
-	-



-	-
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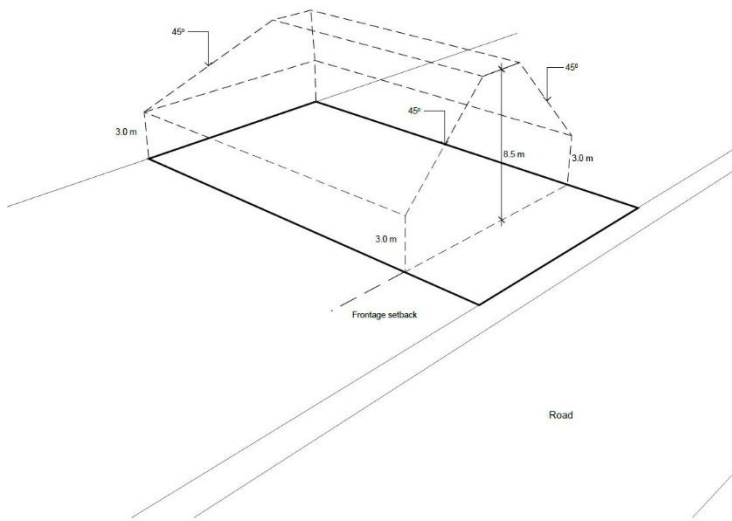


Figure 10.1 Building envelope as required by clause 10.4.2 A3(a)

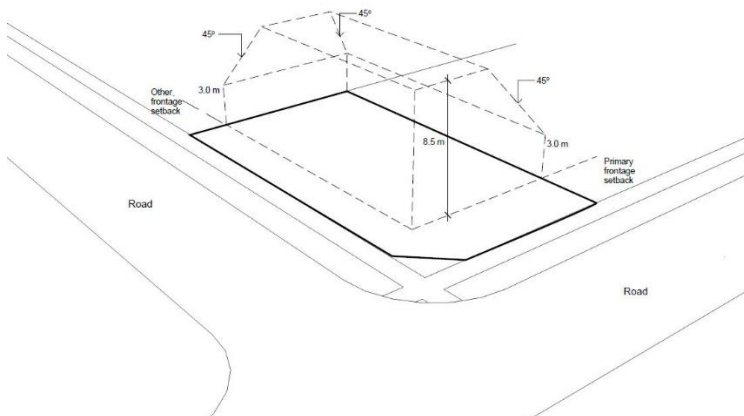


Figure 10.2 Building envelope for corner lots as required by clause 10.4.2 A3(a)

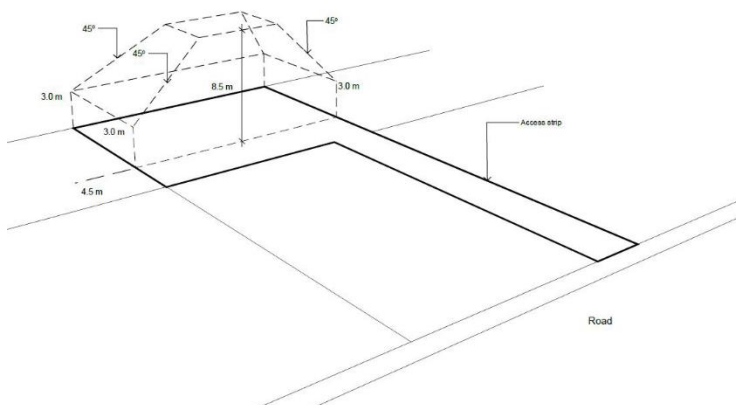


Figure 10.3 Building envelope for internal lots as required by clause 10.4.2 A3(a)

#### 10.4.3 Site coverage and private open space for all dwellings





Objective:	<p><i>That dwellings are compatible with the amenity and character of the area and provide:</i></p> <ul style="list-style-type: none"> <li><i>(a) for outdoor recreation and the operational needs of the residents;</i></li> <li><i>(b) opportunities for the planting of gardens and landscaping; and</i></li> <li><i>(c) private open space that is conveniently located and has access to sunlight.</i></li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p><i>Dwellings must have:</i></p> <ul style="list-style-type: none"> <li><i>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</i></li> <li><i>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> 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).</i></li> </ul>	<p><b>P1</b></p> <p><i>Dwellings must have:</i></p> <ul style="list-style-type: none"> <li><i>(a) site coverage consistent with that existing on established properties in the area;</i></li> <li><i>(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:</i> <ul style="list-style-type: none"> <li><i>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</i></li> <li><i>(ii) operational needs, such as clothes drying and storage; and</i></li> </ul> </li> <li><i>(c) reasonable space for the planting of gardens and landscaping.</i></li> </ul>
<p>a) Dwellings to cover 729.7m<sup>2</sup> Site area is 2307m<sup>2</sup>. Coverage is 31.6%. <b>Complies.</b></p> <p>b) The proposed site plan shows that each dwelling will have private open space of more than 60m<sup>2</sup>. <b>Complies.</b></p>	<p><b>N/a</b></p>
<p><b>A2</b></p> <p><i>A dwelling must have private open space that:</i></p> <ul style="list-style-type: none"> <li><i>(a) is in one location and is not less than:</i> <ul style="list-style-type: none"> <li><i>(i) 24m<sup>2</sup>; or</i></li> <li><i>(ii) 12m<sup>2</sup>, 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);</i></li> </ul> </li> <li><i>(b) has a minimum horizontal dimension of not less than:</i> <ul style="list-style-type: none"> <li><i>(i) 4m; or</i></li> <li><i>(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);</i></li> </ul> </li> <li><i>(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</i></li> <li><i>(d) has a gradient not steeper than 1 in 10.</i></li> </ul>	<p><b>P2</b></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>(a) conveniently located in relation to a living area of the dwelling; and</i></li> <li><i>(b) orientated to take advantage of sunlight.</i></li> </ul>
<p>a) The proposed site plan shows that each dwelling will have private open space in accordance with A2. <b>Complies.</b></p>	<p><b>N/a</b></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><b>A1</b> 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> <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</li> </ul> <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> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul>	<p><b>P1</b> 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><b>Complies.</b> Unit 5 is more than 3m to the north of the private open space of unit 4. Unit 6 is more than 3m to the north of the private open space of unit 7. The other units are not to the north of the private open space of another dwelling on the same site.</p>	<p><b>N/a</b></p>

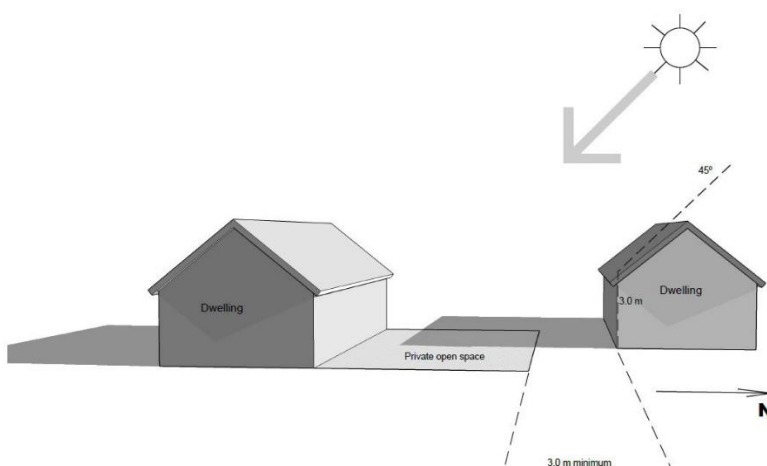




Figure 10.4 Separation from the private open space of another dwelling on the same site as required by clause 10.4.4 A1(a)

10.4.5 Width of openings for garages and carports for all dwellings

<b>Objective:</b>	<i>To reduce the potential for garage or carport openings to dominate the primary frontage.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> <i>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).</i>	<b>P1</b> <i>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.</i>	
<b>N/a.</b> No garages or carports are within 12m of the primary frontage	<b>N/a</b>	

10.4.6 Privacy for all dwellings

<b>Objective:</b>	<i>To provide a reasonable opportunity for privacy for dwellings.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> <i>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:</i> <i>(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;</i> <i>(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</i> <i>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</i> <i>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</i> <i>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</i>	<b>P1</b> <i>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:</i> <i>(a) a dwelling on an adjoining property or its private open space; or</i> <i>(b) another dwelling on the same site or its private open space.</i>	
<b>N/a</b>	<b>N/a</b>	
<b>A2</b> <i>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):</i> <i>(a) the window or glazed door:</i> <i>(i) is to have a setback of not less than 3m from a side boundary;</i> <i>(ii) is to have a setback of not less than 4m from a rear boundary;</i> <i>(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</i>	<b>P2</b> <i>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 be screened, or otherwise located or designed, to minimise direct views to:</i> <i>(a) a window or glazed door, to a habitable room of another dwelling; and</i> <i>(b) the private open space of another dwelling.</i>	



<p><i>another dwelling on the same site; and</i></p> <p><i>(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.</i></p> <p><i>(b) the window or glazed door:</i></p> <p><i>(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;</i></p> <p><i>(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</i></p> <p><i>(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%.</i></p>	
<p><b>N/a.</b> It is proposed to fill the site by a maximum of 0.7m and the floor level will be 0.3m above this, meaning the floor level will be a maximum of 1m above existing ground level.</p>	<p><b>N/a</b></p>
<p><b>A3</b></p> <p><i>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:</i></p> <p><i>(a) 2.5m; or</i></p> <p><i>(b) 1m if:</i></p> <p><i>(i) it is separated by a screen of not less than 1.7m in height; or</i></p> <p><i>(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.</i></p>	<p><b>P3</b></p> <p><i>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.</i></p>
<p><b>Complies.</b></p> <p>Units 1, 2, 3 5, and 6 are separated from the driveway by at least 2.5m.</p> <p>A screen is proposed for Unit 4.</p> <p>Unit 7 sill height 1.7m</p>	<p><b>N/a</b></p>

#### 10.4.7 Frontage fences for all dwellings

<p><b>Objective:</b></p>	<p><i>The height and transparency of frontage fences:</i></p> <p><i>(a) provides adequate privacy and security for residents;</i></p> <p><i>(b) allows the potential for mutual passive surveillance between the road and the dwelling; and</i></p> <p><i>(c) is reasonably consistent with that on adjoining properties.</i></p>
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p><i>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</i></p> <p><i>(a) provide for security and privacy while allowing for passive surveillance of the road; and</i></p> <p><i>(b) be compatible with the height and transparency of fences in the street, having regard to:</i></p>



	(i) the topography of the site; and (ii) traffic volumes on the adjoining road.
<b>N/a</b> - does not propose fencing	<b>N/a</b>

#### 10.4.8 Waste storage for multiple dwellings

<b>Objective:</b> To provide for the storage of waste and recycling bins for multiple dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m <sup>2</sup> per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (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.	<b>P1</b> A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required 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.
<b>Complies</b> with A1 a).	<b>N/a</b>

#### 10.4.9 Storage for multiple dwellings

<b>Objective</b> To provide adequate storage facilities for each multiple dwelling.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	<b>P1</b> Each multiple dwelling must provide storage suitable to the reasonable needs of residents.
Condition for garden sheds required.	<b>N/a</b>

#### 10.4.10 Common Property for multiple dwellings

<b>Objective</b> To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Development for multiple dwellings must clearly delineate public, communal and private areas such as: a) driveways; and b) site services and any waste collection points.	<b>P1</b> No performance criteria.
<b>Complies.</b> The plans show driveways and site	-



services.	
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10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling

<b>Objective</b> <b>To ensure:</b> <ul style="list-style-type: none"> <li>a) that outbuildings do not detract from the amenity or established neighbourhood character; and</li> <li>b) that dwellings remain the dominant built form within an area; and</li> <li>c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m <sup>2</sup> .	P1 Outbuildings for each multiple dwelling must be designed and located having regard to: <ul style="list-style-type: none"> <li>(a) visual impact on the streetscape; and</li> <li>(b) compatibility with the size and location of outbuildings in the neighbourhood.</li> </ul>
<b>Complies.</b>	<b>N/a</b>
A2 A swimming pool for private use must be located: <ul style="list-style-type: none"> <li>(a) behind the setback from a primary frontage; or</li> <li>(b) in the rear yard.</li> </ul>	P2 A swimming pool for private use must designed and located to: <ul style="list-style-type: none"> <li>(a) minimise any visual impact on the streetscape; and</li> <li>(b) not unreasonably overlook or overshadow adjoining properties; and</li> <li>(c) be compatible with the size and location of approved outbuildings in the neighbourhood.</li> </ul>
<b>N/a</b> - does not propose a swimming pool.	<b>N/a</b>

10.4.12 Site services for multiple dwellings

<b>Objective</b> <b>To ensure that:</b> <ul style="list-style-type: none"> <li>a) site services for multiple dwellings can be installed and easily maintained; and</li> <li>b) site facilities for multiple dwellings are accessible, adequate and attractive.</li> </ul>	
Acceptable Solutions	Performance Criteria
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.
<b>Complies.</b> The proposed site plan shows letterboxes at the frontage.	<b>N/a</b>

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.
E.5.0	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	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**

<p><b>Objective</b> 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.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>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%.</p>	<p>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.</p>
N/a	N/a
<p>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</p>	<p>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.</p>
Does not comply.	<p><b>Complies with P2.</b> A Traffic Impact Assessment (TIA) prepared by Midson Traffic accompanied the application.</p> <p>The TIA finds that the applicable traffic generation rates for the proposal are as follows for medium density residential buildings: 2 or more bedrooms – 6.5 vehicles per day (total 46 vehicles per day).</p> <p>The TIA notes that the access will generate 5 vehicles per hour during peak periods, which is a relatively low generation that can easily be absorbed in the surrounding road network.</p> <p>Marlborough Street has numerous accesses along its length with the separation between driveway accesses consistent with the proposal.</p> <p>The access is located on a straight section of Marlborough Street with very good sight distance in both directions.</p>
<p>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%.</p>	<p>P3 For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>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</p> <p>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</p> <p>c) an access or junction which is increased in use or is a new</p>



	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

<p><b>Objective</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) ensure the safe and efficient operation of roads and railways; and</li> <li>b) allow for future road and rail widening, realignment and upgrading; and</li> <li>c) avoid undesirable interaction between roads and railways and other use or development.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>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:</p> <ul style="list-style-type: none"> <li>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</li> <li>b) building areas on new lots; and</li> <li>c) outdoor sitting, entertainment and children's play areas</li> </ul>	<p>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:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</li> <li>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</li> <li>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.</li> </ul>
N/a	N/a

##### E4.7.2 Management of Road Accesses and Junctions

<p><b>Objective</b></p> <p>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.</p>	
Acceptable Solutions	Performance Criteria
<p>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.</p>	<p>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.</p>
Complies with A1.	N/a
<p>A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</p>	<p>P2 For limited access roads and roads with a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> </ul>



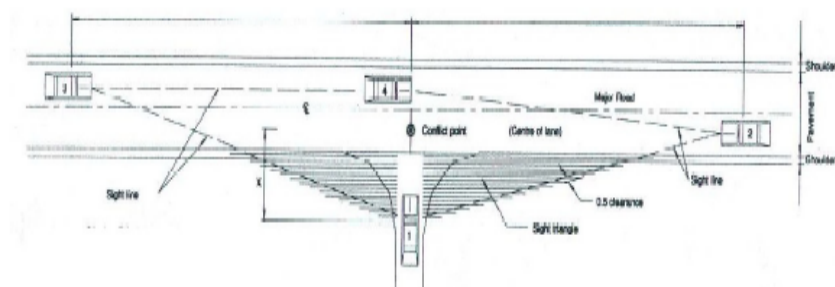
	category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed 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

<b>Objective</b> 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

<b>Objective</b> 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 <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	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.
Complies with A1. The Traffic Impact Assessment finds that available sight distance exceeds 80 metres in both directions along Marlborough Street from the site's access.	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)	Sight Distance
	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**

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

a) Table E6.1; or

**Performance Criteria**

P1 The number of car parking spaces provided must have regard to:

a) the provisions of any relevant location specific car parking



<p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>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>Complies. Each unit is provided with 2 car parking spaces and the required 2 visitor spaces are provided.</p>	<p>N/a</p>

**Table E6.1: Parking Space Requirements**

Use <i>Residential:</i>	Parking Requirement	
	Vehicle	Bicycle
<p><i>If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i></p>	<p><i>1 space per dwelling</i></p>	<p><i>1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.</i></p>
<p><i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i></p>	<p><i>2 spaces per dwelling</i></p>	
<p><i>Visitor parking for multiple dwellings in the general residential zone.</i></p>	<p><i>1 dedicated space per 4 dwellings, rounded up to the nearest whole number</i></p>	

#### E6.6.2 Bicycle Parking Numbers

<p><b>Objective</b></p> <p>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or</p>	<p>P1 Permanently accessible bicycle parking or storage spaces</p>



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.	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.
Does not proposed bicycle parking.	Bicycle parking is available in the private open space of each unit.

**E6.6.3 Taxi Drop-off and Pickup** –None required for dwellings.

**E6.6.4 Motorbike Parking Provisions** – one required, to be conditioned on any permit issued.

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.
Complies with A1	N/a

**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.
Complies with A1.1 and A1.2.	N/a
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 A2.2 The layout of car spaces and access ways	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.





must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</i>	
Complies with A2.1 and A2.2. The proposed driveway will service 16 parking spaces which provides for vehicles to enter and exit in a forward direction.	N/a

**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** – N/a as less than 20 spaces.

**E6.7.4 Parking for Persons with a Disability** – N/a to residential development.

**E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup** – N/a to residential development.

## **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> <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>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</li> </ul> <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>
<p>A2 Bicycle parking spaces must have:</p> <ul style="list-style-type: none"> <li>a) minimum dimensions of: <ul style="list-style-type: none"> <li>i) 1.7m in length; and</li> <li>ii) 1.2m in height; and</li> <li>iii) 0.7m in width at the handlebars; and</li> </ul> </li> <li>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.</li> </ul>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
Does not comply with A1.2 and A2	Bicycle parking is available in the private open space of each unit.



#### E6.8.5 Pedestrian Walkways

<b>Objective</b> To ensure pedestrian safety is considered in development	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<b>A1</b> Pedestrian access must be provided for in accordance with Table E6.5.	<b>P1</b> Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
A separate 1m wide footpath is required in accordance with Table E6.5. Does not comply.	<p>The Traffic Impact Assessment advises:          Table E6.5 requires a "1m wide footpath separated from the driveway and parking aisles except at crossing points".          The proposed development does not provide a separate pedestrian path to the driveway. The driveway access is considered a 'shared zone' where vehicles must give way to pedestrians. This is a relatively commonplace treatment in medium density residential developments.          The Performance Criteria P1 of Clause E6.8.5 of the Planning Scheme states:          "Safe pedestrian access must be provided within car park and between the entrances to buildings and the road".          The following is relevant with respect to the development:</p> <ul style="list-style-type: none"> <li>• The site is a medium density residential development. The movement of cars and pedestrians only relates to activity associated with the residential units and would be expected by all road users.</li> <li>• A total of 16 on-site parking spaces are proposed, accessed via a single driveway. The peak traffic generation will be 5 vehicles per hour (less than one vehicle movement every 10 minutes). The low traffic generation coupled with the low vehicle speeds will result in an acceptable safety environment for shared use between pedestrians and cars.</li> <li>• The driveway will be a 'shared zone' where vehicles and pedestrians share the space with pedestrians having priority. This is a common access treatment for small-scale medium density residential developments.</li> <li>• The development has a relatively simple layout consisting of a single driveway through the site with associated parking connecting at 90-degrees to the driveways. There are no internal junctions within the accesses.</li> </ul> <p>Based on the above assessment, the development meets the requirements of Performance Criteria P1 of Clause E6.8.5 of the Planning Scheme.</p>

#### E6.8.5 Pedestrian Walkways

<b>Objective:</b> To ensure pedestrian safety is considered in development	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<b>A1</b> Pedestrian access must be provided for in accordance with Table E6.5.	<b>P1</b> Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.



**Table E6.5: Pedestrian Access**

<b>Number of Parking Spaces Required</b>	<b>Pedestrian Facility</b>
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:
- a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
  - protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
  - signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

<b>SPECIFIC AREA PLANS</b>	
F1.0 Translink Specific Area Plan	N/a
F2.0 Heritage Precincts Specific Area Plan	N/a
<b>SPECIAL PROVISIONS</b>	
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
<b>STATE POLICIES</b>	
The proposal is consistent with all State Policies.	
<b>OBJECTIVES OF LAND USE PLANNING &amp; APPROVALS ACT 1993</b>	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
<b>STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES</b>	
<b>Strategic Plan 2017-2027</b>	
Statutory Planning	

**4.8 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 a representation (attached) was received from:

- Mark Rhodes, no address provided.

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

**Issue 1**

No provision for secure storage in accordance with 10.4.9A1 or P1.



Planner's comment: It is recommended that the requirement for 6 cubic meters of secure storage space be conditioned on any permit issued.

#### **Issue 2**

No provision for motorcycle parking in accordance with E6.6.4.

Planner's comment: Once space required. It is recommended that this be conditioned on any permit issued.

#### **Issue 3**

No provision for bicycle parking and storage in accordance with E6.8.2 A1.2 and E6.8.2 A2.

Planner's comment: Bicycle parking is available in the private open space of each unit.

#### **Issue 4**

AS2890.1:2004 relating to off street parking requires additional clearance to obstructions such as fences or wall, the figured dimension of 2.8m indicated for the3 width of parking space 'U5 P9' associated with unit 5 is located between a wall and a fence and the parking space therefore needs to be 3m wide.

Planner's comment: The applicant agrees that 3m is preferable. It is recommended that this be a condition of any permit issued.

#### **Issues not explicitly covered by the scheme, but which impact on residential amenity:**

##### **Limited winter sunlight access to living areas.**

**Living areas of units 1, 2 and 3 will receive little if any access to sunlight due to window placement in southern façade and western façade under carport.**

**Living area of unit 4 will receive limited access to sunlight in late afternoon due to window placement in southern façade under carport, western façade screened and porch overshadowing**

**Living area of unit 5 will receive limited access to sunlight in late afternoon due to entry porch overshadowing window.**

Planner's comment: The Northern Midlands Council provided a representation against the removal from planning schemes of the requirement for a dwelling to have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north, stating that the removal of this provision does not further the objectives of the Land Use Planning and Approvals Act 1993 to promote the health and wellbeing of all Tasmanians by securing a pleasant and efficient environment for living and recreation. Unfortunately, this did not result in the provision being reinstated.

##### **Private open space of unit 4 will receive little sunlight in cooler months due to fence proximity.**

Planner's comment: The scheme does not require fences to be taken into consideration in assessing overshadowing of private open space.

**Convenience of access to private open spaces 10.4.3 Objective (c) for units 1,2,3, is less than ideal due to access via carport with minimal clearance between car and wall of dwelling; private open space of unit 4 is located on opposite side of dwelling and private open space of unit 5 is still only accessible via first entering public areas.**



Planner's comment: The Northern Midlands Council provided a representation against the removal from planning schemes of the requirement for private open space to be directly accessible from, and adjacent to, a habitable room (other than a bedroom), stating that the removal of this provision does not further the objectives of the Land Use Planning and Approvals Act 1993 to promote the health and wellbeing of all Tasmanians by securing a pleasant and efficient environment for living and recreation. Unfortunately, this did not result in the provision being reinstated.

## 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:

- More than 9m of retaining walls on side and rear boundaries.
- Reliance on performance criteria of Road and Railway Assets Code.
- Reliance on performance criteria of Car Parking and Sustainable Transport Code.

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

Clause 10.4.2 P3 (a) (iv) requires:

*The siting and scale of a dwelling* (including any works normally forming part of a dwelling i.e., a retaining wall) must:

(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property.

Given that a 1.8m high fence would have to be constructed on top of the retaining wall to provide privacy between the proposed units and the adjoining dwellings, the following aspects of the application are considered to cause an unreasonable loss of amenity to adjoining properties through visual impacts, contrary to clause 10.4.2 P3 (a) (iv):

- 36m long and 0.5m high retaining wall along the western boundary with 69 Pakenham Street;
- 37m long and 0.5m to 0.7m high retaining wall along the northern boundary with 55 Hobhouse Street; and
- 38m long and 0.5 m high retaining wall along the northern boundary with 100 Marlborough Street.

It is recommended that the application be refused on the grounds given below.

## 8 ATTACHMENTS

1. Planning Application [15.3.1 - 1 page]
2. Folio Plan-10343-5 [15.3.2 - 2 pages]
3. Folio Plan-10343-9 (1) [15.3.3 - 2 pages]
4. 712978 DA B 091121 [15.3.4 - 46 pages]
5. 21.0567 C [15.3.5 - 3 pages]
6. 102-104 Marlborough St TIA [15.3.6 - 17 pages]
7. Wl referral PL N-21-0223 102 and 104 Marlborough Street Longford updated [15.3.7 - 3 pages]
8. Amended Tas Water SPAN TWDA 2021 01570- NMC [15.3.8 - 3 pages]
9. 1) Representation - Marlborough PL N-21-0223 [15.3.9 - 2 pages]
10. 211203 Response to Council Rep [15.3.10 - 3 pages]



## RECOMMENDATION

That application PLN21-0223 to develop and use the land at 102 and 104 Marlborough Street, Longford for Multiple Dwellings (7) (Road and Railway Assets Code) be refused on the following grounds:

The proposal will cause an unreasonable loss of amenity, contrary to clause 10.4.2 P3 (a) (iv) by:

- 36m long and 0.5m high retaining wall along the western boundary with 69 Pakenham Street;
- 37m long and 0.5m to 0.7m high retaining wall along the northern boundary with 55 Hobhouse Street; and
- 38m long and 0.5 m high retaining wall along the northern boundary with 100 Marlborough Street.





## 15.4 PLN21-0271 42-48 FAIRTLOUGH STREET, PERTH

File: 104900.34; PLN21-0271

Responsible Officer: Des Jennings, General Manager

Report prepared by: Ryan Robinson, Planner

### 1 INTRODUCTION

This report assesses an application for 42-48 Fairtlough Street, Perth to construct 3 Lot Subdivision (Vary Lot Sizes, Vary Side [E] Setback (Lot 2), Vary Frontage [N] Setback (Lot 2), Vary Water Supply, Vary Sewerage System, Vary Stormwater System, Bushfire-Prone Areas Code, Scenic Management Code)

### 2 BACKGROUND

**Applicant:**

Carlton Dixon

**Zone:**

Low Density Residential Zone

**Owner:**

Stanley Rees Griffiths

**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:**

Subdivision

**Deemed Approval Date:**

18/12/2021

**Existing Use:**

Residential

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Variation to development standards, lot size, side (E) setback, and no reticulated services
- Subdivision within Scenic Management Code

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 36, Effective from 30th September 2021.*

**Preliminary Discussion**

Prior to the application becoming valid / being placed on public exhibition, further information was requested from the applicant – correspondence attached.



**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.

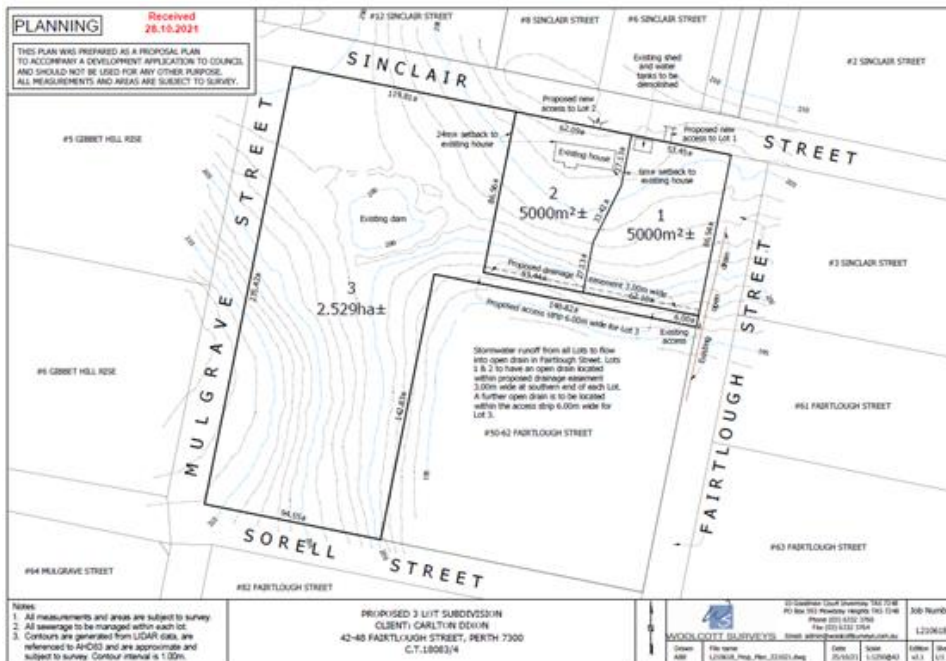
**4 ASSESSMENT**

**4.1 Proposal**

- 3 Lot Subdivision (Vary Lot Sizes, Vary Side [E] Setback (Lot 2), Vary Frontage [N] Setback (Lot 2), Vary Water Supply, Vary Sewerage System, Vary Stormwater System, Bushfire-Prone Areas Code, Scenic Management Code).



## Site Plan



## 4.2 Zone and Land Use

The land is zoned Low Density Residential. 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>
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## 4.3 Subject Site and Locality

The author of this report carried out a site visit on the 26/11/2021. The site is 3.528 ha and is located on the corner of Fairtlough Street and Sinclair Street, Perth. The site contains an existing single dwelling and outbuilding. Residential uses surround the subject site.





*Aerial photograph of area*



*Photographs of subject site*

*Site access from Fairlough Street*







*Southern boundary looking west from Fairtlough Street (proposed drainage easement and access strip for Lot 3)*



*Sightline to the south from Fairtlough Street access*







*Sightline to the north from Fairtlough Street access*



*Existing shed and dwelling (approximate location of boundary between lot 1 and 2)*







*Sightline to the east across Sinclair Street frontage*



#### 4.4 Permit/Site History

Relevant permit history includes:

- 35/85 – Dwelling
- P87-47 – Shed
- P94-188 – Dwelling

#### 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.

#### 4.6 Referrals

##### **General Manager**

Summary: The application was referred to the General Manager on 05.10.2021 requesting that cash in lieu be paid in place of providing Public Open Space in accordance with Clause E10.6.1 A1 of the Planning Scheme.

##### **Works and Infrastructure Department**

Summary: The application was referred to Council's Works and Infrastructure Department on 05.11.2021. Advice from the Department is that the proposed drainage easement for proposed lots 1 and 2 is not required as lot 1 can connect to the kerb, and lot 2 can contain stormwater on-site. The Department also requested the inclusion of relevant standard conditions.

##### **Environmental Health Officer**

Summary: Council's Environmental Health Officer, Mick Gray, reported on 5 November 2021 the following:

"It is noted the proposed land areas are 5000sqm and above. This land area is supportive of an approved wastewater treatment system which will be provided to Council at a later date when owners seek building approval."



## **TasWater**

Summary: TasWater advised Council on 6 October 2021 the following:

“TasWater has assessed the application and has determined that the proposed development does not require a submission from TasWater, as the proposed development will not:

- a. Increase the demand for water supply by TasWater; or
- b. Increase the amount of sewage or toxins that is to be removed by, or discharged into, TasWater sewerage infrastructure; or
- c. Damage or interfere with TasWater works; or
- d. Adversely affect TasWater operations.”

## **4.7 Planning Scheme Assessment**

### **12 Low Density Residential Zone**

#### **12.1 Zone Purpose**

##### **12.1.1 Zone Purpose Statements**

**12.1.1.1** *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

#### **Comment:**

The subject site is not connected to reticulated sewerage or water systems.

**12.1.1.2** *To provide for non-residential uses that are compatible with residential amenity.*

#### **Comment:**

Not applicable – the subdivision is for residential uses.

**12.1.1.3** *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.*

#### **Comment:**

Two additional lots, allowing for two additional houses, in this relatively sparsely vegetated area is considered to satisfy this purpose statement.

##### **12.1.2 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.*

#### **Comment:**

Not applicable – the site is not in any of these areas.

##### **12.1.3 Desired Future Character Statements**

*There are no desired future character statements*



## 12.2 Use Table

<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If an ancillary dwelling, caretakers dwelling, home-based business, single dwelling

## 12.3 Use Standards

### 12.3.1 Amenity

<b>Objective</b> To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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. The subdivision is for Residential (single dwelling) which is a permitted use.	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.
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	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.
Complies. The subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable.

### 12.3.2 Low Density Residential Character

<b>Objective</b> To ensure that discretionary uses support the: a) visual character of the area; and b) local area objectives, if any.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable to this application for subdivision.
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.
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable to this application for subdivision.
A3 Waste material storage for discretionary uses must:	P3 No performance criteria.



<p>a)not be visible from the road to which the lot has frontage ; and</p> <p>b)use self-contained receptacles designed to ensure waste does not escape to the environment.</p>	
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable to this application for subdivision.

## 12.4 Development Standards

### 12.4.1 Clauses 12.4.1.1 – 12.4.1.6 only apply to development within the Residential Use Class.

#### 12.4.1.1 Site Coverage

<p><b>Objective</b></p> <p>a)To ensure that the site coverage respects the existing or preferred neighbourhood character; and</p> <p>b)To reduce the impact of increased stormwater runoff on the drainage system; and</p> <p>c)To ensure sufficient area for landscaping and private open space.</p>	
Acceptable Solutions	Performance Criteria
<p>A1The site coverage must not exceed 10% of the site.</p>	<p>P1The site coverage must have regard to the:</p> <p>a)size and shape of the site; and</p> <p>b)existing buildings and any constraints imposed by existing development or the features of the site; and</p> <p>c)site coverage of adjacent properties; and</p> <p>d)effect of the visual bulk of the building and whether it respects the neighbourhood character; and</p> <p>e)capacity of the site to absorb runoff; and</p> <p>f)landscape character of the area and the need to remove vegetation to accommodate development.</p>
<p>There will be no change to the site coverage of the existing building at proposed Lot 2.</p> <p>It is expected that site coverage on the proposed lots of 5,000m<sup>2</sup> +/- will not exceed 10% (500m<sup>2</sup>).</p>	Not applicable.

#### 12.4.1.2 Building Height

<p><b>Objective</b></p> <p>To ensure that the height of dwellings respects the existing or desired future character statements.</p>	
Acceptable Solutions	Performance Criteria
<p>A1Building height must not exceed 8 metres.</p>	<p>P1Building height must be appropriate to the site and the streetscape having regard to the:</p> <p>a)effect of the slope of the site on the height of the building; and</p> <p>b)relationship between the proposed building height and the height of existing adjacent buildings; and</p> <p>c)visual impact of the building when viewed from a road.</p>
<p>There will be no change to the height of the existing building at proposed Lot 2.</p> <p>With respect to further development at the site, that will be assessed when an application for a building is lodged.</p>	<p>This will be assessed when an application for a building is lodged.</p>

#### 12.4.1.3 Frontage Setbacks

<p><b>Objective</b></p> <p>To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and</p>	
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<i>make efficient use of the site.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1 Primary frontage setbacks must be a minimum:</p> <p>a) of 15m; and</p> <p>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and</p> <p><b>Figure 12.4.1.3 – Primary Frontage Setback for Infill Lots</b></p> <p>A1.2 Buildings must be set back a minimum of 15m from any other frontage.</p>	<p>P1 Buildings are set back from the primary frontage an appropriate distance having regard to:</p> <p>a) the efficient use of the site; and</p> <p>b) the safety of road users; and</p> <p>c) the prevailing setbacks of existing buildings on nearby lots; and</p> <p>d) the visual impact of the building when viewed from the road; and</p> <p>e) retention of vegetation within the front setback.</p>
<p>The new lot frontage for proposed Lot 2 will be to the Northern boundary of the site, the 9.8m setback will not comply with the Acceptable Solution.</p> <p>With respect to further development at the site, that will be assessed when an application for a building is lodged.</p>	<p>A) The reduced frontage setback will improve the efficient use of land at the site.</p> <p>B) The site will access a cul-de-sac and has clear sightlines to the intersection of Fairtlough and Sinclair Streets, and therefore will not impact the safety of road users.</p> <p>C) An outbuilding at 3 Sinclair Street, approximately 200m from the existing building at the subject site, has a frontage setback of approximately 11.5m.</p> <p>D) There will be no change to the visual impact of the building when viewed from a road.</p> <p>C) There is no vegetation to be retained in the frontage setback for the building.</p> <p>It is considered that the existing building complies with the provisions of the Performance Criteria.</p> <p>With respect to further development at the site, that will be assessed when an application for a building is lodged.</p>

#### **12.4.1.4 Rear and Side Setbacks**

<p><b>Objective</b></p> <p>To ensure that the:</p> <p>a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and</p> <p>b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Buildings must be set back 5m from the rear boundary.</p>	<p>P1 Building setback to the rear boundary must be appropriate to the location, having regard to the:</p> <p>a) ability to provide adequate private open space for the dwelling; and</p> <p>b) character of the area and location of dwellings on lots in the surrounding area; and</p> <p>c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and</p> <p>d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</p> <p>e) locations of existing buildings and private open space areas; and</p> <p>f) size and proportions of the lot.</p>
<p>The new lot frontage for proposed Lot 2 will be to the</p>	<p>Further development at the site will be assessed when an</p>



<p>Northern boundary of the site, and the rear boundary will be to the south. The rear boundary setback will be greater than 5m.</p> <p>Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.</p>	<p>application for a building is lodged. The lot dimensions allow for this to be complied with.</p>
<p><i>A2Buildings must be set back 7.5m from side boundaries.</i></p>	<p><i>P2Building setback to the side boundary must be appropriate to the location, having regard to the:</i></p> <ul style="list-style-type: none"> <li><i>a)ability to provide adequate private open space for the dwelling; and</i></li> <li><i>b)character of the area and location of dwellings on lots in the surrounding area; and</i></li> <li><i>c)impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and</i></li> <li><i>d)impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</i></li> <li><i>e)locations of existing buildings and private open space areas; and</i></li> <li><i>f)size and proportions of the lot; and</i></li> <li><i>g)extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.</i></li> </ul>
<p>The eastern (side) boundary setback of the existing building on proposed Lot 2 will be reduced to 6m, and therefore cannot comply with the Acceptable Solution.</p>	<p>A) Proposed Lot 2 will retain sufficient area for suitable open space, and lot 1 will have sufficient area to provide suitable private open space.</p> <p>B) There are no examples of habitable buildings in the surrounding area with side boundary setbacks of less than 7.5m, and therefore the proposal is inconsistent with the character of the surrounding area.</p> <p>C) Neither the response to the provisions of the Clause, nor the proposed site plans lodged for the application made reference to the internal layout of the existing dwelling, and therefore the location of windows to habitable rooms is not known. Nonetheless it is considered that separation of 6m is sufficient to minimise impacts on amenity and privacy for habitable rooms of the existing dwelling, and of potential future development on Lot 1.</p> <p>D) Due to the size and dimensions of the proposed lots, it is considered unlikely that the development of buildings on either Lot 1 or Lot 2, which comply with relevant use and development standards of the Planning Scheme, will impact solar access for dwellings or private open space on another lot.</p> <p>E) The location of the proposed boundary 6m west of the existing dwelling on Lot 2 leaves Lot 1 with a width of 53.45m at its primary frontage. It is considered that the width of Lot 1 is sufficient for providing space for the development of a dwelling that is consistent with the</p>





	<p>character of the surrounding area.</p> <p>F) Proposed Lot 2 will retain sufficient area for suitable open space, and lot 1 will have sufficient area to provide suitable private open space.</p> <p>G) The slope of the land has little impact on the impact of the variation.</p> <p>Whilst the proposal is inconsistent with provision (b), the side boundary setback is considered to provide sufficient separation to ensure a reasonable degree of consistency with development in the surrounding area.</p>
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#### 12.4.1.5 Location of Car Parking

<p><b>Objective</b></p> <p>a) To provide convenient parking for resident and visitor vehicles; and</p> <p>b) To minimise the impacts of garage doors to the neighbourhood.</p>	
Acceptable Solutions	Performance Criteria
<p>A1A garage or carport must be located:</p> <p>a) within 10 metres of the dwelling it serves; and</p> <p>b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</p>	<p>P1Car parking facilities must be:</p> <p>a) close and convenient to dwellings and residential buildings; and</p> <p>b) located to minimise visual impact to the streetscape; and</p> <p>c) provided in a form that is appropriate to the area and development.</p>
<p>No change to existing car parking at proposed Lot 2.</p> <p>Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.</p>	<p>Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.</p>
<p>A2The total width of the door or doors on a garage facing a road frontage must:</p> <p>a) be not more than 6m; or</p> <p>b) the garage must be located within the rear half of the lot when measured from the front boundary.</p>	<p>P2The width of garage doors should not be a visually dominant element in the streetscape and must be designed having regard to the:</p> <p>a) existing streetscape and the design and locations of garages in the area; and</p> <p>b) location of existing buildings on the site.</p>
<p>No change to existing car parking at proposed Lot 2.</p> <p>Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.</p>	<p>Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.</p>

#### 12.4.1.6 Outbuildings and Ancillary Structures

<p><b>Objective</b></p> <p>To ensure that:</p> <p>a) outbuildings do not detract from the amenity or established neighbourhood character; and</p> <p>b) dwellings remain the dominant built form within an area.</p>	
Acceptable Solutions	Performance Criteria
<p>A1Outbuildings must not have a:</p> <p>a) combined gross floor area of greater than 80m<sup>2</sup>; and</p> <p>b) maximum wall height of greater than 3.5m; and</p> <p>c) maximum building height greater than 4.5m.</p>	<p>P1Outbuildings must be designed and located having regard to:</p> <p>a) visual impact on the streetscape; and</p> <p>b) any adverse impacts on native vegetation; and</p> <p>c) overshadow adjoining properties; and</p> <p>d) compatibility with the size and location of outbuildings</p>



	<i>in the neighbourhood.</i>
No change to existing outbuilding at proposed Lot 2. Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.	Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.
A2A swimming pool or tennis court for private use must be located: a)behind the primary frontage setback; or b)in the rear yard.	P2A swimming pool or tennis court for private use must designed and located to: 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.
Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.	Further development at the site will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.

**12.4.2 Clause 12.4.2.1 only applies to development other than the Residential Use Class.**

**12.4.2.1 Non Residential Buildings**

<p><b>Objective</b> To ensure that all non-residential development undertaken in the Low Density Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1If for permitted or no permit required uses.	<p>P1Development must be designed to protect the amenity of surrounding residential uses and:</p> <p>a)the proportion of the site covered by buildings must have regard to the:</p> <p>i)size and shape of the site; and</p> <p>ii)site coverage of existing buildings and any constraints imposed by existing development or the features of the site; and</p> <p>iii)site coverage of adjacent properties; and</p> <p>iv)effect of the visual bulk of the building and whether it respects the neighbourhood character; and</p> <p>v)capacity of the site to absorb runoff; and</p> <p>vi)landscape character of the area and the need to remove vegetation to accommodate development; and</p> <p>b)the building height must have regard to the:</p> <p>i)effect of the slope of the site on the height of the building; and</p> <p>ii)relationship between the proposed building height and the height of existing adjacent and buildings; and</p> <p>iii)visual impact of the building when viewed from the road and from adjoining properties; and</p> <p>iv)degree of overshadowing and overlooking of adjoining properties; and</p> <p>c)the setback of the building to a road frontage must be appropriate to the location and the character of the area having regard to:</p> <p>i)the prevailing setbacks of existing buildings on nearby lots; and</p> <p>ii)the visual impact of the building when viewed from the road; and</p> <p>iii)treatment of development within front setback; and</p> <p>d)the setback of the building to side and rear boundaries must prevent unreasonable impacts on the solar access and privacy of habitable room windows and private open space of adjoining dwellings; and</p> <p>e)traffic circulation and parking areas must be located away from residential</p>



	<p><i>boundaries; and</i></p> <p><i>f)landscaping must integrate development having regard to:</i></p> <p><i>i)the level and effectiveness of physical screening by fences or vegetation; and</i></p> <p><i>ii)the location and impacts of illumination of the site; and</i></p> <p><i>iii)passive surveillance of the site.</i></p>
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable.

### 12.4.3 Subdivision

#### 12.4.3.1 Lot Area, Building Envelopes and Frontage

<p><b>Objective</b></p> <p>To ensure:</p> <p><i>a)the area and dimensions of lots are appropriate for the zone; and</i></p> <p><i>b)the conservation of natural values, vegetation and faunal habitats; and</i></p> <p><i>c)the design of subdivision protects adjoining subdivision from adverse impacts; and</i></p> <p><i>d)each lot has road, access, and utility services appropriate for the zone.</i></p>	
Acceptable Solutions	Performance Criteria
<p>A1.1Each lot must:</p> <p><i>a)have a minimum area of 1ha; and</i></p> <p><i>b)have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</i></p> <p><i>c)be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</i></p> <p><i>d) be for the provision of public utilities; or</i></p> <p><i>e)for the consolidation of a lot with another lot with no additional titles created; or</i></p> <p><i>f)to align existing titles with zone boundaries and no additional lots are created.</i></p> <p>A1.2Subdivision at Devon Hills will not result in any new lots.</p>	<p>P1.1Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <p><i>a)a dwelling to be erected in a convenient and hazard free location; and</i></p> <p><i>b)on-site parking and manoeuvrability; and</i></p> <p><i>c)adequate private open space; and</i></p> <p><i>d)reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</i></p> <p><i>e)development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</i></p> <p>P1.2Land in Devon Hills must not be further subdivided</p>
<p>Lots 1 and 2 are proposed to be 5,000m<sup>2</sup> +/- . As this is under 1 ha it does not comply with A1.1 a) and must address the performance criteria.</p> <p>The proposed eastern (side) boundary setback from the existing dwelling at Lot 2 is 6m and cannot comply with the setback requirements of Clause 12.4.1.4. therefore, the proposal does not comply with A1.1 b) A1.1 c) – f) are not applicable.</p> <p>A1.2 does not apply – the site is not in</p>	<p>a. There will be no change to the location of the existing building on proposed Lot 2. The only hazard identified for the site is bushfire hazard. The bushfire hazard report demonstrates that each lot has sufficient useable area and dimensions to allow for a dwelling to be erected in a convenient location at a Bushfire Attack Level 19 in accordance with the Bushfire-prone areas Code.</p> <p>b. The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for on-site parking and manoeuvrability.</p> <p>c. The size of the lots and the slope of the land gives sufficient</p>



Devon Hills.	<p>useable area and dimensions to allow for adequate private open space.</p> <p>d. The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow reasonable vehicular access from the carriageway of the road to a building area identified in the Bushfire Hazard Management Report.</p> <p>e. The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</p> <p>P1.2 does not apply – the site is not in Devon Hills.</p>
A2Each lot must have a frontage of at least 6m.	P2No performance criteria.
Complies. Each lot has frontage of at least 6m.	N/a
<p>A3Each lot must be connected to a reticulated:</p> <p>a)water supply; and</p> <p>b)sewerage system.</p>	<p>P3Lots 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>
Does not comply. Must address the performance criteria.	<p>An on-site wastewater assessment by Environmental Service and Design Pty Ltd was provided with the application. The assessment finds:</p> <p>The property is not within the sewer serviced area of Perth with the closest sewer main approximately 860m south. It is impractical to connect to the reticulated sewer and on-site disposal will be required.</p> <p>Surface rock was noted on both proposed vacant lots. All attempts to obtain a core sample met with refusal at between 100mm – 300mm.</p> <p>The presence of surface rock restricts the system selection of the on-site wastewater design but does not preclude either lot from accommodating an on-site wastewater system.</p> <p>Based on the results of the site and soil evaluation an on-site wastewater system based on a secondary treatment system and designed in accordance with AS/NZS1547-2012 will be required.</p> <p>The system selection and location of the on-site wastewater disposal area will depend upon the size of any dwelling proposed and its position within the lot and a site-specific on-site wastewater design in accordance with AS/NZS1547-2012.</p> <p>With a proposed area of 5,000m<sup>2</sup> each, lots 1 and 2 have the capability to accommodate a secondary treatment on-site wastewater management system.</p> <p>There is an existing approved on-site wastewater management system for the existing dwelling. With a proposed area of 5000m<sup>2</sup> the existing system will remain wholly within the lot. System components were identified during the site assessment. The septic tank is to the east of the dwelling and the disposal area, estimated at 25-30m, is located north of the existing buildings. There were no obvious signs of failure such as offensive odour or seepage noted during the site assessment.</p> <p>There is adequate area within the lot for relocation of the disposal area if required in the future which is clear of the access and impervious areas.</p>



	<p>The proposal has the capability to meet the requirements of clause 12.4.3.1 P3 (b) of the scheme.</p> <p>Council's records show that the existing house on lot 2 has a septic tank.</p>
<p>A4 Each lot must be connected to a reticulated stormwater system.</p>	<p>P4 Stormwater may only be discharged from the site in a manner that will not 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>
<p>Council's Works and Infrastructure Department advises that the proposed drainage easement is not required as Lot 1 will drain to the kerb, and lot 2 and 3 will be capable of managing stormwater on site.</p> <p>Proposed lots 2 and 3 require assessment against the Performance Criteria.</p>	<p>A Wastewater Assessment prepared for the proposal includes assessment of the proposed development against the provisions of the Performance Criteria and concludes that the proposed development will meet the specified requirements through the implementation of raised or subsurface beds and trenches.</p>

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Complies. Refer Bushfire Hazard Report prepared by Scott Livingston BFP-105, dated: 26 <sup>th</sup> July 2021, Version: 2, demonstrating compliance with the applicable acceptable solutions.
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 – each lot has enough area to provide for the required 2 spaces per dwelling.
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 – General Manager provided consent to taking cash in lieu of land for public open space on 5 October 2021.
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**

<b>Objective</b> 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.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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**

<b>Objective</b> 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
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c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
<p>A1The 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:</p> <p>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building areas on new lots; and</p> <p>c) outdoor sitting, entertainment and children's play areas</p>	<p>P1Development 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:</p> <p>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</p> <p>b)mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c)ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</p> <p>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.</p>
N/a	N/a

#### E4.7.2 Management of Road Accesses and Junctions

<p><b>Objective</b></p> <p>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.</p>	
Acceptable Solutions	Performance Criteria
<p>A1For 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.</p>	<p>P1For 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.</p>
Complies	N/a
<p>A2For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</p>	<p>P2For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>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</p> <p>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</p> <p>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.</p>
N/a	N/a

#### E4.7.3 Management of Rail Level Crossings

<b>Objective</b>
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To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
Acceptable Solutions	Performance Criteria
A1Where 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.	P1Where 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

<b>Objective</b> 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
A1Sight 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 <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or c)If the access is a temporary access, the written consent of the relevant authority has been obtained.	P1The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.
Complies.	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)	
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 E7.0  
SCENIC MANAGEMENT CODE**

**E7 SCENIC MANAGEMENT CODE**

**E7.1 Purpose of the Code**

*E7.1.1 The purpose of this provision is to:*

- a) *ensure that siting and design of development protects and complements the visual amenity of defined tourist road corridors; and*
- b) *ensure that siting and design of development in designated scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape.*

**E7.2 Application of this Code**

*E7.2.1 This code applies to use or development of land within the scenic management – tourist road corridor and local scenic management areas.*

**E7.3 Definitions of Terms**

*scenic management – tourist road corridor means the area of land within 100 metres measured from each frontage to the scenic management tourist road corridor indicated on the planning scheme maps, except as follows:*

- a) *in urban areas within the general residential, low density residential, village, local business, general business, light industrial, general industrial, community purposes zones; and*
- b) *200m from each frontage for Midland Highway, Illawarra Road, Lake Leake Road and Esk Main Road.*

*local scenic management area means those areas listed in Table E7.1 – local scenic management areas and indicated on the planning scheme maps.*

**E7.4 Use or Development Exempt from this Code**

*E7.4.1 The following use or development is exempt from this code:*

- a) *Use without development, not including plantation forestry; and*
- b) *Subdivision for a boundary adjustment; and*
- c) *road widening.*

**E7.5 Use Standards**

*Not used in this Scheme.*

**E7.6 Development Standards**

**E7.6.1 Scenic Management – Tourist Road Corridor**



**Not applicable. The site is not in a Tourist Road Corridor.**

#### E7.6.2 Local Scenic Management Areas

Objective	
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
A1No acceptable solution.	P1Development (not including subdivision) must have regard to the: <ul style="list-style-type: none"> <li>a) character statement and scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas; and</li> <li>b) impact on skylines, ridgelines and prominent locations; and</li> <li>c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and</li> <li>d) design or treatment of development including:               <ul style="list-style-type: none"> <li>i) the bulk and form of buildings including materials and finishes; and</li> <li>ii) earthworks for cut or fill; and</li> <li>iii) complementing the physical (built or natural) characteristics of the site or area.</li> </ul> </li> </ul>
N/a	Not applicable – the application is for subdivision.
A2No acceptable solution.	P2Subdivision 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: <ul style="list-style-type: none"> <li>a) the local scenic management area – character statement; and</li> <li>b) site size; and</li> <li>c) density of subsequent development; and</li> <li>d) the clearance or retention of vegetation in combination with requirements for hazard management; and</li> <li>e) the extent of works required for roads and to gain access to sites including cut and fill; and</li> <li>f) the physical characteristics of the site and locality;</li> <li>g) any plan over the land through an agreement under S71 of the Act.</li> </ul>
N/a	The subdivision to create two 5,000m <sup>2</sup> lots and one 2.529ha lot is considered to be consistent with the scenic management objectives the Gibbet Hill area to ‘retain remnant tree cover on skylines and limit further development to low density and low impact’ and the character statement is ‘low density settlement areas with remnant tree cover on skylines visible along important tourism routes’.

**Table E7.1 – Local Scenic Management Areas**

<p><b>Local Scenic Management Areas are typically found in the northern and western areas of the Municipality –</b></p> <ul style="list-style-type: none"> <li>o 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,</li> <li>o 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</li> </ul> <p>1Mt Arnon 2Gibbet Hill 3Devon Hills 4Evandale 5Great Western Tiers 6O’Connor’s Peak</p>
---



<i>70' Connor's Sugarloaf</i>	
<b>Character Statement –</b>	
<b>Areas 1,5,6,7</b> – undeveloped tree covered skylines and bushland cover on elevated slopes with high habitat values, visible along important tourism routes and other through roads	
<b>Areas 2,3</b> – low density settlement areas with remnant tree cover on skylines visible along important tourism routes	
<b>Area 4</b> – pastoral views across river flood plains and grazing land visible along important tourism routes	
<b>Scenic Management Objectives –</b>	
<b>Areas 1,5,6,7</b> – retention of natural tree cover on skylines and existing bushland cover on elevated slopes and of pastoral views across river flood plains	
<b>Areas 2,3</b> – retain remnant tree cover on skylines and limit further development to low density and low impact	
<b>Area 4</b> – protect pastoral views across grazing land and river flood plains wherever visible along tourism routes or through roads from unsympathetic development	
<b>Scenic Management Criteria</b> – development of land does not:	
<ul style="list-style-type: none"> <li>o intrude onto skylines or river flood plains, or</li> <li>o change the landscape character of elevated areas, pastoral scenes or river flood plain views as seen from tourist corridors or through roads</li> </ul>	
<b>Local Criteria:</b>	<b>Measurement or qualifier:</b>
None	Visible from a tourist route or through road

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	Demolition of shed and water tank - complies.
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 &amp; Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<b>Strategic Plan 2017-2027</b>	
<ul style="list-style-type: none"> <li>• Statutory Planning</li> </ul>	

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 \$4200.)

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.

**Comment:**

At the request of the applicant the General Manager has agreed to accept a cash in lieu payment for the three lot subdivision.

**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?		R
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"?		R
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?		R
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?	R	
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?		R
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?		R
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 <a href="#">Water and Sewerage Industry Act 2008</a> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?	R	
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		R
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 <a href="#">Roads and Jetties Act 1935</a> has first not approved so much of the application as affects the drainage?		R
	<b>If 'yes', refuse the subdivision.</b>		
Section 85	Refusal of application for subdivision		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
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;		R
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		R
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;		R





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;		R
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		R
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		R
85(d)(iii)	public open space;		R
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;		R
85(d)(v)	private roads, ways or open spaces;		R
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;		R
85(d)(vii)	licences to embank highways under the <a href="#">Highways Act 1951</a> ;		R
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		R
85(d)(ix)	provision for the preservation of trees and shrubs;		R
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;		R
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;		R
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;		R
85(g)(ii)	party-wall easements;		R
85(g)(iii)	the state of a party-wall on its boundary.		R
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	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;		R
86(2)(d)	the works required for the discharge of the owner's obligations under <a href="#">section 10 of the Local Government (Highways) Act 1982</a> in respect of the highways opened or to be opened on the subdivision;		R
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;		R
86(2)(f)	the filling in of ponds and gullies;		R
86(2)(g)	the piping of watercourses.		R
	<b>If 'yes':</b>		
	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?		R
	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)		R
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		R

## 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 development standards within Low Density Residential Zone – lot size less than 1ha; vary side (E) setback for Lot 2; vary frontage (N) setback for Lot 2; no reticulated water or sewerage services; no connection to a reticulated stormwater system.
- Consistency with provisions of the Scenic Management Code.

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

The proposal complies with the planning scheme as discussed in this report. It is recommended that the proposal will be approved to be used and developed in accordance with the proposal plans.

## RECOMMENDATION

That land at 42-48 Fairtlough Street, Perth be approved to be developed and used for a 3 Lot Subdivision (Vary Lot Sizes, Vary Side [E] Setback (Lot 2), Vary Frontage [N] Setback (Lot 2), Vary Water Supply, Vary Sewerage System, Vary Stormwater System, Bushfire-Prone Areas Code, Scenic Management Code) in accordance with application PLN-21-0271, and subject to the following conditions:

### 1) Layout not altered

The use and development shall be in accordance with the endorsed plans as follows:

Job Number L210618, date 25/10/21, Edition v2.1, Sheet 1/1

### 2) Council's Works and Infrastructure Department conditions



#### W.1 Stormwater

Lot 1 must be provided with a connection to the Council drainage system in Faritlough St.

All stormwater water from existing structures and hardstand areas on lot 2 must be contained on the site and a plan must be provided show the stormwater arrangements

Concentrated stormwater must not be discharged into neighbouring properties.

#### W.2 Access (Rural)

A driveway crossover and hotmix sealed apron must be constructed from the edge of the road to the property boundary of all Lot/s in accordance with Council standard drawings TSD R03 and R04.

Access works must not commence until an application for vehicular crossing has been approved by Council.

#### W.3 As constructed information

As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.

#### W.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.

#### W.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.

#### W.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.

#### W.8 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.

#### W.9 Nature strips

Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.

### 3) Public Open Space Contribution



- A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy of \$1,400 per additional lot created; or
- The applicant may obtain a valuation not less than one month old 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.

**4) Notes pursuant to the Local Government (Building and Miscellaneous Provisions) Act**

The final plan must contain the following notes:

- For lots 1 and 3, the final plan of subdivision must note that Council will not permit a septic tank.
- For lots 1, 2, and 3, the final plan of subdivision must note that the regulated entity cannot or will not provide a supply of water to the block or provide a means of reticulated sewerage for the block.

**5) Sealing Final Plans**

All conditions must be completed before the Final Plan is sealed.



## 15.5 PLN21-0153: 20 LONGFORD CLOSE AND 123A WELLINGTON STREET, LONGFORD

*File:* 113600.568  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Danielle Gray, Planning Consultant

### 1 INTRODUCTION

This report assesses an application for a re-subdivision of two lots and change of use from ancillary dwelling to single dwelling at 20 Longford Close and 123A Wellington Street, Longford.

### 2 BACKGROUND

**Applicant:**

Commercial Project Delivery (CPD)

**Zone:**

General Residential zone (20 Longford Close) and  
Rural Resource zone (123a Wellington Street)

**Classification under the Scheme:**

Subdivision

**Deemed Approval Date:**

18 December 2021

**Owner:**

Brian John Oliver and Rebecca Louise Oliver

**Codes:**

Bushfire Prone Areas Code  
Flood Prone Areas Code (Planning Directive 5.1)  
Car Parking and Sustainable Transport Code

**Existing Use:**

Residential / Resource development

**Recommendation:**

Refuse

**Discretionary Aspects of the Application:**

- Reliance on the performance criteria of the Rural Resource Zone.
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code.
- Reliance on the performance criteria of the Bushfire Prone Areas Code.

**Planning Instrument:**

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

### Preliminary Discussion

There is no record of the applicant holding preliminary discussions with council staff, prior to the lodgment of the planning application.

### 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

The proposed development involves two properties. These are 20 Longford Close (CT-2152943/18) and 123a Wellington Street (CT-148509/1).



The proposed subdivision seeks to amend a title boundary between 20 Longford Close (zoned wholly General Residential) and 123a Wellington Street (zoned wholly Rural Resource with the exception of the access strip that provides access and frontage to Wellington Street).

The proposal is treated as a subdivision under the Planning Scheme as while the proposal does not involve the creation of any new titles per se, there are no development standards to facilitate boundary adjustments in the Rural Resource zone use and development standards in the Planning Scheme.

On that basis, all proposed boundary adjustments must be assessed under relevant subdivision standards for the Rural Resource zone.

The proposal seeks to amend the boundary between 20 Longford Close and 123a Wellington Street to result in a re-subdivision of 2 lots. The proposal seeks to subdivide approximately 1.41ha of land from 123a Wellington Street and adhere this land to 20 Longford Close to form an enlarged lot with an area of approximately 1.51ha (Lot 1 on the proposal plan) with the balance land comprising an area of 26.21ha (balance lot on the proposal plan).

The proposed lot 1 will contain an existing dwelling which has been previously approved by Council as an ancillary dwelling (Council reference P06-250 – Granny Flat & Swimming Pool at 123a Wellington St) while the Balance lot will contain the existing residence at 123A Wellington Street and all outbuildings.

As a result of the proposed separation of the existing dwelling and ancillary dwelling by proposing to locate these on their own separate and individual titles, the proposal also seeks approval for a change of use for the existing ancillary dwelling to become a single dwelling.

In addition to the proposal plan prepared by PDA Surveyors (dated 11 November 2019), the planning application accompanying the proposed development includes the following consultant reports submitted to Council:

- Planning report prepared by Ms Chloe Lyne of CPD and dated: 7 June 2021;
- Bushfire assessment prepared by Mr Scott Livingston, Version 3 and dated 10 November 2021; and
- Agricultural report prepared by Mr Jim Cuming of Macquarie Franklin and dated 14 May 2020.

It is noted that the proposal plan is the same document and proposal plan unchanged from when it was submitted to Council as part of PLN-18-0274 which was refused by Council.

The bushfire assessment has been amended to provide an assessment against bushfire Performance Criteria requirements in the applicable Planning Directive 5.1 Bushfire Prone Areas Code.





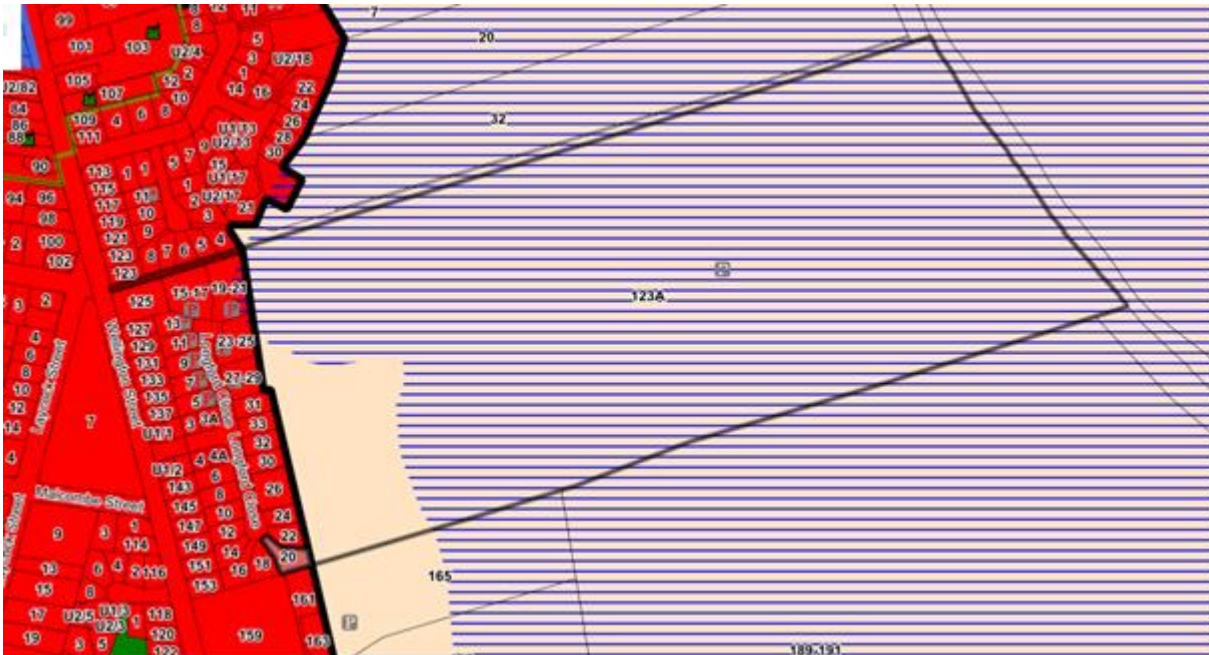
Subdivision plan





#### 4.2 Zone and Land Use

Zone Map – General Residential Zone (red), Rural Resource Zone (beige). Blue lines indicate flood prone area. Bold black line indicates the urban growth boundary which is cited in the Northern Tasmania Regional Land Use Strategy



The land is zoned General Residential Zone (20 Longford Close) and Rural Resource Zone (123A Wellington Street, with the exception of its access strip from Wellington Street) and due to the presence of overlays, is also subject to the Bushfire Prone Areas Code (Planning Directive 5.1) and the Flood Prone Areas 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>
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#### 4.3 Subject Site and Locality

The subject site 20 Longford Close and 123a Wellington Street consists of two lots (989m<sup>2</sup> and 27.62ha).

The property 20 Longford Close contains an existing garage with access from Longford Close and is a wholly General Residential zoned lot. The proposal will retain this garage and access onto Longford Close for the existing ancillary dwelling currently located on 123a Wellington Street.

The other property 123a Wellington Street currently contains two dwellings (primary dwelling and the smaller ancillary dwelling) and several outbuildings, as well as fencing, sheep yards and paddocks developed for grazing and cropping. Existing access is provided via an access strip off Wellington Street.

Each lot therefore has existing access to a Council maintained road.

It is understood that 20 Longford Close has been used for residential ancillary purposes (garage) and access while 123a Wellington Street has been used for residential use as well as a variety of agricultural uses including cropping (poppies and potatoes), keeping of horses and livestock, pasture and cutting of hay.



*Aerial photograph of area*



*Photographs of subject site*



Above: 20 Longford Close showing existing access and outbuilding. (Source: Council)





Above: Access strip from Wellington Street to 123a Wellington Street. (Source: Council)



Above: Internal access to existing dwelling at 123a Wellington Street. (Source: Council)



Above: Internal access to the dwelling and ancillary dwelling at 123a Wellington Street. (Source: Council)



Above: Existing primary dwelling at 123a Wellington Street. (Source: homehound.com.au)



Above: Pasture at 123a Wellington Street to the north east of the dwelling and ancillary dwelling. (Source: homehound.com.au)



Above: Outbuildings at 123a Wellington Street. (Source: homehound.com.au)

#### 4.4 Permit/Site History

The subject site has an extensive history of planning applications and these are summarized below.



The planning permit history includes:

- 27/99 – Machinery Shed (123a Wellington St)
- 49/98 – Dwelling (123a Wellington St)
- BA12/97 – Machinery Shed (123a Wellington St)
- P03-358 – 29 Lot Subdivision – Longford Close (123a Wellington St)
- P04-164 – 2 Lot Subdivision (123a Wellington St)
- P04-293 – 18 Lot Subdivision (8 Lots in Stage One) – Longford CI (123a Wellington St)
- P05-005 – Dwelling (123a Wellington St)
- P06-023 – 2 Lot Subdivision (123a Wellington St)
- P06-250 – Granny Flat & Swimming Pool (123a Wellington St)
- P07-339 – Farm Machinery (next to granny flat) (123a Wellington St)
- P07-458 – 9 Lot Subdivision – Part 2 of Longford CI (123a Wellington St)
- P08-003 – Dwelling & Shed (20 Longford CI)
- P10-097 – Garage (20 Longford CI)
- P10-188 – Withdrawn- Telecommunications Facility (123a Wellington St)
- P11-330 – Hay Shed (123a Wellington St)
- P12-024 – Extension & Carport (withdrawn) & Verandah (123a Wellington St)
- PLN-18-0274 - re-subdivision of 2 lots (residential & rural resource zoned – refused on the following grounds:

- o Non-compliance with the clauses 26.3.2 P1.1 (b) & 26.4.2 P1 (b) of the Rural Resource Zone in the Northern Midlands Interim Planning Scheme 2013. The land the dwelling is located on is capable of being included with other land for Resource Development use as this is the current situation pre-subdivision. It is not considered that the proposed subdivision would result in a clear increase in productivity due to the constraints of a residential use located within Rural zoned land and the reduction of available land that is not flood prone. Reliance on capital from the sale of lot 1 for improved productive capacity of the balance lot cannot be guaranteed.

It is noted that the current proposal plan is identical to the one refused under PLN-18-0274.

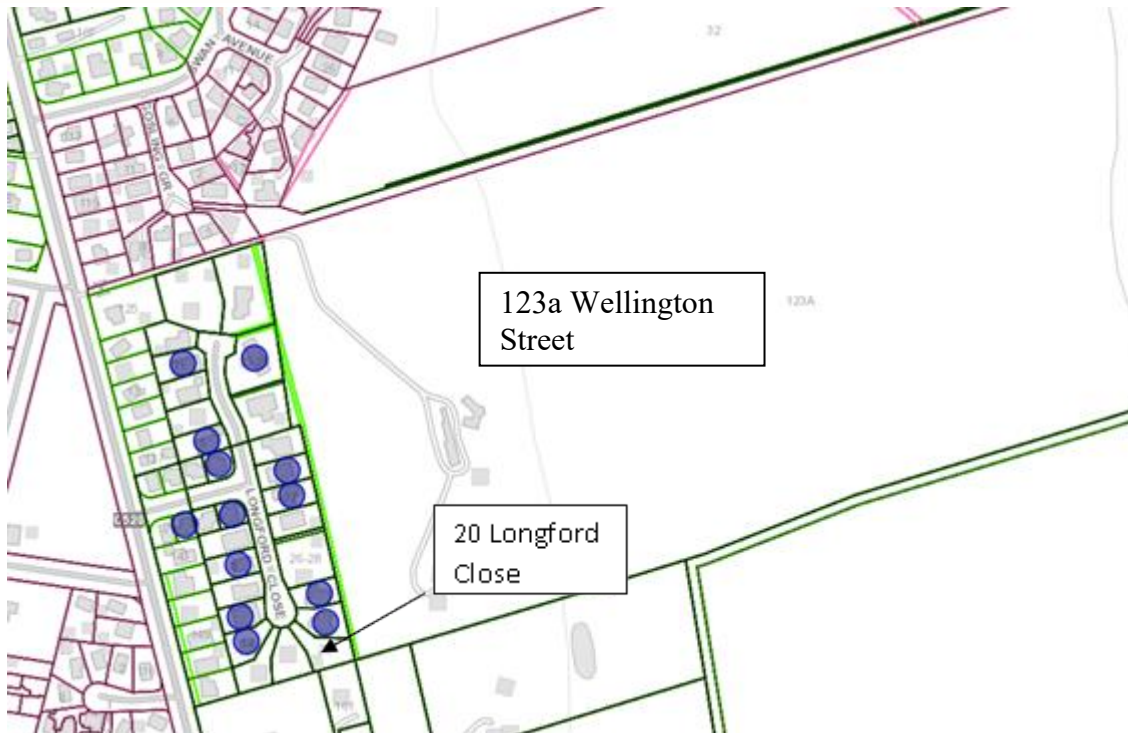
#### 4.5 Representations

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

- Erin and Jack Boyes, 14 Longford Close, Longford; and
- Abby and Jason Stroja, 33 Longford Close, Longford; and
- GAR & WML Butler, 22 Longford Close, Longford; and
- Petition submitted by GAR Butler on behalf of:
  - Peter and Geraldine Dwyer, 12 Longford Close, Longford; and
  - Abby and Jason Stroja, 33 Longford Close, Longford; and
  - Leonie Laycock, 3A Longford Close, Longford; and
  - Sandra and Phillip Pearce, 32 Longford Close, Longford; and
  - Alan and April Power, 2/2 Longford Close, Longford; and
  - Alan and Margaret Roberts, 4a Longford Close, Longford; and
  - Chris and Carol Crawford, 11 Longford Close, Longford; and
  - David and Patricia Stewart, 23-25 Longford Close, Longford; and
  - C and J Cocker, 24 Longford Close, Longford; and
  - Robert Thomas, 8 Longford Close, Longford; and
  - Greg Silvey, 5 Longford Close, Longford.
- TasFire (Bushfire Risk Unit) also submitted a representation.

**Map showing location of representors (and those who signed the submitted petition) properties in relation to subject site**





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

**Issue 1**

- Traffic concerns related to a future dwelling on Lot 1 (20 Longford Close), specifically Traffic access through the site (at 20 Longford Close) will create additional amenity issues from noise/headlights.

Planner's comment:

This concern relates to the potential for future development. Future development would be subject to a further assessment process. In any case, it is considered the amenity impact of a future single dwelling is unlikely to result in any unreasonable impact on the amenity of surrounding residential properties through traffic noise, headlights or dust generated. It is also noted that there is a line of planted trees separating the existing ancillary to other residential properties in Longford Close and it is considered that this screening currently provides a buffer for light intrusion. It should also be noted however, that these trees could be removed as part of a development and the removal of these trees does not, in and of itself, trigger the need for a planning application.

**Issue 2**

- Potential for an additional dwelling on 20 Longford Close, specifically development of a second dwelling on the site would potentially put an access driveway adjacent to appellants property and cause issues from drainage and runoff.

Planner's comment:

This concern relates to the potential for future development. Future development would be subject to a further assessment process. Regardless, the approval of a second dwelling would be required to address stormwater requirements in the planning scheme. The applicant has stated in their documentation to Council that the ancillary dwelling will use the existing access and no driveway upgrade is proposed or required.

**Issue 3**

- Concerns about the potential for rezoning the proposed lot 1 to General Residential from the current Rural Resource zone (and the potential for further residential development).

Planner's comment:

This concern relates to the potential for future development. Future development would be subject to a further assessment process.

It is however worth noting, that the portion of the subject site zoned Rural Resource is located outside the mapped Urban Growth Boundary that is specified in the Northern Tasmania Regional Land Use Strategy. It is the view of the report author that a rezoning to General Residential zone would be unlikely to be supported by the Tasmanian Planning Commission as a result of being located outside the mapped Urban Growth Boundary and the Commission are issuing consistent decisions as such.



#### **Issue 4**

- Concerns about a gradual erosion of land zoned Rural Resource.

Planner's comment:

This concern is discussed in more detail below in the planning assessment against Rural Resource development standards.

#### **Issue 5**

- The subdivision will not achieve the intent and purpose of the Rural Resource zone, specifically the subdivision does not meet the Rural Zone purpose 26.1.1.1. Proposed lot 1 will have limited productive capability.

Planner's comment:

This concern is discussed in more detail below in the planning assessment against Rural Resource development standards.

#### **Issue 6**

- The justification of the subdivision for the purposes of purchasing of agricultural equipment is not a sound planning reason.

Planner's comment:

This concern is discussed in more detail below in the planning assessment against Rural Resource development standards.

#### **Issue 7**

- The proposal fails to comply with E1.6 of the Bushfire Prone Areas Code in that does not provide any evidence that the relevant objectives have been considered or how the conclusion of insufficient increase in risk was reached.

Planner's comment:

This concern is discussed in more detail below in the planning assessment against applicable Code development standards.

#### **4.6 Referrals**

The following referrals were required:

<b>Council's Works and Infrastructure Department</b>
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Council's Engineering Officer advised approval is satisfactory subject to conditions
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<b>TasWater</b>
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TasWater provided a Submission to Planning Authority Notice (TasWater Ref: TWDA 2021/01184-NMC).
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#### **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>
It is considered that the proposed development does not present any objection under any of the above zone purpose statements for the General Residential zone.



#### LOCAL AREA OBJECTIVES

*To consolidate growth within the existing urban land use framework of the towns and villages.*

*To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.*

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

It is considered that the proposed development does not present any objection under any of the above objective statements for 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:**

*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.*

Acceptable Solutions	Performance Criteria
<p>A1 Lots must:</p> <p>a) have a minimum area of at least 450m<sup>2</sup> which:</p> <p>i) is capable of containing a rectangle measuring 10m by 15m; and</p> <p>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p> <p>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</p> <p>c) for the provision of utilities; or</p> <p>d) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>e) to align existing titles with zone boundaries and no additional lots are created.</p>	<p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</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.</p>
<p>A2 Each lot must have a frontage of at least 3.6m.</p>	<p>P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>
<p>Comment: The proposal complies as the lot zoned General Residential (20 Longford Close) already exists.</p>	<p>N/a</p>

##### 10.4.4.2 Provision of Services

**Objective:** *To provide lots with appropriate levels of utility services.*

Acceptable Solutions	Performance Criteria
<p>A1 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P1 Each lot created 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>A2 Each lot must be connected to a reticulated stormwater system.</p>	<p>P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.</p>



Comment: The proposal complies as the lot zoned General Residential already exists.	N/a
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#### 10.4.4.3 Solar Orientation of Lots

<i>Objective: To provide for solar orientation of lots and solar access for future dwellings.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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.
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a
A2 The long axis of residential lots less than 500m <sup>2</sup> , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500 m <sup>2</sup> 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.
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a

#### 10.4.4.5 Integrated Urban Landscape

<i>Objective: To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:</i> a) character and identity of new neighbourhoods and urban places; or b) to existing or preferred neighbourhood character, if any.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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.
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a

#### 10.4.4.6 Walking and Cycling Network

<i>Objective:</i> 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.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 The subdivision must not create any new road, footpath or public open space.	P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to: 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



	<p>c) <i>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</i></p> <p>d) <i>promote surveillance along roads and from abutting dwellings.</i></p>
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a

#### 10.4.4.7 Neighbourhood Road Network

<p><b>Objective:</b></p> <p>a) <i>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</i></p> <p>b) <i>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.</i></p>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <p>a) <i>take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</i></p> <p>b) <i>provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</i></p> <p>c) <i>provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</i></p> <p>d) <i>provide safe and efficient access to activity centres for commercial and freight vehicles; and</i></p> <p>e) <i>ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and</i></p> <p>f) <i>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</i></p> <p>g) <i>provide for service and emergency vehicles to safely turn at the end of a dead-end road; and</i></p> <p>h) <i>take into account of any identified significant features.</i></p>
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a

### RURAL RESOURCE ZONE

#### ZONE PURPOSE

##### 26.1.1 Zone Purpose Statements

- 26.1.1.1 *To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*
- 26.1.1.2 *To provide for other use or development that does not constrain or conflict with resource development uses.*
- 26.1.1.3 *To provide for economic development that is compatible with primary industry, environmental and landscape values.*
- 26.1.1.4 *To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.*



Assessment: The proposal will excise 1.41 hectares of land zoned Rural Resource and adhere this to a smaller 989sqm General Residential zone lot, presumably for the sole purpose of residential use.

While it is acknowledged that the proposed development proposes to purchase agricultural irrigation equipment to enable the irrigation of the balance lot as a result of the sale of the proposed Lot 1, it is also noted that the proposal will formalise the loss of agricultural potential of lot 1 and will result in the fragmentation of land that currently has some agricultural use, if only for grazing and livestock purposes rather than cropping.

It is considered the proposal is in conflict with zone purpose statement 26.1.1.1 as the proposed development seeks to convert a not insignificant portion of flood free land to facilitate residential use. Furthermore, the proposed development does not provide for the sustainable use or development of resources for agriculture or any other primary industry uses for the proposed lot 1. Its subdivision to create a 1.51ha residential lot will ensure it is virtually incapable of any such primary industry use in the future. The submitted agricultural report notes that that land contained in Lot 1 has currently constrained agricultural potential. It is considered that this does not justify the subdivision of this land which will formalise the land as having little to do primary industry potential. Furthermore, it is not accepted that the irrigation of the Balance through the purchase of irrigation equipment is a justifiable means of meeting the Planning Scheme as it is understood that the property 123a Wellington Street has been used in the past for cropping of poppies and potatoes and appears to have a 125 ML water right (confirmed in the accompanying agricultural report as being an 85 ML right) to the immediately adjacent Macquarie River. It is unclear how irrigation equipment in and of itself will significantly improve the use of the balance when it is also noted that the land in question has a land capability classification of 4, which cites it as being suitable for occasionally cropping but suitable for primarily grazing land. Regardless, it is noted that the proposed Lot 1 will effectively lose any agricultural potential in and of itself as a result of being a 1.51ha lot containing a dwelling.

Furthermore, the proposal is in conflict with zone purpose statement 26.1.1.2, as the proposed development will increase the likelihood for the potential for land use conflict between the formalisation and consolidation of residential use and development on Lot 1 and current and future primary industry uses, activity and development on the Balance.

#### LOCAL AREA OBJECTIVES

a) *Primary Industries:*

*Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.*

*The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.*

*Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.*

b) *Tourism*

*Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.*

*The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.*

c) *Rural Communities*

*Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.*

Assessment: It is considered the proposal does not further the local area objectives of the zone as the long term sustainability of primary industry use for Lot 1 will be permanently lost as this lot essentially converts to a residential lot of 1.51ha in area while the long term sustainability of the Balance lot will be affected by the loss of 1.41ha of area converted to primarily residential use and the current and future use of the Balance will not be demonstrably enhanced by this proposal comprising subdivision.





The land is considered to be non prime agricultural land and the subdivision will fragment this land and further encroach residential use thereby increasing the potential for land use conflict.

### 26.1.3 DESIRED FUTURE CHARACTER STATEMENTS

*The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.*

Assessment: The proposed subdivision in and of itself will not directly result in any changes to the rural landscape.

### USE STANDARDS IN THE RURAL RESOURCE ZONE

Due to the dwelling located on the proposed Lot 1 being originally approved under Planning Permit P06-250 as an 'ancillary dwelling' within the Resource Development use class, assessment against the 'use standards' of the zone are also required, as the subdivision would cause this dwelling to no longer be able to be used ancillary to the dwelling on the balance lot. The use of this dwelling would also change to a 'Residential' use as a 'Single Dwelling'.

### 26.3.2 Dwellings

#### Objective

To ensure that dwellings are:

- a) incidental to resource development; or
- b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.

Acceptable Solutions	Performance Criteria
<p>A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or</p> <p>A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or</p> <p>A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.</p>	<p>P1.1 A dwelling may be constructed where it is demonstrated that:</p> <ul style="list-style-type: none"> <li>a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to: <ul style="list-style-type: none"> <li>i) scale; and</li> <li>ii) complexity of operation; and</li> <li>iii) requirement for personal attendance by the occupier; and</li> <li>iv) proximity to the activity; and</li> <li>v) any other matters as relevant to the particular activity; or</li> </ul> </li> <li>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to: <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and</li> </ul> </li> </ul> <p>P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling; and</p> <p>P1.3 A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles.</p>
<p>Comment: The proposal is not a new dwelling (rather, it is existing), the proposal does not include any alteration or extension and no new ancillary dwelling is proposed. On this basis, the proposal must be assessed under the P1 Performance Criteria.</p>	<p>Comment: The proposal relies on clause P1.1 (b). This clause requires the proposal must demonstrate that the dwelling is located on a site that is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use. Currently the ancillary dwelling on the proposed Lot 1 is part of a larger agricultural property that has been used in the past for cropping and livestock purposes. Currently this dwelling is therefore capable of being included with</p>



	<p>this land for agricultural use given this is the current situation. The proposal will effectively reverse this current situation and result in the dwelling being located on a new and significantly smaller lot that has a significantly diminished ability to accommodate any agricultural or primary industry use or development. Therefore, it is considered the proposal fails to comply with the P1.1 performance criteria.</p> <p>P1.2 A waste water system already services the ancillary dwelling and this clause is complied with.</p> <p>P1.3 The subdivision will provide access over a General Residential zoned lot to provide frontage to Longford Close which is defined as a 'road'.</p>
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### 26.3.3 Irrigation Districts

<p><b>Objective</b> To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i>.</p>	<p>P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced having regard to:</p> <ul style="list-style-type: none"> <li>a) the location and amount of land to be used; and</li> <li>b) the operational practicalities of irrigation systems as they relate to the land; and</li> <li>c) any management or conservation plans for the land.</li> </ul>
<p>Comment: The subject site is located within the Lake River Irrigation District.</p>	<p>Comment: The agricultural report does not make any mention of the subject land being part of any irrigation district.</p> <p>The ancillary dwelling (changing to a Single Dwelling as a result of being located on its own individual title) is a non agricultural use.</p> <p>The proposed subdivision will result in 1.41ha being excised from the primary agricultural lot (the Balance lot in the plan of subdivision) and the land comprising Lot 1 having no irrigation potential due to its use becoming solely residential with a significantly diminished ability to cater for any primary industry use. The overall amount of land able to be irrigated will therefore be reduced as a result of the subdivision.</p> <p>The conversion of this portion of land within the proposed Lot 1 to a focus on residential use is also likely to impact on the irrigation potential of the Balance as a result of the increased likelihood of land use conflict between residential use in separate ownership on Lot 1 and primary industry and cropping use on the Balance. It is therefore considered the proposal fails to comply with 26.3.3.P1.(a).</p>

## DEVELOPMENT STANDARDS IN THE RURAL RESOURCE ZONE

### 26.4.1 Location and Appearance

<p><b>Objective</b> To ensure that the:</p> <ul style="list-style-type: none"> <li>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</li> <li>b) development of buildings is unobtrusive and complements the character of the landscape.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Building height must not exceed:</p> <ul style="list-style-type: none"> <li>a) 8m for dwellings; or</li> </ul>	<p>P1 Building height must:</p> <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding</li> </ul>



b) 12m for other purposes.	landscape; and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal..
Comment: The proposed subdivision does not seek approval for any alteration to any building affecting its height.	N/a
A2 Buildings must be set back a minimum of: a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
Comment: The proposed subdivision seeks a new boundary to the ancillary dwelling proposed to be converted to a Single Dwelling (a sensitive use) less than 200m and therefore the P2 Performance Criteria are applicable.	On page 14 of the agricultural assessment by consultants Macquarie Franklin, the proposed new eastern boundary of Lot 1 is located 94.1m from the existing ancillary dwelling that will be contained within this new lot. This is less than half the 200m minimum setback of buildings where a sensitive use (the dwelling) is proposed. When considered against the P2 Performance Criteria, it is considered the topography of the land (being essentially level with no vegetative screening) will not create any buffers. The land itself does not display any topography or natural features that will assist in avoiding the potential for land use conflict and facilitate primary industry operations on the Balance lot. The Balance land appears to have been previously used for cropping use and as part of the application, it is intended to intensify by 150% this capability by the introduction of irrigation infrastructure (linear pivot system) as outlined in the agricultural report submitted by the applicant. The agricultural report states: <i>The proposed Lot 1 subdivision and associated boundary adjustment has been carefully planned so that would impose a negligible negative impact, constraint and/or disruption to the agricultural land use activities and residential amenity on the balance of the property.</i> <i>The Lot 1 subdivision has well established gardens and trees planted on the eastern and northern boundary of the residential dwelling, with significant shelter belt vegetation along the south and west boundaries all of which provide a high level of privacy, shelter and buffering to the adjacent farm land, in particular the land use activity on the adjoining balance land Lot 2.</i> It is however noted that the ancillary dwelling appears (by observing satellite imagery) no discernible planting to the east and what planting exists, appears to be of a scale and extent that would be unlikely to effectively screen out agricultural activity such as spraying, odour, dust, noise or irrigation drift. On this basis, it is considered the proposal fails to comply with P2(a) to (d) inclusive.

DEVELOPMENT STANDARDS FOR SUBDIVISIONS IN THE RURAL RESOURCE ZONE



<p><b>Objective</b> To ensure that subdivision is only to:</p> <ul style="list-style-type: none"> <li>a) improve the productive capacity of land for resource development and extractive industries; or</li> <li>b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or</li> <li>c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Lots must be:</p> <ul style="list-style-type: none"> <li>a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</li> <li>b) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>c) to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<p>P1 The subdivision</p> <ul style="list-style-type: none"> <li>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</li> <li>b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished.</li> </ul>
<p>Comment: The proposed subdivision does not seek approval for any of the above and therefore the proposal must be assessed under the P1 Performance Criteria.</p>	<p>Comment:</p> <p>The following comments were made against the same proposal in PLN-18-0274:</p> <p><i>Relies on performance criteria P1 (a) for compliance.</i></p> <p><i>The application for subdivision has been made on the sole basis that the improvement to the productive capacity of the land will be via the capital made available from the sale of proposed lot 1 for irrigation infrastructure to be established on the balance land. The agricultural report submitted with the application notes that land improvements are proposed to be based on significant irrigation infrastructure such as an irrigator, upgraded irrigation mains and improved pumping capacity. No further information was provided regarding the timeline for installation or plan for how such irrigation would be utilised within the enterprise. Unfortunately, it cannot be guaranteed through assessment under the planning scheme that such improvements would take place, nor is there a mechanism in which to enforce the utilisation of such capital.</i></p> <p><i>Further, the application proposes to change the use of a dwelling that was constructed as an 'ancillary dwelling' integral and subservient to the agricultural use of the site (P06-250) to a residential use, which has the potential to constrain adjoining primary industry operations, particularly if intensification of this use is envisaged. In circumstances where the entity conducting the farming operation is the same as the entity occupying a dwelling, there is unlikely to be conflict due to the farming operations; residents will probably tolerate noise, dust and spray drift, and the farming operators are probably more careful to manage these potential impacts as they are directly impacted by them. By extending residential land uses beyond the urban growth boundary, the potential for conflict in land</i></p>



	<p><i>uses is increased and a precedent is set for residential uses occupying Rural Resource zoned land.</i></p> <p><i>Due to most of the block flooding during significant flood events, the removal of proposed lot 1 from the balance farming land would also limit flood free ground in which to move any stock to during a flood event, resulting in further constraints to the capacity of the land for primary industry uses. The site's flood risk also limits the options for permanent irrigation infrastructure.</i></p> <p><i>Accordingly, it is not considered that the proposed subdivision would result in a clear increase in productivity and therefore, the performance criteria of clause 26.4.2 is not met.</i></p> <p>Since the refusal of the application by Council in 2019, the same subdivision plan has been resubmitted to Council as a new proposal without any changes. A planning report and updated agricultural report have also been submitted with the application documentation. This agricultural report did not provide any further information regarding the timeline for installation but did provide particulars as to how the purchase and use of a linear pivot irrigation system would be utilised on the Balance lot. However, despite the lodgement of this additional information, it still cannot be guaranteed through assessment under the Planning Scheme that such improvements would take place, nor is there a mechanism in which to enforce the utilisation of such capital as part of the planning process.</p> <p>It is also noted that all of the other concerns outlined in the original planner's report to Council still remain.</p> <p>Furthermore, it is also noted that the proposal ignores the fact that the subdivision in and of itself will result in Rural Resource land within the proposed Lot 1 being effectively converted to residential use and rather than being improved as required under P1(a) or not materially diminished as required under P1(b), the productivity of this portion of the site will be effectively lost.</p>
CODES	
<p>E1.0 BUSHFIRE PRONE AREAS CODE</p>	<p>One of the representations received was from the Bushfire Risk Unit at TasFire. TasFire have noted in their representation that the bushfire assessment undertaken in 2018 and lodged again with this application does not demonstrate compliance with Clause E1.6 of the Bushfire Prone Areas Code. As a result of this representation and the concerns included within, advice was provided to the applicant who provided an amended bushfire assessment in November 2021. This amended Bushfire Hazard Management Plan and accompanying assessment was endorsed by TasFire as being sufficient to approve subject to a conditions. Comments were provided from TasFire about this amended Version 3 bushfire assessment as follows:</p> <p><i>In our representation we queried the justification</i></p>



		<p><i>that was provided in support of the certified exemption from Scott Livingston. It appears he has subsequently changed his assessment and has now provided a BHMP. The BHMP identifies building areas, hazard management areas, private access to building areas and notional locations for onsite static water supplies.</i></p> <p><i>My reading of the report is that it is saying the existing access to the balance lot is acceptable and that no improvements are necessary. While the report says both lots have compliant existing access, I assume Lot 1 will actually rely on the new private access from Longford Close, rather than maintaining its existing access across the balance lot. If that's the case, there should be no issues with the new private access being constructed to the required minimum standard. The report states that the private access to Lot 1 is "around 160m" in length and it does appear to be under 200m, so there should be no need for a passing bay.</i></p> <p><i>The report doesn't give much guidance about when the BHMP needs to be implemented. This can probably be dealt with via permit conditions. The static water supplies, hazard management areas and access to Lot 1 should similarly be installed prior to sealing titles to the satisfaction of NMC.</i></p> <p>Accordingly, TasFire have recommended that any approval could be conditioned as part of any permit issued by Council.</p> <p>On this basis, it is considered the proposal sufficiently complies with E1.6.A1 and P1 of the Code, subject to a condition of approval on any permit issued by Council.</p>
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	N/a – each lot has an existing access onto Longford Close and also Wellington Street. The application for subdivision does not seek approval for an intensification of use of each access is proposed beyond what has been previously approved.
E5.0	FLOOD PRONE AREAS CODE	The proposal complies. See code assessment below.
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	This Code does not set any requirement Resource Development uses. Two parking spaces are currently available for the ancillary dwelling to be subdivided onto the proposed Lot 1 with no changes proposed.
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 – The proposed subdivision does not propose subdivision involving the creation of new titles in the General Residential zone. This Code is therefore not relevant.





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 E5  
Flood Prone Areas Code**

**E5.5 Use Standards**

**E5.5.1 Use and flooding**

<b>Objective</b> To ensure that use does not compromise risk to human life, and that property and environmental risks are responsibly managed.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 The use must not include habitable rooms.	P1 Use including habitable rooms subject to flooding must demonstrate that the risk to life and property is mitigated to a low risk level in accordance with the risk assessment in E5.7.
<b>Comment:</b> The proposal complies with A1 as no new habitable buildings are being proposed.	
A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.	P2 Use must demonstrate that the risk to life, property and the environment will be mitigated to a low risk level in accordance with the risk assessment in E5.7.
<b>Comment:</b> The proposal complies with A2.	

**E5.6 Development Standards**

**E5.6.1 Flooding and Coastal Inundation**

<b>Objective</b> To protect human life, property and the environment by avoiding areas subject to flooding where practicable or mitigating the adverse impacts of inundation such that risk is reduced to a low level.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	P1.1 It must be demonstrated that development: a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or b) where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7. P1.2 Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7. P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that: a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures; c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and d) where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an



	approved hazard reduction plan covering the area in which the works are proposed.
<p>Comment:</p> <p>The proposal complies with P1.1 (a).</p> <p>P1.2 – N/a. P1.3 – N/a.</p>	

**E5.7 Risk Assessment**

**(a)** Where an assessment of risk under the risk assessment table for a use or development is required, it is to be classified through the determination of consequence contained in the criteria in b) together with the likelihood of flood occurrence contained in c).

**Table E5.1 AS/NZS 4360:2004 Risk Consequence and Likelihood Matrix Table**

Likelihood	Consequences				
	Catastrophic	Major	Moderate	Minor	Insignificant
Moderate	High	High	High	Medium	Low
Unlikely	High	Medium	Medium	Low	Low
Rare	High	Medium	Medium	Low	Low

**b) Consequence Criteria**

**Catastrophic** Loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.

**Major** Extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

**Moderate** Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces. Moderate environmental damage with a short-term natural or remedial recovery time.

**Minor** Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.

**Insignificant** No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.

Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.

**c) Likelihood – Annual Exceedance Probability**

1:25 (4%) Moderate

1:50 (2%) Unlikely

1:100 (1%) Rare

**Assessment against E6  
Car Parking and 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



	<ul style="list-style-type: none"> <li>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</li> <li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li> <li>j) any heritage values of the site; and</li> <li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> <li>i) the size of the dwelling and the number of bedrooms; and</li> <li>ii) the pattern of parking in the locality; and</li> <li>iii) any existing structure on the land.</li> </ul> </li> </ul>
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**Comment:**

The proposal complies – there are 2 spaces available for the proposed residential use (conversion of the ancillary dwelling to a dwelling on its own title). The Code does not set any requirement car parking spaces to be provided for resource development use of the balance land.

**Table E6.1: Parking Space Requirements**

<b>Use</b>	<b>Parking Requirement</b>	
	<b>Vehicle</b>	<b>Bicycle</b>
<b>Residential:</b>		
<i>Residential use in any zone other than General Residential.</i>	<i>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings.</i>	<i>1 space per unit or 1 space per 5 bedrooms in other forms of accommodation.</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.

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
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:**

The proposal complies – 1 space is available for proposed residential use (conversion of the ancillary dwelling to a Single Dwelling). The Code does not set any requirement for the provision of parking for resource development use of the balance land.

**E6.6.3 Taxi Drop-off and Pickup**

Objective: To ensure that taxis can adequately access developments.

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
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:**

N/a

**E6.6.4 Motorbike Parking Provisions**

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

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
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:**

N/a



## 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
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> <li>a) formed to an adequate level and drained; and</li> <li>b) except for a single dwelling, provided with an impervious all weather seal; and</li> <li>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</li> </ul>	<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:

In the event an approval was granted, it is considered reasonable to apply a condition to be required on a planning permit if a planning approval is issued, to ensure that A1 is met.

### 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> <ul style="list-style-type: none"> <li>a) the layout of the site and the location of existing buildings; and</li> <li>b) views into the site from the road and adjoining public spaces; and</li> <li>c) the ability to access the site and the rear of buildings; and</li> <li>d) the layout of car parking in the vicinity; and</li> <li>e) the level of landscaping proposed for the car parking.</li> </ul>

Comment:

A1.1 – N/a

A1.2 – N/a

<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</li> <li>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</li> </ul> <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> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
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Comment:

The proposal relies on the P2 Performance Criteria as A2 is not met. No formed vehicle access is shown on the proposal plan; therefore, it is not clear if access widths and passing bays are met under A2. It is however, considered that there is sufficient space available to comply with P2.

**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
A1 Car parking areas with greater than 20	P1 Car parking areas with greater than 20 parking spaces



<p>a) parking spaces must be 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>a) must provide for adequate security and safety for users of the site, having regard to the:</p> <p>b) levels of activity within the vicinity; and opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.</p>
<p>Comment: N/a</p>	

#### 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 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>P1 The location and design of parking spaces considers the needs of disabled persons, having regard to:</p> <ul style="list-style-type: none"> <li>a) the topography of the site;</li> <li>b) the location and type of relevant facilities on the site or in the vicinity;</li> <li>c) the suitability of access pathways from parking spaces, and</li> <li>d) applicable Australian Standards.</li> </ul>
<p>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.</p>	<p>P2 No performance criteria.</p>
<p>Comment: N/a – Both the dwelling on 123a Wellington Street and the ancillary to be converted to a single dwelling on the proposed Lot 1 are private residences.</p>	

#### 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> <ul style="list-style-type: none"> <li>a) at least one loading bay must be provided in accordance with Table E6.4; and</li> <li>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.</li> </ul>	<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>
<p>Comment: N/a</p>	

#### 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> <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> </ul>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</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	
A1.2	Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	
A2	Bicycle parking spaces must have:	P2
a)	minimum dimensions of:	Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
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 5% from a public area where cycling is allowed.	
Comment: The residential dwelling to be converted from an ancillary dwelling is able to comply with A1.2 & A2.		

#### 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 with A1.		

**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
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 *Land Use Planning & Approvals Act 1993*.

#### STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

##### **Strategic Plan 2017-2027**

- *Statutory Planning*

#### 5 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?		<input checked="" type="checkbox"/>
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"?		<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		<input checked="" type="checkbox"/>
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 <a href="#">Roads and Jetties Act 1935</a> has first not approved so much of the application as affects the drainage?		<input checked="" type="checkbox"/>
	<b>If 'yes', refuse the subdivision.</b>		
Section 85	Refusal of application for subdivision		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
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;		<input checked="" type="checkbox"/>
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		<input checked="" type="checkbox"/>



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;		R
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;		R
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		R
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		R
85(d)(iii)	public open space;		R
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;		R
85(d)(v)	private roads, ways or open spaces;		R
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;		R
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		R
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		R
85(d)(ix)	provision for the preservation of trees and shrubs;		R
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;		R
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;		R
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;		R
85(g)(ii)	party-wall easements;		R
85(g)(iii)	the state of a party-wall on its boundary.		R
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	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;		R
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;		R
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;		R
86(2)(f)	the filling in of ponds and gullies;		R
86(2)(g)	the piping of watercourses.		R
	<b>If 'yes':</b>		
	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.		
<b>Section 107</b>	<b>Access orders</b>	<b>Yes</b>	<b>No</b>
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		R
	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.		
<b>Section 108</b>	<b>Road widening</b>	<b>Yes</b>	<b>No</b>
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)		R
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		R

## 6 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

## 7 DISCUSSION

Council has discretion to refuse the application.

Conditions that relate to any aspect of the application can also be placed on a permit of approval such as those recommended by TasFire to address the bushfire Code.

The application is recommended for refusal due to non-compliance with the clauses 26.3.2 P1.1 (b), 26.3.3 P1 (a), 26.4.1.P2 (a), (b), (c) and (d) and clause 26.4.2 P1 (a).

Subdivision for a new residential dwelling is unlikely to be supported in this location and an existing ancillary dwelling to be converted to a single dwelling must be considered under the same requirements for change of use from 'resource development' to the 'residential' use class.

Creating a lot for a residential use on rural land has the potential to constrain this land as well as increase the likelihood of land use conflict with resource development and agricultural use of the adjoining Balance, which fails to comply with the requirement for a subdivision to improve the productive capacity of the land as a result of the subdivision.

The subdivision will, conversely, result in the reduction of the productive capacity of the land as a result of the excise of a portion of the Rural Resource zoned land onto a 1.51ha lot with virtually no ability to be used for any agricultural use owing to its primary residential use, size and proximity to higher density General Residential zoned properties.

Four representations and a petition were received in objection to the application, citing concerns such as amenity impacts (traffic noise, headlights, dust), change of road layout (cul-de-sac to through road), drainage/stormwater issues, lack of assurance regarding future use of proposed lot 1 and impact on agricultural land (compliance with Rural Resource zone). While many of the representation concerns about the potential for future development on the subject land cannot be considered as concerns related to the proposal itself (which is for subdivision only), the concerns about the loss and fragmentation of rural land are valid concerns for which the proposal seeks a discretion on and furthermore, fails to comply with applicable Performance Criteria.

It is considered that even in the event the proposal could demonstrate that the purchase and use of linear pivot irrigation infrastructure would increase the productivity of the Balance, the land contained within Lot 1 is still zoned Rural Resource and such land also must not have its potential for the use of primary industry diminished as a result of the development. This land will undoubtedly be used for residential use only and being a separate title, it likely to be held under separate ownership. The 1.51ha size of the proposed Lot 1 renders it virtually unusable for any resource development or primary industry use or activity by virtue of its primary use being residential and the central location of the dwelling within the proposed lot when considered against its size.

It is considered that, despite more information and detail being provided on how the additional irrigation (noting the site is already able to be irrigated, appears to have previously supported crops such as poppies and potatoes that require irrigation and has a 85 ML water right to the immediately adjacent Macquarie River) will result in additional agricultural use along with financial considerations and calculations, the justification for the approval of the subdivision by using cash from the sale of the land to buy irrigation equipment cannot be supported from a planning perspective.



## 8 ATTACHMENTS

1. Application PL N-21-0153 [**15.5.1** - 84 pages]
2. Representations [**15.5.2** - 28 pages]
3. Referral Responses [**15.5.3** - 3 pages]
4. Bushfire report 20 Longford Close 123 A Wellington St v 3 [**15.5.4** - 24 pages]
5. Tas Fire acceptance of Bushfire report v 3 [**15.5.5** - 2 pages]

## RECOMMENDATION

That application PLN-21-0153 for a re-subdivision of 2 lots, change of use of ancillary dwelling to single dwelling (General Residential and Rural Resource zones, flood prone area) at 20 Longford Close and 123A Wellington Street, Longford be refused on the following grounds:

1. The proposal fails to comply with clause 26.3.2 P1.1 (b) of the Rural Resource Zone in the *Northern Midlands Interim Planning Scheme 2013* as the site is not practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use.

The land the dwelling is located on is capable of being included with other land for Resource Development use as this is the current situation pre-subdivision. It is not agreed that the proposed subdivision would result in a clear increase in productivity due to the constraints of a residential use located within Rural zoned land, the size of the proposed Lot 1 and the reduction of available land that is not flood prone within the Balance. Reliance on capital from the sale of lot 1 for improved productive capacity of the balance lot cannot be guaranteed.

2. The proposal fails to comply with clause 26.3.3 P1 (a) as the proposed subdivision does not demonstrate that the current and future irrigation potential of the land is not unreasonably reduced as the subdivision will result in the amount of land being available for irrigation purposes being reduced as a result of the excise of a total of 1.41ha from 123a Wellington Street to the proposed Lot 1.
3. The proposal fails to comply with clause 26.4.1.P2 (a), (b), (c) and (d) as the proposed subdivision will result in a building (the existing ancillary dwelling) having a setback likely to constrain adjoining primary industry operations.
4. The proposal fails to comply clause 26.4.2 P1 (a) as the proposed subdivision fails to demonstrate that the productive capacity of the land (comprising all of the land zoned Rural Resource which includes Lot 1) will be improved as a result of the subdivision.



## 16 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.

## 17 ITEMS FOR THE CLOSED MEETING

Item	Local Government (Meeting Procedures) Regulations 2015 Reference
Confirmation of Closed Council Minutes	15(2)(g)
Councillors' Leave	15(2)(h)
Personnel Matters	15(2)(a)
Management Meetings	15(2)(g)
Correspondence Received	15(2)(i)
Action Items: Status Report	15(2)(g)
Information of a Personal Nature	15(2)(g)
Land Acquisition/Purchase	15(2)(f) & 15(2)(g)
Information of a Personal Nature	15(2)(g)
Information of a Personal Nature	15(2)(g)
Information of a Personal Nature	15(2)(g)
Information of a Personal Nature	15(2)(g)
Personnel Matters	15(2)(a)

*Local Government (Meeting Procedures) Regulations 2015 - Part 2 - Meetings*

- (a) *personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (b) *information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;*
- (c) *commercial information of a confidential nature that, if disclosed, is likely to -*
  - (i) *prejudice the commercial position of the person who supplied it; or*
  - (ii) *confer a commercial advantage on a competitor of the council; or*
  - (iii) *reveal a trade secret.*
- (d) *contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;*
- (e) *the security of -*
  - (i) *the council, councillors and council staff; or*
  - (ii) *the property of the council.*
- (f) *proposals for the council to acquire land or an interest in land or for the disposal of land;*
- (g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;*
- (h) *applications by councillors for a leave of absence;*
- (i) *matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;*
- (j) *the personal hardship of any person who is a resident in, or is a ratepayer in, the relevant municipal area.*

### RECOMMENDATION

That Council move into the "Closed Meeting" with the General Manager, Corporate Services Manager, Works Manager, Senior Planner and Executive Assistant to discuss Closed Council Items.

## 18 CLOSURE