



**NORTHERN  
MIDLANDS  
COUNCIL**

# **MINUTES**

**ORDINARY MEETING OF COUNCIL**

**MONDAY, 24 OCTOBER 2022**



MINUTES of the Ordinary Meeting of the Northern Midlands Council held on 24 October 2022 at 5.03pm in person at the Council Chambers, 13 Smith Street, Longford.

## **1 ATTENDANCE**

### **PRESENT**

Mayor Mary Knowles OAM, Deputy Mayor Richard Goss, Cr Matthew Brooks, Cr Andrew Calvert, Cr Jan Davis, Cr Ian Goninon, Cr Janet Lambert, Cr Michael Polley AM

### **In Attendance**

Mr Des Jennings - General Manager, Miss Maree Bricknell - Corporate Services Manager, Mr Leigh McCullagh - Works Manager, Mr Paul Godier - Senior Planner, Mr Ryan Robinson - Planner, Mrs Gail Eacher - Executive Assistant, Ms Lorraine Wyatt - Executive and Communications Officer (Minute taker)

### **APOLOGIES**

Cr Dick Adams OAM



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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.

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### 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.*

Council RESOLVED to accept the following Declaration of Interest:

- Councillor Ian Goninon - 11.2 Assistance for Events: Round 2 - Verandah Music Festival
-



## 5 PROCEDURAL

### 5.1 CONFIRMATION OF COUNCIL MEETING MINUTES

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

##### MINUTE NO. 22/335

##### DECISION

Cr Polley/Cr Goninon

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 26 September 2022, be confirmed as a true record of proceedings.

Carried Unanimously

##### **RECOMMENDATION**

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 26 September 2022, be confirmed as a true record of proceedings.

### 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, 28 November 2022 in person only.

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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

### MINUTE NO. 22/336

#### DECISION

Cr Lambert/Cr Brooks

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

Carried Unanimously

Minutes of meetings of the following Committees are attached:

Date	Committee	Meeting
27/09/2022	Northern Midlands Local Recycling Committee	Ordinary
14/09/2022	Morven Park Management & development Association Inc.	Ordinary
4/10/2022	Ross Local District Committee	Ordinary
4/10/2022	Campbell Town District Forum	Ordinary
4/10/2022	Perth Local District Committee	Ordinary
5/10/2022	Longford Local District Committee	Ordinary
5/10/2022	Cressy 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 CAMPBELL TOWN DISTRICT FORUM

At the ordinary meeting of the Campbell Town District Forum held on 4 October 2022 the following motion/s were recorded for Council's consideration:

#### **Campbell Town Swimming Pool:**

#### **MINUTE NO. 22/337**

#### DECISION

Cr Goninon/Cr Davis

That the request by the Campbell Town District Forum for a community meeting to discuss community concerns about the future of the swimming pool be investigated and a report be provided to Council (the report to include additional costings).

Carried Unanimously

#### Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

#### Voting Against the Motion:

Nil

#### **Officer Recommendation:**

That the request by the Campbell Town District Forum for a community meeting to discuss community concerns about the future of the swimming pool be investigated and a report be provided to Council.

At the ordinary meeting of the Campbell Town District Forum held on 4 October 2022 the following motion/s were recorded for Council's consideration:

#### **Committee Motion:**

*That Council calls a public meeting to be held in Campbell Town to discuss community concern about the future of the swimming pool.*

#### **Officer Comment:**

The Campbell Town War Memorial Oval Swimming Pool Committee was disbanded in May 2021 at which time, Council assumed responsibility for all operational matters including the provision of lifeguards, maintenance, and cleaning of the facility. At this time, all funds held by the committee were transferred to the Northern Midlands Council to be invested back into the pool.

Members of the Campbell Town community, via the Campbell Town District Forum, have expressed concern that the swimming pool does not get the same level of patronage as it did when it was run by a committee and have expressed interest in the reformation of the Campbell Town Swimming Pool Committee with the following issues being raised.

- Early morning swim (6.30am)
- Accessibility
- Guaranteed hours for lifeguards
- Community ownership
- Funding
- Additional ablution block to replace the old one which was removed.



## 7.2 CRESSY LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Cressy Local District Committee held on 5 October 2022 the following motion/s were recorded for Council's consideration:

### **Netball / Basketball Hoops:**

#### **MINUTE NO. 22/338**

#### DECISION

Cr Davis/Cr Goninon

That Council not investigate the feasibility of another netball/basketball hoop being installed at the park.

Carried Unanimously

#### Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

#### Voting Against the Motion:

Nil

#### **Officer Recommendation:**

That Council not investigate the feasibility of another netball/basketball hoop being installed at the park.

#### **Committee Motion:**

*To investigate the feasibility to request to have another one placed at the park.*

#### **Officer Comment:**

Council Officers are currently investigating the installation of netball/basketball hoops at the recreation ground and options for this will be provided once complete however, the second location is too small to install a second hoop which will require a concrete base.



### 7.3 PERTH LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Perth Local District Committee held on 4 October 2022 the following motion/s were recorded for Council's consideration:

#### **Playground Policy and Shade Structures:**

#### **MINUTE NO. 22/339**

#### DECISION

Cr Polley/Cr Goninon

That Council receive a report on the audit of playgrounds currently being undertaken, together with a draft Playground Policy document for discussion prior to consideration of the 2023/2024 municipal budget.

Carried

#### Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Goninon, Cr Lambert and Cr Polley

#### Voting Against the Motion:

Cr Davis

#### **Officer Recommendation:**

That Council receive a report on the audit of playgrounds currently being undertaken, together with a draft Playground Policy document for discussion prior to consideration of the 2023/2024 municipal budget.

#### **Committee Motion:**

- 1) *The PLDC requests that a Playground Policy be developed for the Northern Midlands Council Municipality with particular reference to equipment, shelter and inclusivity.*
- 2) *The PLDC noted the response from council regarding shade sails and shade structures in playgrounds. The committee registered the response of no shade sails/structures and more tree planting as inadequate and requested that this be reconsidered with reference to Cancer Council Sun Safe policies.*

#### **Officer Comment:**

Council considered a motion from the PLDC at its 26 September meeting, at which time the following was the decision of Council:

*That Council review the adequacy of shade provision at each of the playgrounds within the municipality; and consideration be given in future budgets to remedy and deficiencies identified including urgent installation at playgrounds, e.g. Seccombe Street Playground.*

The Committee was advised of Council's decision at their 4 October 2022 meeting.

The audit has commenced.

It would be prudent for Council to consider the introduction of a policy to provide a framework for the upgrading of Council's playgrounds, development of new playgrounds and provision of associated infrastructure at new and existing playgrounds.

It is recommended that the introduction of a policy be considered by Council at a future Council meeting, following completion of the playground audit and prior to the setting of the 2023/2024 municipal budget.



**Train Park Sculptures:**

**MINUTE NO. 22/340**

DECISION

Deputy Mayor Goss/Cr Brooks

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

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

**Officer Recommendation:**

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

**Committee Motion:**

*Could the PLDC be informed of the reason there was no community consultation as to whether these sculptures should be replaced, other types of art work installed or the budgeted money be used for other facilities in the park i.e. inclusive play equipment or shade sails. Are the new sculptures going to cost the same as the budgeted repair cost of \$8,000 . When will the sculptures be finished and installed as the concrete pads and temporary fencing has been in place for some months.*

**Officer Comment:**

At the 1 December 2020 PLDC Meeting the following motion was submitted for Council consideration:

*(i) request Council to consider urgent maintenance to the timber sculptures; play equipment and facilities as part of the 'Special COVID-19 Funding' to ensue appropriate and safe condition for the 2021 sesquicentenary of trains.*

The motion was tabled at the 15 February 2021 Council meeting, with consideration to be given to the project to be included for consideration in Council's budget process.

The following update was provided to the 2 March 2021 PLDC meeting: Difficulty in contracting Eddie Freeman to conduct repairs/maintenance, he has been requested and will progress when his time allows.

In April 2021 a plan of action was tabled at the PLDC meeting, which included the following notation: Urgent repairs need to be made to the tree carvings, as they are badly deteriorating from age and the weather.

With regard to the PLDC's 2021/2022 Budget request, on 6 July 2021 the PLDC were advised: *Train Park: maintenance for play equipment to ensure appropriate and safe conditions; maintenance to timber sculptures – funding included in the budget*

On 1 March 2022 the information was provided in the Agenda for the PLDC meeting in regard to the refurbishment works to be undertaken.

Work on the sculptures is being progressed, but has been hampered by unsuitable weather conditions and COVID related matters.



**William Street Reserve – Naming of Bridge & Installation of Bench Seat:**

**MINUTE NO. 22/341**

DECISION

Cr Davis/Cr Lambert

That Council:

- 1) agree to the proposal to install a bench seat and plaque in honour of John Stagg near the William Street Reserve footbridge;
- 2) agree to the secretarial assistance allocation of the PLDC being contributed toward the installation of the memorial seat; and
- 3) on completion of the William Street Reserve bridge, invite the PLDC and the Perth community to make submissions for the naming of the bridge, prior to a report to Council.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

**Officer Recommendation:**

That Council:

- 1) agree to the proposal to install a bench seat and plaque in honour of John Stagg near the William Street Reserve footbridge;
- 2) agree to the secretarial assistance allocation of the PLDC being contributed toward the installation of the memorial seat; and
- 3) on completion of the William Street Reserve bridge, invite the PLDC and the Perth community to make submissions for the naming of the bridge, prior to a report to Council.

**Committee Motion:**

*To ask Council to honour John Stagg with a seat and plaque rather than naming William St bridge after him as previously proposed and the seat be sited near the bridge. This seat and plaque be paid for out of allocated PLDC secretarial money. Suitable name for the bridge be proposed by the PLDC at a later date*

**Officer Comment:**

- 1) Council considered a request from the PLDC at the 15 August 2022 Council meeting to name the William Street Reserve bridge in honour of John Stagg. The decision of Council at that time was that Council give consideration to that request.  
The PLDC has reconsidered this decision and requested the withdrawal of the previous request and that a bench seat and plaque be installed in his honour, with the PLDC to contribute monies allocated to them in lieu of secretarial support toward the project.
- 2) The PLDC have requested that Council give consideration to the naming of the William Street Reserve bridge by the PLDC, with the Committee to propose a name at a future date.



## 8 INFORMATION ITEMS

### MINUTE NO. 22/342

#### DECISION

Cr Lambert/Deputy Mayor Goss

INFORMATION ITEM - Petitions: That Council acknowledge receipt of the petition in relation to allow dogs on lead in the Ross Village Green.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

### MINUTE NO. 22/343

#### DECISION

Cr Polley/Cr Goninon

That Council authorise the attendance of a second Councillor delegate to attend the 2022 National Local Roads Transport Congress to be held in Hobart from 2 - 3 November 2022.

Carried Unanimously

### MINUTE NO. 22/344

#### DECISION

Cr Davis/Deputy Mayor Goss

That the Information Items be received.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

## 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
20/10/2022	<b>Special Council Workshop</b> Presentations <ul style="list-style-type: none"><li>Longford Main Street Project</li></ul>
24/10/2022	<b>Council Workshop</b> Discussion: <ul style="list-style-type: none"><li>Council Meeting Agenda items</li></ul>
24/10/2022	<b>Council Meeting</b>



## 8.2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 20 September 2022 to 23 October 2022 are as follows:

Date	Activity
20/9/2022	Attended Northern Midlands Visitor Information Centre Catch-up, Ross
20/9/2022	Attended: Event - Meet Jonathan Fisher, new CEO The Woolmers Estate
20/9/2022	Attended: NMBA AGM, Perth
22/9/2022	Attended Christ Church Memorial Service for the Queen, Longford
23/9/2022	Attended: Palmerston BESS - Community Information Session, Poatina
26/9/2022	Attended: Council Workshop/Council Meeting
27/9/2022	Attended Recycling Committee meeting, Longford
28/9/2022	Attended meeting with resident, Cressy
28/9/2022	Attended ABC Drive radio interview, Longford
28/9/2022	Attended NRM AGM, Hotel Verge, Launceston
29/9/2022	Attended Heritage Highway meeting, Ross
29/9/2022	Attended: TFGA Media Event at the Tabernacle – Welcome to Longford
1/10/2022	Attended Avoca Spring Festival, Avoca
4/10/2022	Attended meeting with resident, Evandale
4/10/2022	Attended: Local Government Board – Future of Local Government Review, Launceston
5/10/2022	Attended: 'Mayoral Moments' radio interview with Mike O'Lachlan LAFM, Gipps Creek
7/10/2022	Attended: Evandale Neighbourhood Watch – "Cuppa with a Cop", Evandale
11/10/2022	Attended meeting with Police Sexual Assault Unit Coordinator, Longford
11/10/2022	Attended Invasive Species Council meeting, Longford
12/10/2022	Attended: Morven Park – Special General Meeting
13/10/2022	Attended LAFM interview, Gipps Creek
17/10/2022	Attended ABC radio interview, Gipps Creek
19/10/2022	Attended Planning and Regulatory Services LGAT online workshop, Longford
19/10/2022	Attended Strategic and regional capacity LGAT online workshop, Longford
19/10/2022	Attended Draft Tasmanian Planning Policies Premier + Cabinet online workshop, Longford
19/10/2022	Attended Infrastructure and service delivery LGAT online workshop, Longford
19/10/2022	Attended Tasmanian Chamber Music Festival, Evandale
20/10/2022	Attended Special Workshop, Longford
21/10/2022	Attended Woolmers Annual Art Exhibition Cocktail Party, Woolmers
23/10/2022	Attended HD + HR Holden Car Club event, Ross
24/10/2022	Attended Red Cross Garden event, Longford
24/10/2022	Attended: Council Workshop/Council Meeting
	Attended to email, phone, and mail enquiries.

## 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):

- Met with proponent re development proposal
- Met with representatives of Morven Park Committee re Evandale Light Rail and Steam Society request for provision of storage
- Met with Environment Protection Authority (EPA) re used tyre storage
- Attended Local Government of Tasmania (LGAT) general meeting in Devonport
- Attended Northern Tasmania Development Corporation (NTDC) board meeting
- Attended Northern Midlands Business Association (NMBA) annual general meeting



- Attended Tasmanian Farmers and Graziers (TFGA) media event at Longford
- Met with Dr Rebecca Kelly re the Climate Change Action Program
- Met with proponent re development proposal
- Met with
  - Councillor Michael Polley
  - Councillor Dick Adams

## 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.*

### To allow dogs on lead in the Ross Village Green

A petition initiated by Margaret Papa in relation to this matter was received by Councillor Janet Lambert on 4 October 2022, the petition is compliant having met the provisions of the *Local Government Act 1993*, Part 6 - Petitions, polls and public meetings, S57.

It is noted that there are a total of 100 signatories to the petition.

### ATTACHMENTS

1. Petition [8.4.1 - 6 pages]





## 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 2022/2023 year												Total 2022/2023 YTD	Total 2021/2022
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
<b>132</b>	77	77	69										<b>223</b>	<b>995</b>
<b>337</b>	47	35	43										<b>125</b>	<b>530</b>

## 8.7 ANIMAL CONTROL

Prepared by: Martin Maddox, Accountant; and  
Animal Control Officer

Item	Income/Issues 2021/2022		Income/Issues for Sep 2022		Income/Issues 2022/2023	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,272	109,997	631	17,040	3,655	88,007
Dogs Impounded	30	4,302	1	68	4	318
Euthanised	1		-		-	
Re-claimed	25		1		4	
Re-homed/Dogs Home	4		-		-	
New Kennel Applications	19	1,368			3	225
Renewed Kennel Licences	83	3,652	1	46	83	3,818
Infringement Notices (paid in full)	28	5,142			2	
Legal Action	-		-		-	
Livestock Impounded	-		-		-	
<b>TOTAL</b>		<b>124,461</b>		<b>17,154</b>		<b>92,368</b>



#### Registration Audit of the Municipality:

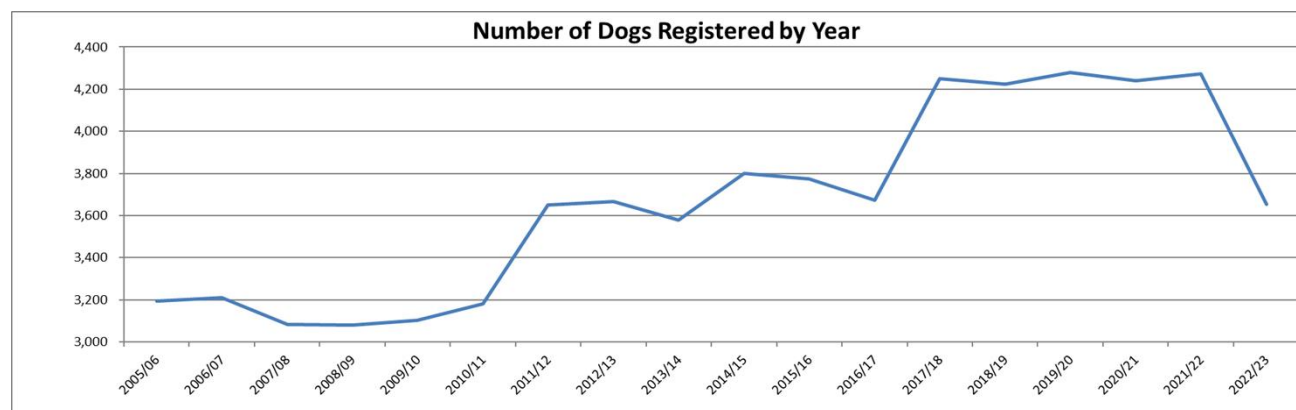
Ongoing

#### Microchips:

0 dogs microchipped.

#### Attacks:

0 attack



## 8.8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: Patricia Stanwell, 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	2019/2020	Prior Years 2020/2021	2021/2022
Notifiable Diseases	1	0	1
Inspection of Food Premises	111	67	170
Place of Assembly Approvals		1	14

Actions	2022/2023												
	YTD	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Routine Fixed Food Inspections	36 / 208	5	15	16									
Routine Mobile/Market stall Food Inspections	1	1	1	0									
Preliminary Site Visits – Licensed Premises	8	8	3	0									
On-site wastewater Assessments	0	0	0	0									
Complaints/Enquiries – All Types	10	10	11	6									
Place of Assembly approvals	0	0	0	0									
Notifiable Diseases	0	0	0	1									

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												
Building & Planning	6	1	5									
Community Services	4	1	4									
Corporate Services	3	3										
Governance												
Waste												
Works	29	18	28									

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

Date	Recipient	Purpose	Amount \$
3-Aug-22	Reptile Rescue	Donation to service	\$1,000.00
3-Aug-22	Campbell Town District High School	Inspiring Positive Futures Program	\$7,272.73
3-Aug-22	Andrew G Upton	Donation - State Rep for Darts Tas Senior Mens Team	\$100.00
17-Aug-22	Lucy Johnston	Aust Inter-Schools Championships Equestrian 2022	\$100.00
17-Aug-22	Debbie Mahar	Aust Multi Disability Bowls Champions 2022	\$100.00
21-Sep-22	Ryan Sansom	Represent Tasmanian Junior 8-Ball Team in Nationals	\$100.00
		TOTAL	\$8,672.73

## 8.11 ACTION ITEMS: COUNCIL MINUTES

Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
27/06/2022	9.8	Commonwealth Bank Customer Advocate Visit to the Northern Midlands	Awaiting external response	That Council a)...; and b) write to the Commonwealth Bank to ask what their intentions are in relation to the provision of banking services in the Northern Midlands; and c) revisit the conversation relating to the provision of banking services by Bendigo Bank.	Lorraine Green	04/07/2022 Lorraine Green Letter forwarded to the Commonwealth Bank Customer Advocate on 4 July 2022, seeking advice as to how the information collected during the Advocate's visit in April 2022 had been applied, and an indication of what the intentions of the Commonwealth Bank are in relation to the future provision of banking services in the Northern Midlands. The issue of revisiting the conversation relating to the provision of banking services by the Bendigo Bank has been referred to the agenda of a forthcoming Council Workshop. 20/07/2022 Lorraine Green A survey of Commonwealth customers is being progressed.
31/01/2022	10.2	Municipal Boundary Adjustment: 101 Pateena Road	Awaiting external response	That Council resolve to request the Director of Local Government in accordance with Section 16 (4A) of the Local Government Act 1993 to initiate a minor municipal boundary adjustment for 101 Pateena	Paul Godier	08/02/2022 Paul Godier Have requested the Spatial Information Specialist at the Department of Natural Resources and Environment to prepare the required maps. 03/03/2022 Paul Godier Spatial Information Specialist provided map on 17 February 2022. Meander Valley



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
				Road to be entirely in the Municipality of Meander Valley.		Council to consider the request for municipal boundary adjustment at its meeting of 8 March 2022. 25/03/2022 Gail Eachers 8/3/2022 Meander Valley Council agreed to adjustment. Request sent to LG Division 18/3/2022. 04/04/2022 Paul Godier 31 March 2022, the Local Government Division requested consent of new landowner and provision of Municipal Map. Being provided in conjunction with Meander Valley Council. 03/05/2022 Paul Godier Meander Valley Council advised on 1 April 2022 that they will follow up the new ownership and consent. 10/07/2022 Paul Godier Meander Valley Council advised that they have requested the contact details for the new owner from the purchaser's solicitor and followed up. As soon as they have the contact details for the new owner, MVC will make contact to see if they are willing to provide consent for the minor municipal boundary adjustment. 10/10/2022 Paul Godier Asked Meander Valley Council if they now have the new owner details and would they contact the new owner to see if they agree to the municipal boundary adjustment.
	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	Completed	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.	Erin Miles	29/09/2021 Harbour Software Support Consultant is validating the modelling. 24/01/2022 Paul Godier Consultant provided updated modelling on 10 January 2022. 03/03/2022 Paul Godier Given that the draft Local Provisions Schedule hearing are expected to be held in July 2022, it is recommended that quotes be sought to prepare a scheme amendment to include the flood mapping once the Local Provisions Schedules are in effect. It is noted that the Flood Prone Areas Code currently applies to land mapped as flood risk on the planning scheme maps, or even if not mapped, if it is potentially subject to flooding at 1% annual exceedance probability. 09/05/2022 Paul Godier Quotes to be sought. 07/06/2022 Paul Godier Quote sought. 10/07/2022 Paul Godier Quote received. Project to be initiated. 09/09/2022 Paul Godier Project initiated.
26/09/2022	7 1.2	CTDF - King Street Reserve	Completed	Motion: That representatives from the Campbell Town District Forum be invited by Council to participate in discussions regarding the King Street Oval Development Decision: That Council engages with Campbell Town District Forum at the appropriate stage regarding any proposed development of the King Street Reserve.	Lorraine Wyatt	29/09/2022 Lorraine Wyatt Outcome communicated to CDF via email 29/9/2022
26/09/2022	9.1	Disposal of Land: Evandale, Campbell Town and Longford	Completed	That Council: a) notes there were no objections received and confirms its decision Minute Number 22/191 to sell or dispose of Certificate of Title 131225/6, Nile Road, Evandale;	Des Jennings, Gail Eachers	06/10/2022 Gail Eachers Valuer's report awaited.
26/09/2022	9.1	Disposal of Land: Evandale, Campbell Town and Longford	Completed	That Council ... c) notes there were no objections received and confirms its decision Minute Number 22/196 to sell or dispose of part of Certificate of Title 11088 Folio 25, Bruce Place, Longford.	Des Jennings, Gail Eachers	06/10/2022 Gail Eachers Subdivision to be progressed prior to valuation being sought.
26/09/2022	9.1	Disposal of Land: Evandale, Campbell Town and Longford	Completed	That Council b) notes the objections received and determines not to proceed with the sale of 17 Glenelg Street, Campbell Town, and directs the General Manager to give notice to the objectors of this decision;	Gail Eachers	06/10/2022 Gail Eachers Objectors advised of Council's decision. No further action to be taken.
27/06/2022	7 4.2	Historic Interpretive Panels	Completed	That the committees request be noted.	Fiona Dewar, Gail Eachers	05/07/2022 Fiona Dewar noted 08/07/2022 Gail Eachers Noted.
15/08/2022	9.1	Kennel Licence Application: 310 Perth Mill Road, Perth	Completed	That Council i) issue a kennel licence to keep no more than 12 Labradoodles at 310 Perth Mill Road, Perth, and ii) place an expiry date of 30 June 2023 upon the licence with the specific conditions ...	Maria Ortiz Rodriguez	14/09/2022 Gail Eachers Letters sent to applicant and residents that made representations.
26/09/2022	7 2.3	LLDC - Disability Access and Inclusion	Completed	Motion: NMC to investigate and replace the poorly adherent vision impaired dots placed in some of our footpaths' Decision: That Council Officers investigate the condition of Tactile Ground Surface Indicators (TGSIs) installed throughout the municipality and schedule required maintenance or replacement accordingly.	Leigh McCullagh, Lorraine Wyatt	29/09/2022 Lorraine Wyatt Outcome communicated to the LLDC 29/9/2022
26/09/2022	7 2.4	LLDC - Toilets at Mill Dam	Completed	Motion: That NMC consider replacing current toilets at Mill Dam in future budget. Decision: that Council investigate the replacement of the Mill Dam toilets with a view to making provision in future budgets.	Maree Bricknell, Trent Atkinson	07/10/2022 Gail Eachers Budget estimates to be prepared and included in draft 2023/2024 budget.



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
26/09/2022	7 2.2	LLDC - Traffic Study - Wellington and Marlborough Streets:	Completed	Motion: That NMC to consider a study on vehicle numbers and speed of vehicles through Wellington and Marlborough Streets Decision: That Council note the request and continue to monitor the traffic flow when required.	Jonathan Galbraith, Lorraine Wyatt	29/09/2022 Lorraine Wyatt Outcome communicated to the LLDC via email 29/9/2022.
26/09/2022	7 2.5	LLDC - Wellington & Marlborough Streets Intersection (Sticky Beaks)	Completed	Motion: That LLDC request NMC to place a stop sign at William & Wellington Streets where they join Marlborough St, instead of current give way sign. Decision: That Council approach State Growth regarding the benefits of installing a stop sign and install the sign if State Growth are agreeable.	Jonathan Galbraith, Lorraine Wyatt	30/09/2022 Jonathan Galbraith The Department of State Growth have previously said that they don't support a stop sign at this location. An email has been sent to Garry Hills (DSG) requesting that they review this decision 05/10/2022 Jonathan Galbraith Garry Hills has responded and advised that a stop sign should not be installed at this location because it is not supported by the Australian Standards 07/10/2022 Lorraine Wyatt LLDC have been advised of State Growth position.
15/08/2022	9.9	Membership: Multicultural Council of Tasmania	Completed	That Council 1) Agree to become a member of the Multicultural Council of Tasmania, and 2) Develop a Memberships and Subscriptions policy to provide guidance to Council Officers in their operational decision making.	Lorraine Wyatt	14/09/2022 Lorraine Wyatt Membership has been paid. Council is now a full member.
15/08/2022	7 3.1	Morven Park Management Committee	Completed	Motion: Macrocarpa trees causing safety concerns: That Council look at removal of Macrocarpa trees in a timely manner due to safety concerns of patrons and infrastructure with the view to using the stumps / trunks for carvings as at Campbell Town. Decision: That Council note the request and the action to be taken.	Leigh McCullagh	14/09/2022 Gail Eacher Contractor engaged to assess and make safe.
26/09/2022	9.2	Proposed Footpath Trading By-law: Review of Representations	Completed	a) That Council notes the representations received and makes the Footpath Trading By-Law No. 1 of 2022 with the following minor amendments: Additional wording in the by-law Clauses 6 and 8 stating structures and freestanding signs must not obstruct regulatory and wayfinding signage . b) The General Manager notifies the parties who made submissions in relation to the by-law of this decision. c) The General Manager proceeds with: i) having the by-law certified (section 162 Local Government Act 1993); ii) having the by-law sealed (section 161 Local Government Act 1993); iii) published in the Gazette (section 163 Local Government Act 1993); iv) notifying the Director of Local Government (section 164 Local Government Act 1993).	Des Jennings, Gail Eacher	06/10/2022 Gail Eacher a) By-Law updated; b) parties who made submissions notified of Council's decision; and c) proceeding with application to have by-law certified, sealed and gazetted; and notifying the Director of Local Government.
26/09/2022	12.1	Recycling at Evandale, Campbell Town and Avoca Waste Transfer Stations	Completed	...b) the matter be further investigated by the Local Recycling Committee for consideration at the completion of the current contract for the management of the waste transfer stations.	Jonathan Galbraith	03/10/2022 Jonathan Galbraith To be noted for review when contract comes up for tender again in June 2025
26/09/2022	10.2	Role of the Tasmanian Planning Commission, Council, and the Tasmanian Civil and Administrative Tribunal in planning decisions	Completed	... b) That Council invite government Ministers and officials to attend a meeting, and maps be produced for 1:200 plus climate change for the municipality; and c) In light of the difficulties and expense that Local Government has in going through the appeals process because of the complex and over detailed planning scheme, that a further review be commenced to: Set objectives and goals for planning policy in Tasmania taking in the latest research in climate change and energy costs; Simplify the state planning scheme so that both developers and the ordinary family house builders know what they can and cannot do; Zoning and land release need to comply with objectives of the state planning scheme and respect the history of Tasmania's land settlement; Allow representations against developments to be cost free, relevant but fair.	Des Jennings, Gail Eacher	10/10/2022 Gail Eacher Letter sent to Minister.
15/08/2022	12.1	Safety at Intersection: Barton Road, Epping Forest	Completed	That the matter be deferred to the next Council meeting, pending provision of the original Traffic Impact Assessment included in the coffee shop development application, and additional information relating to the removal or remediation relative to the Midland Highway gated access to the property.	Jonathan Galbraith	12/09/2022 Jonathan Galbraith Report prepared for September Council meeting
26/09/2022	12.2	Safety Concerns at Barton Road Intersection	Completed	That Council continue to lobby the Department of State Growth seeking funding opportunities and the Minister be invited to inspect the site with Council.	Des Jennings, Gail Eacher, Jonathan Galbraith	04/10/2022 Jonathan Galbraith Council staff will continue to lobby for funding opportunities for this project 10/10/2022 Gail Eacher Letter sent to Minister.





Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
27/06/2022	9.4	Sale of Land at Bruce Place Longford	Completed	That Council determines; a) to subdivide Certificate of Title Volume 11088 Folio 25, as shown in the attached plan; and b) sell the proposed new lot as shown in the attached plan, and c) retain the balance lot for walkway; and d) directs the General Manager to commence the sale process in accordance with Part 12, Division 1 of the Local Government Act 1993 ; and e) funds realised from the sale be directed toward the Laycock Street Park development.	Amanda Bond, Leigh McCullagh	12/07/2022 Amanda Bond Advertisement to be prepared. 19/07/2022 Amanda Bond Advertised 30 July 2022. 21 days from advertised date for objection to be lodged. Report to September Council meeting.
15/08/2022	9.8	Swimming Pool Operations: 2021-2022 Full Season Update	Completed	That Council provide funds for the training of Lifeguards (including volunteers, subject to insurance cover) to minimise the financial barriers to prospective recruits to the Lifeguard roles at our community swimming pools.	Leslie Hall, Maree Bricknell	09/09/2022 Leslie Hall Noted.
13/12/2021	12.1	Traffic Concerns: Intersection - Wellington and Marlborough Streets, Longford	Completed	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 Concrete Planters to protect pedestrians and building from damage; and iii) continue to seek other measures to remediate the dangers posed by the intersection.	Jonathan Galbraith, Leigh McCullagh	20/01/2022 Jonathan Galbraith Revised design plan has been sent to DSG for approval. Contractor to be engaged to carry out works once approval is received 14/02/2022 Jonathan Galbraith Design proposing installation of concrete bollards has been submitted to DSG for approval awaiting response 08/03/2022 Jonathan Galbraith Currently seeking prices to carry out works 01/04/2022 Jonathan Galbraith Planning Application has been submitted for these works. Contractor has been engaged to carry out works once planning approval is received. 06/05/2022 Jonathan Galbraith Finalizing heritage requirements for planning application 22/07/2022 Jonathan Galbraith Application to revise planning application has been submitted 09/08/2022 Gail Eachner Revised planning application has been submitted. 08/09/2022 Jonathan Galbraith Planning application has been approved seeking contractor to carry out these works 30/09/2022 Jonathan Galbraith Currently in the process of engaging contractor to complete works
18/07/2022	9.2	Unused Service Station: Corner Drummond Street and Main Road, Perth	Completed	That Council immediately proceed with serving a nuisance declaration under section 200 of the Local Government Act on the owners of the ex-Service Station on the corner of Drummond Street and Main Street at Perth. This should require the removal of the temporary fencing and restoration of the pavement and surrounding areas to a safe and presentable condition.	Paul Godier	25/07/2022 Paul Godier Instructed Council's lawyer to prepare an abatement notice. 12/09/2022 Paul Godier Reminder to Council's lawyer to provide the abatement notice. 14/09/2022 Paul Godier Information item to Closed Council.
	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 Eachner	29/09/2021 Harbour Software 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. 25/01/2022 Gail Eachner Correspondence forwarded to property owner, awaiting response. 14/02/2022 Gail Eachner Letter received from property owner. Draft response to queries raised prepared. 01/04/2022 Gail Eachner Letter sent to property owner, response awaited. 08/07/2022 Gail Eachner Further information being sought prior to workshop discussion.
	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.	Des Jennings, Gail Eachner	29/09/2021 Harbour Software Support Motions to be prepared and workshopped. 25/01/2022 Gail Eachner Advice sought.
	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 framing; Archiving of historic photographs; Production of a photo book of historic photographs for display.	Gail Eachner	29/09/2021 Harbour Software Support Historic photos to be catalogued and collated. 05/10/2021 Gail Eachner Framed photographs installed - action complete. Resources not available to undertake archiving of historic photographs and production of photo book. Additional resource to be sought. 06/12/2021 Gail Eachner Cataloguing and collation of historical photographs has commenced. 29/07/2022 Gail Eachner Cataloguing and collation of historical photographs continues to be undertaken subject to staff workloads.
15/08/2022	7 3.2	Bicycle Advisory Committee	In progress	Motion: PLN22-0040: Road & Streetscape Works - Wellington Stret, Longford: That the kerb outstands (pinch points) incorporate rideable/mountable kerbing or, designated bike lane within the kerb outstands, this can be in the same line as the outstand or bend in towards the existing kerb line. Pavement or kerbing to be marked green with the appropriate signage. Decision: That Council considers conditioning	Paul Godier, Trent Atkinson	09/09/2022 Trent Atkinson Further information being sourced for presentation at future workshop



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
				PLN22-0040 to include the Bicycle Advisory Committees motion.		
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	07/12/2021 Amanda Bond Meeting with Relationships Australia representative on 9/12/2021 13/01/2022 Amanda Bond Officers to compile list of relevant community members / groups to work on the plan. 08/03/2022 Amanda Bond Relationships Australia, Tasmania representative to present to Northern Midlands Interagency Meeting (meeting of local service providers, particularly in the health space) and seek input for development of plan. 03/05/2022 Amanda Bond Awaiting report from Relationships Australia on how to proceed. 23/08/2022 Amanda Bond Follow up email sent 23 August 2022 seeking update. Contact no longer employed with Relationships Australia, Tasmania. Awaiting response advising who new contact is.
26/09/2022	7 1.3	CTDF - Community Safety - Police Presence in Campbell Town	In progress	Motion: That Council lobby Tas Police to increase their presence within the Campbell Town community. Decision: That Council officers contact Tasmania Police to discuss the Campbell Town community concerns before formally lobbying for an increased police presence.	Lorraine Wyatt	07/10/2022 Lorraine Wyatt CTDF members reported an increased police presence in the community at the meeting held 4/10/2022.
15/08/2022	7 2.2	Naming of the William Street Bridge	In progress	Motion: Naming of the William Street Bridge: That Council publicly acknowledge the contribution of John Stagg, who was a member of the PLDC for a considerable length of time and an invaluable source of local history. We request the Council to consider naming the new William St Bridge in his honour. Decision: That Council note the recommendation of the Committee and give consideration to the request.	Gail Eacher	22/08/2022 Gail Eacher Advice provided to the Perth LDC. 14/09/2022 Gail Eacher Report to be tabled at future Council meeting. 10/10/2022 Gail Eacher Report to December Council meeting.
26/09/2022	7 3.2	RLDC Bus Parking Sign for School Bus Area	In progress	Motion: The Ross Local District Committee has discussed the State Growth proposal to establish a Bus Parking Zone outside the Ross Post Office. Decision: That Council, together with State Growth and the Local District Committee, investigate other locations for the bus parking and a report provided back to Council.	Jonathan Galbraith, Lorraine Wyatt	30/09/2022 Jonathan Galbraith Investigation commenced
26/09/2022	7 4.2	Shade in Playgrounds	In progress	PLDC Motion: The committee requested shade be provided in Perth playgrounds commensurate with sun smart policies. The policy of trees only to provide shade is not adequate especially in new playgrounds i.e. Seccombe Street Playground as trees take years to provide sufficient shade. We request that this matter be reconsidered. Decision: That Council review the adequacy of shade provision at each of the playgrounds within the municipality; and consideration be given in future budgets to remedy any deficiencies identified including urgent installation at playgrounds, e.g. Seccombe Street Playground.	Leigh McCullagh, Maree Bricknell	10/10/2022 Gail Eacher Audit being progressed.
15/08/2022	7 2.3	Signage	In progress	Motion: Road Signage at Playgrounds: That the Train Park and Seccombe Street playgrounds have Children at Play signage erected. The Committee considers this is a safety issue and should be considered necessary and urgent. With the new development at the end of Little Mulgrave Street we consider signage on both sides of the Train Park playground to be necessary. Decision: That Council officers investigate this request and give consideration to other locations; and advise the Committee of the outcome of the investigation.	Jonathan Galbraith	14/09/2022 Gail Eacher Investigation underway. 07/10/2022 Lorraine Wyatt Update provided on behalf of Jonathan Galbraith: Children signage for Seccombe St Park has been ordered and is scheduled to be placed. For the Train Park, it was determined that children symbol signs are not required.
15/08/2022	9.8	Swimming Pool Operations: 2021-2022 Full Season Update	In progress	That Council receives a further report with matters clarified and that templates be created so that the information received from the facilities is consistent.	Leslie Hall, Maree Bricknell	09/09/2022 Leslie Hall New process being put in place for 2022/23 season. Currently reviewing process, and looking to utilise new WHS inspection reporting. Report will be prepared once review is complete. New reporting will address inconsistencies with reporting accuracy. Corporate services are liaising with Committees to look to align financial reporting from committees with the pool season, as opposed to current Calendar Year reporting periods. 10/10/2022 Gail Eacher INFO item to Council after commencement of season and system is up and running.
27/06/2022	7 3.3	Wellington Street - Traffic Calming	In progress	That Council investigate the feasibility of installing an LED Smart Speed Display, or similar.	Jonathan Galbraith, Lorraine Wyatt	30/06/2022 Lorraine Wyatt Council decision communicated to LLDC via email 1 July 2022. 22/07/2022 Jonathan Galbraith These signs are very expensive (indicatively \$25,000+), need to consider if the cost is justified. Jonathan



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
						has emailed DSG to see if they are using these signs or can provide further information.
15/08/2022	9.5	Youth Advisory Group	In progress	That Council endorse the progression of the Northern Midlands Youth Advisory Group.	Natalie Dell	14/09/2022 Natalie Dell Terms of Reference being prepared. Commencement plan: recruit young people for YAG during Term 4, commence group in Term 1.
	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 Harbour Software Support Report to future Council Meeting. 08/11/2021 Gail Eachar Matter to be referred to future Council workshop for further advice. 07/10/2022 Gail Eachar Suggested that no further action be taken on this matter.

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

Resource Sharing Summary 1/7/22 to 30/6/23		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		69.50	3,095
Street Sweeper - Plant Hire Hours		69.50	4,704
<b>Total Services Provided by NMC to Meander Valley Council</b>			<b>7,799</b>
<b>Service Provided by Meander Valley Council to NMC</b>			
<b>Wages and Oncosts</b>			
Plumbing Inspector Services		173.8	13,678
Engineering Services		-	-
<b>Total Service Provided by MVC to NMC</b>			<b>13,678</b>
<b>Net Income Flow</b>			<b>- 5,878</b>
<b>Total Net</b>			<b>- 5,878</b>
<b>Private Works and Council Funded Works for External Organisations</b>			
Evandale Anglican Church – Mowing		2	
Uniting Church High Street Evandale – Mowing		2	
Evandale War Memorial Hall - Cleaning		8	
Cressy Uniting Church Ground - Mowing		2	
Evandale Community Centre - Cleaning		10	
Elizabeth Macquarie Trust – Dam surveillance		2	
Ross Rec Ground – Cleaning clubrooms		16	
Education Dept – Avoca School – Maintenance of grounds		9	
Fingal Police Station – Cleaning		1	
Ash Centre Avoca – Cleaning & Ground Maintenance		11	
Avoca Town Hall – Cleaning		5	
Campbell Town Police Station – Cleaning		1	
Longford, Perth & Evandale – Pitch cover removal		31.5	
		<b>100.5</b>	

## 8.13 VANDALISM

Prepared by: Jonathan Galbraith, Engineering Officer

Incident	Location	Sep 2022	Estimated Cost of Damages	
			Total 2022/23	Total 2021/22
Vandalism at Village Green toilets, approx. 3 occasions	Longford	\$ 1,500		
Flags stolen from Council Chambers	Longford	\$ 400		
<b>TOTAL COST VANDALISM</b>		<b>\$ 1,900</b>	<b>\$ 5,100</b>	<b>\$ 10,200</b>





## 8.14 YOUTH PROGRAM UPDATE

Prepared by: Natalie Dell, 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 September as follows:

	Date of Session	Attendance	Comment
Perth			
	1/9/2022		Attendance numbers not provided.
	8/9/2022		
	15/9/2022		
	22/9/2022		
	29/9/2022		

### 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 September as follows:

Session Venue	Date of Session	Attendance	Comment
Campbell Town			
	7/9/2022	9	
	14/9/2022	0	Instructor illness
	21/9/2022	0	Instructor illness
	28/9/2022	18	
Longford			
	6/9/2022	0	Instructor illness
	13/9/2022	0	Instructor illness
	20/9/2022	10	
	27/9/2022	11	

### 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 September 2022 as follows:

Session Venue	Date of Session	Attendance	Comment
Campbell Town			
	6/9/2022	12	
	13/9/2022	22	
	20/9/2022	28	
	27/9/2022	21	
Cressy			
	1/9/2022	18	
	8/9/2022	14	
	15/9/2022	18	
	22/9/2022		Numbers requested
	29/9/2022		Numbers requested

### Meetings

Natalie Dell represents Council on the Northern Youth Coordinating Committee and the Northern Midlands Interagency Meetings.



### Youth Newsletter

The Youth Officer has commenced producing a free monthly 'Community Youth Newsletter', with the aim to help share Youth focused activities/program/news/updates/resources within the Northern Midlands Region.

### Breakfast Club – Cressy

The Cressy Breakfast program has been further developed liaising with the School Chaplain and Youth Officer, to provide freely available Breakfast items for students. The school has identified several young people who will benefit from participating in the program. The program will help address students' health, well-being, and food security. This program is being well received by the students and School.

### NM Youth Mental Health Expo

The Youth Officer is working with Campbell Town District High School to put together an in-school event for Mental Health Week (Sep 30th)- showcasing a range of services available to young people. Organisations currently include: RFDS, Relationships Australia, RAW and Lifeline.

### SPARK

To help foster leadership and support youth focused initiatives in Schools. School Representative Councils (SRC) can apply for funding of projects (up to \$300/year) to be held in their schools. Supporting education and employment opportunities for young people.

### Youth Advisory Group

Youth Officer will begin recruitment for Youth Advisory Group in Term 4.

## 8.15 INTEGRATED PRIORITY PROJECTS & STRATEGIC PLANS UPDATE

Prepared by: Maree Bricknell, Corporate Services Manager & Lorraine Green, Project Officer

### CURRENT AS OF 5 OCTOBER 2022

Progress Report:



### INTEGRATED PRIORITY PROJECTS PLAN:

	Project		Status	Budget 2022-23	\$	Scheduled
1	Progress: Economic health and wealth - grow and prosper					
	Foundation Projects					
4.1	Main Street Upgrades: Campbell Town, Longford & Perth	Gov	<b>Campbell Town</b> Construction of Midland Highway underpass at Campbell Town progressing. Building Better Regions Fund application submitted for funding towards implementation of Stage 1 of the Urban Design Strategy. Outcome awaited.	Budget allocation 2022-23 plus contribution from \$8m Federal Govt Election Commitment 2022.	1,450,000	Commence Dec-Oct 23
		Gov	<b>Longford</b> Commitment of \$4m from National Party prior to 2019 Federal Election. Consultation completed for memorial hall upgrade.	Budget allocation 2022-23. Designed and at DA	1,293,000	Future Workshop
		C&D	<b>Perth</b> Council has endorsed the plan and draft amendments to planning scheme to be prepared.  Main Street upgrades included in NMC Priority Projects document	Budget allocation 2022-23 plus contribution from \$8m Federal Govt Election Commitment 2022.	1,141,000	Finalising Documentation for DA
4.4	TRANSLink Intermodal Facility	Gov	Including precinct renewal – stormwater & gas pipeline. Seeking grant assistance to fund planned works. Included in NMC Priority Projects document.	Federal Election commitment of \$5m for planning stage. No Council funded Budget allocation 2022-23. Further \$30m commitment subject to planning stage.	5,000,000	Preliminary discussions commence immediately



	Project		Status	Budget 2022-23	\$	Scheduled
<b>Enabling Projects</b>						
5.1	Perth Sports Precinct & Community Centre	Gov	Concept master plan developed October 2020. Included in NMC Priority Projects document.	Valuation for land provided to property owner for consideration. No budget allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.1	Ben Lomond Public Shelter Development	Gov	<b>Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania</b> 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.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.3	Campbell Town – Town Hall Sale or Lease	Gov	Expressions of interest for selling the hall advertised closed 20 May 2022. Agent appointed.	Small gain/loss in Budget 2022-23 expected if sold.	884,000	To be offered for sale Oct 22
5.3	Longford Library & Exhibition Building on the Village Green	Gov	<b>Longford Motor Sport Museum</b> Alternative sites for museum being sought by proponents Included in NMC Priority Projects document..	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.3	Power Undergrounding in Evandale, Longford & Perth	Works	Awaiting funding streams to come available. Included in NMC Priority Projects document.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.4	Subdivisions (several – Cressy, Evandale, Longford & Perth)	C&D	Council to identify opportunities to provide infrastructure and secure funding. Included in NMC Priority Projects document	<b>Evandale</b> Drainage Easement secured. Awaiting DA from subdivider. No allocation 2022-23.	-	Not scheduled at this stage
<b>2 People: Cultural and society – a vibrant future that respects the past</b>						
<b>Enabling Projects</b>						
5.1	Oval Upgrades (several)	Gov	<b>Campbell Town War Memorial Oval Precinct</b> Implementation of Final Stages. Included in NMC Priority Projects document.	Irrigation system adjacent to tennis area \$45,000, building acoustics and minor improvements \$41,500, and carpark sealing \$126,000 included in 2022-23 Budget.	212,500	Commence Nov 22
		Gov	<b>Cressy Recreation Ground</b> Implementation of Final Stages Levelling the Playing Field funding received – building work completed. Final report and acquittal being prepared. BBQ facility & landscaping to be funded through Local Roads and Community Infrastructure grant. Cricket Australia funding secured towards the of the practice facility..	Budget allocation in 2022-23 Budget - BBQ shelter completion.  Cricket Australia grant \$18,500 State Government 2021 Election commitment \$4,500 NMC \$13,100	128,000	Commence Nov 22
5.1	Morven Park Master Plan	Gov	Implementation of Final Stages Works substantially completed: grant acquittal report submitted. Relocation of cricket nets underway funded through State Government election commitment.	Budget commitment 2022-23 towards future drainage improvements \$26,582. Budget allocation for removal of old cricket nets and surrounds \$10,000.	10,000	Drainage when balance funding sought. Cricket net removal Dec 22
5.1	Swimming Pool Upgrades (several)	Gov	<b>Covering of Campbell Town &amp; Cressy Swimming Pools</b> Included in NMC Priority Projects document.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
		Gov	<b>Cressy</b> Implementation of Final Stages State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to 2019 federal election. Grant acquittals submitted Works substantially completed. Concourse,	Budget allocation 2022-23 for renewal of concourse and fencing. LRCI grant allocated to the project.	600,000	Completion Oct 22



	Project		Status	Budget 2022-23	\$	Scheduled
		Gov	carpark and landscaping to be completed 2021/2022 - 2022/2023. <b>Ross</b> Pool operation to continue (as per the current funding model) whilst structurally/operationally safe to do so.	Budget allocation 2022-23 towards WHS issues.	10,000	Oct-22
5.2	Shared Pathways	Gov	Committee established and program to be prepared. Included in NMC Priority Projects document.	State Vulnerable User Grant funding 2022-23.	250,000	Design stage
<b>4 Place: Nurture our heritage environment</b>						
<b>Foundation Projects</b>						
4.2	Perth South Esk River Parklands	Gov	Building Better Regions Fund grant secured towards the extension of the walkway, installation of footbridge and BBQ. Grant Agreement executed Feb 2022. Progress report being prepared. Included in NMC Priority Projects document..	Budget allocation for footbridge construction, footpath connection and BBQ.	310,000	Underway.
4.3	Sheepwash Creek Corridor & Open Space	Gov	Grants to be sought for major new/improved infrastructure. Included in NMC Priority Projects document.	Supplementary Budget project 2022-23.	200,000	Not scheduled at this stage
4.5	Municipal Tree Planting Program		Annual program being implemented. Included in NMC Priority Projects document.	Budget allocation 2022-23.	100,000	Ongoing
<b>Enabling Projects</b>						
5.1	Conara Park Upgrade	Gov	Concept prepared: awaiting funding opportunities. Included in NMC Priority Projects document.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.3	Redevelop Cressy Park	Gov	Liaising with Local District Committee to establish/prepare plans for upgrade.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
<b>Total 2022-23 Budget Allocation</b>					<b>11,588,500</b>	

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

Prepared by: Fiona Dewar, Tourism Officer

### Tourism update:

- Events:
  - Assist various local event organisers to fulfil Council compliance requirements.
  - Assist event organisers seeking funding and in-kind support.
  - Keep event list updated and distribute.
  - Update NMC website calendar.
  - Liaise with event organisers re planning and information as required.
- Progress Lychgate interpretation design elements.
- Progress Town Promotion Video project.
- Complete Evandale Time Traveller Park panel.
- Progress Community Volunteer Expo for 2023.
- Progress development of Joan Davies bronze plaque.
- Progress the Bishopsbourne History Panel manufacture process.
- Facilitate meeting of the Northern Midlands Visitor Centres group.

### HHTRA update:

- Ongoing marketing activities include website blog posts and social media.
- Facilitate AGM on 29 September 2022, and related actions.



## 8.17 TASMANIAN PLANNING SCHEME - DRAFT LOCAL PROVISIONS SCHEDULE - NOTICE UNDER SECTION 35K(1)(A) AND SECTION 35KB(4)(A)

Prepared by: Paul Godier, Senior Planner

### Tasmanian Planning Scheme Draft Local Provisions Schedule update

Council has received notice from the Tasmanian Planning Commission under section 35K(1)(a) and section 35KB(4)(a) of the *Land Use Planning and Approvals Act 1993* (the Act) which advises that:

- The delegates have finalised their consideration of the Northern Midlands draft Local Provisions Schedule (draft LPS) under section 35J of the Act.
- They consider modifications are required and have issued a decision under section 35K(1) and 35KB.
- They have directed the Planning Authority to:
  - (a) modify the draft LPS, under section 35K(1)(a) of the Act, in accordance with the notice at Attachment 2 to the decision;
  - (b) submit the modified draft LPS to the Commission under section 35K(2)(a) within 28 days (1 November 2022);
  - (c) to prepare draft amendments under section 35KB(4)(a)(i) of the Act in the terms specified in the notice at Attachment 3 to the decision; and
  - (d) to submit the draft amendments to the Commission under section 35KB(4)(a)(ii) of the Act within 42 days after the Northern Midlands LPS comes into effect.

### ATTACHMENTS

1. Northern Midlands Draft LPS - Attachment~rity - Decision and Direction to Modify Under Section 35 K( [8.17.1 - 2 pages]
2. Northern Midlands Draft LPS - Attachment A - Decision Under Section 35 K(1)(a) to Modify Draft LP S, [8.17.2 - 282 pages]

## 8.18 LONGFORD RECREATION GROUND IRRIGATION PROJECT

Prepared by: Des Jennings, General Manager

Oval maintenance including mowing and moving irrigators is undertaken by volunteers whose contribution to the Longford Recreation Ground is invaluable. Moving irrigators is not an easy job and as volunteers age, this becomes more difficult to do.

The Longford Recreation Ground Committee requested the improvement.

- Council adopted its 2022/23 Annual budget at the 27 June Council meeting and \$200,000 was allocated to this project.
- The first meeting with Community Groups was held 18 August to advise of works and discuss the project requirements including access to the oval.
- Quotes sought:  
*CODE OF TENDERING AND PROCUREMENT*  
*Procurement Methods:*  
*Between \$30,001 and \$249,999 - 3 written quotations required.*  
*Where possible, at least three written quotations will be obtained, of which at least two will be sought from a local business where firstly Northern Midlands and secondly Tasmanian capability exists.*  
Four (4) requests were made, and three replies were received.



- The second meeting with Community Groups was held 15 September to negotiate timeframes and discuss the extent of works being undertaken. It was agreed that completing the "ring main" (oval perimeter), would be the first stage of the project and this does not include drainage.
- Contractor will ensure safe access to the ground for all users.

The irrigation will now be able to operate from a phone which means Council staff can assume the role when volunteers are unable to.

Oval irrigation works (stage 2) will be completed in late 2023.

The newly elected Council will consider the funding of the remaining irrigation works when adopting the 2023/2024 budget.

Council, to date, has not funded the sub-surface drainage.

Costs are estimated to be more than \$500,000 and a number of ground committees have made similar requests.

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## 9 GOVERNANCE REPORTS

### 9.1 ANNUAL GENERAL MEETING 2022

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Lorraine Wyatt, Executive and Communications Officer

#### MINUTE NO. 22/345

##### DECISION

Cr Goninon/Cr Lambert

That the Annual General Meeting for the Northern Midlands Council be held at the Longford Council Offices on Monday, 12 December 2022, commencing at 5pm.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

##### **RECOMMENDATION**

That the Annual General Meeting for the Northern Midlands Council be held at the Longford Council Offices on Monday, 12 December 2022, commencing at 5pm.

#### 1 PURPOSE OF REPORT

The purpose of this report is to determine a time and date for Council's General Meeting for 2022.

#### 2 INTRODUCTION/BACKGROUND

Section 72A of the *Local Government Act (LGA)* requires Council to hold an Annual General meeting no later than 15 December 2022.

#### 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

##### 3.1 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



### 3.2 Integrated Priority Projects Plan 2021

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

## 4 POLICY IMPLICATIONS

No policy implications.

## 5 STATUTORY REQUIREMENTS

The *Local Government Act 1993* requires Council to prepare an Annual Plan for the municipal area for each financial year. The Council is also required to prepare an Annual Report which provides a summary of the Annual Plan for the preceding financial year. The Act sets out the details of what must be provided in the Annual Report which includes a copy of the Audit opinion for the preceding financial year.

The *Local Government Act 1993* requires:

### ***Section 72. Annual Report***

*(2) The General Manager is to*

*(d) advertise in a daily newspaper circulating in the municipal area the availability of the report, together with an invitation to electors to lodge submissions on the report with the council for discussion at its annual general meeting.*

### ***Section 72B Annual General Meeting***

*(1) A council must hold an Annual General Meeting on a date that*

*(b) is not before 14 days after the date of the first publication of a notice under subsection (2).*

*(2) a Council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.*

## 6 FINANCIAL IMPLICATIONS

Council prepares the Annual Report externally and distributes the report by electronic means

## 7 RISK ISSUES

Council has a responsibility under the *Local Government Act 1993* to hold an Annual General Meeting.

## 8 CONSULTATION WITH STATE GOVERNMENT

Not required process is set out under the Local Government Act. No extension of time has been provided due to pandemic situation.





**9 COMMUNITY CONSULTATION**

The Annual General Meeting provides an opportunity for Council to inform and engage with the community on current issues within the community. The meeting provides an opportunity for the public to gauge the success of the Council over the twelve-month period taking into account the initiatives that were set in the preceding Annual Plan.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can set the Annual General Meeting any time sooner than 15th December.

**11 OFFICER'S COMMENTS/CONCLUSION**

The Annual Report is currently being prepared and will be advertised for public comment.

It is recommended that the Annual General Meeting be held at the Longford Council Office on Monday, 12 December 2022 at 5pm, in conjunction with the Council Meeting planned for that date.

**12 ATTACHMENTS**

Nil



## 10 COMMUNITY & DEVELOPMENT REPORTS

### 10.1 DEVELOPMENT SERVICES: MONTHLY REPORT

Responsible Officer: Des Jennings, General Manager

#### MINUTE NO. 22/346

#### DECISION

Deputy Mayor Goss/Cr Davis

That the report be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

#### RECOMMENDATION

That the report be noted.

#### 1 PURPOSE OF REPORT

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

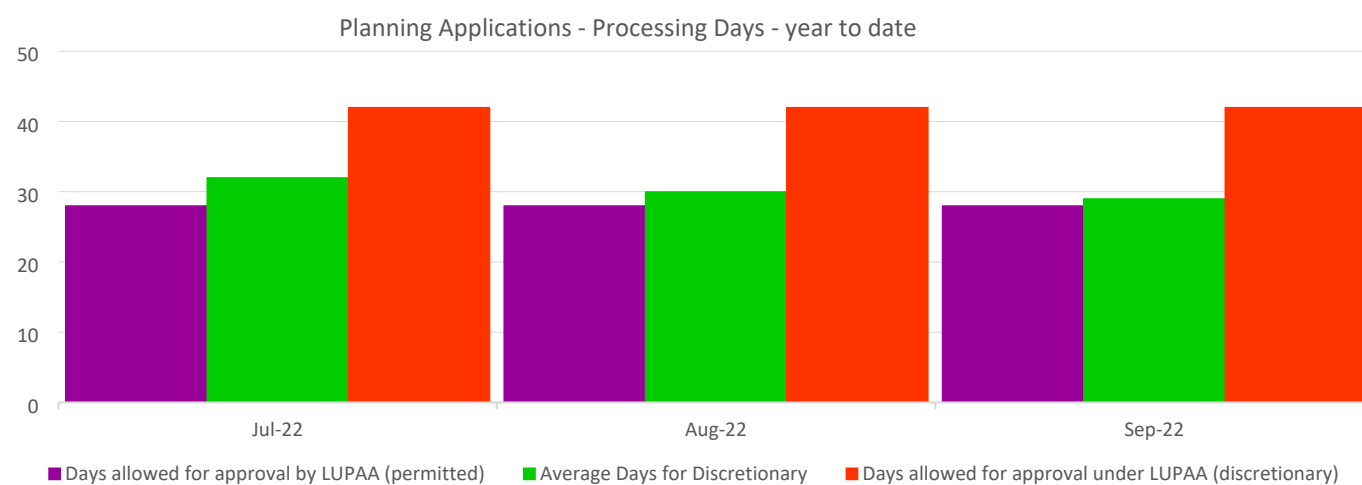
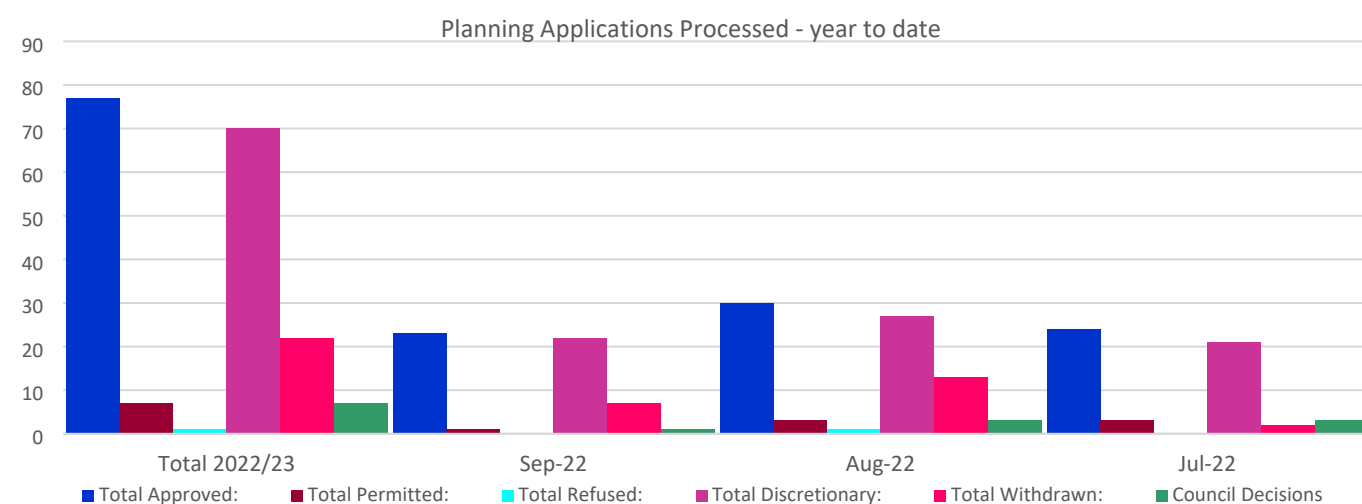
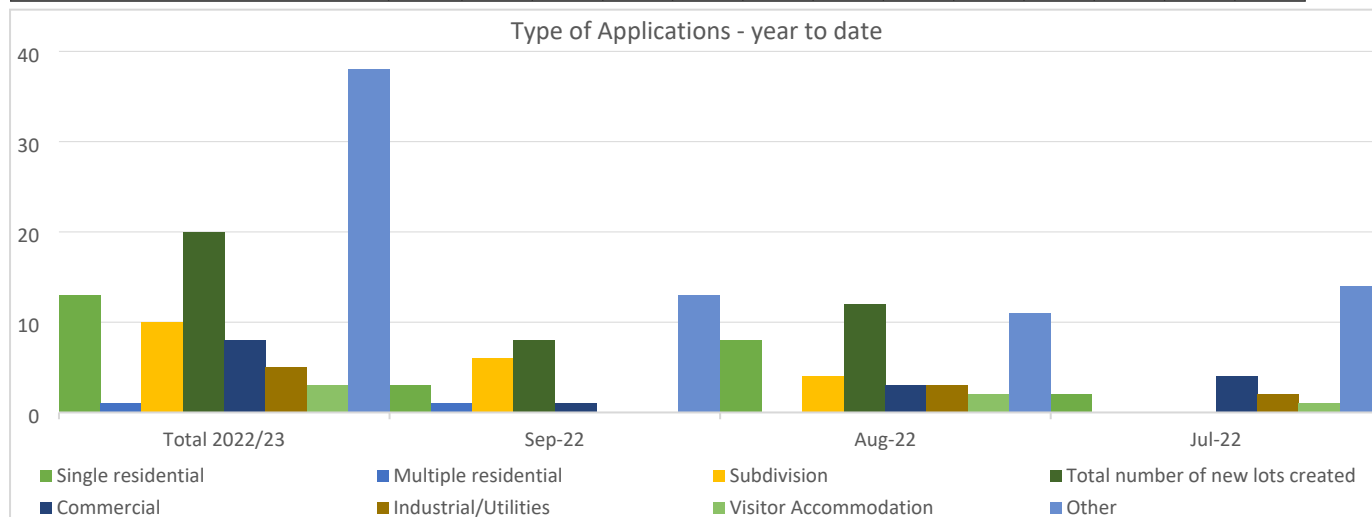
#### 2 DEVELOPMENT SERVICES REPORTING

##### 2.1 Planning Decisions

	Total YTD	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Number of valid applications	48	15	16	17									
Applications on STOP for further information		47	51	50									
Single residential	13	2	8	3									
Multiple residential	1	0	0	1									
Subdivision	10	0	4	6									
Total number of new lots created	20	0	12	8									
Commercial	8	4	3	1									
Industrial/Utilities	5	2	3	0									
Visitor Accommodation	3	1	2	0									
Total permitted	0	0	0	0									
Total discretionary	3	1	2	0									
Other (includes all residential development on existing dwellings [alterations/ additions, sheds, solar, fences, pools etc])	38	14	11	13									
Total No. Applications Approved:	77	24	30	23									
Total Permitted:	7	3	3	1									
Average Days for Permitted	12.33	11	15	11									
Days allowed for approval by LUPAA		28	28	28									
Total Exempt under IPS:	22	12	5	5									
Total Refused:	1	0	1	0									
Total Discretionary:	70	21	27	22									
Average Days for Discretionary:	30.33	32	30	29									



Days allowed for approval under LUPAA:		42	42	42									
Total Withdrawn:	22	2	13	7									
Council Decisions	7	3	3	1									
Appeals lodged by the Applicant	2	0	1	1									
Appeals lodged by third party	0	0	0	0									



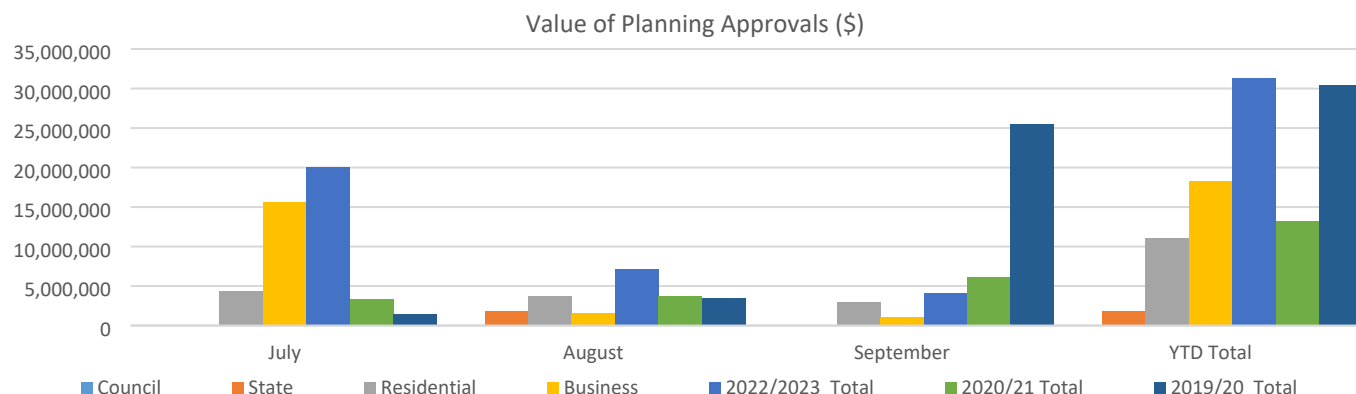


Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Amended
<b>DELEGATED DECISIONS</b>					
PLN-21-0244 - 1	Dwelling (Vary Front Setback) - Amendment to Driveway Location	12 St Pauls Place, Avoca TAS 7213	Design To Live	6	A
PLN-21-0322	Solar Panels (Heritage Precinct)	101 High Street, Campbell Town TAS 7210	S. Group	31	D
PLN-22-0140	Garage (Vary Side Setback, Road & Railways Assets Code)	1480 Bishopsbourne Road, Longford TAS 7301	Samuel How	22	D
PLN-22-0148	2 Lot Subdivision	831 Hobart Road including ROW access over 166270/1, Breadalbane TAS 7258	Woolcott Surveys	37	D
PLN-22-0149	4 Lot Subdivision (Vary 20.4.2 Subdivision on boundary of General Residential Zone; Vary E5.6.1 Flooding and Coastal Inundation)	54 Main Street, Cressy TAS 7302	Carlton Dixon	25	D
PLN-22-0155	2 Lot Subdivision (Vary Passing Bay Provisions, Solar Orientation) & Single Dwelling (Vary Side Setback, Shared Driveway Setback) & Shed (Vary Internal Lot Frontage) and works in Pakenham Street road reserve	74 Pakenham Street and Pakenham St road reserve, Longford TAS 7301	Woolcott Surveys	24	D
PLN-22-0157	Multiple Dwellings (1 Existing, 1 New)(Heritage Precinct, Attenuation)	23 George Street, Longford TAS 7301	Woolcott Surveys	26	D
PLN-22-0170	Alterations and Additions to Existing Dwelling (Vary 26.4.1 dwelling setback)	418 Marlborough Street, Longford TAS 7301	Plans to Build	35	D
PLN-22-0172	Re-subdivision (Vary 26.4.2 Subdivision)	335 Brumby Street and 485 Marlborough Street, Longford TAS 7301	PDA Surveyors	35	D
PLN-22-0176	2 Lot Subdivision (vary internal lot frontage setback existing shed Lot 2)	123 Main Street, Cressy TAS 7302	Michell Hodgetts Surveyors	24	D
PLN-22-0177	Dwelling in Rural Resource Zone (Vary setbacks)	245 Wellington Street, Longford TAS 7301	Blackman Creative	34	D
PLN-22-0178	Garaport (23mx6mx3.9m) - Including Demolition of Existing Garage (Vary Side Setback)	77 Hobhouse Street, Longford TAS 7301	Justin Zerella	34	D
PLN-22-0182	Shed (Heritage Precinct)	6A Collins Street, Evandale TAS 7212	Georgia Leatham	33	D
PLN-22-0186	Demolish existing and replace shed 16m x 11m x 5.07m (vary side and rear setbacks and building envelope)	6 Cromwell Street, Perth TAS 7300	Tyson Addicoat	34	D
PLN-22-0187	3 Lot Subdivision (Vary 10.4.15.1 Frontage widths; Vary E6.7.2 Access widths)	2 Stocker St & 45 Bulwer St, Longford TAS 7301	Carlton Dixon	28	D
PLN-22-0192	Removal of 2 trees (Biodiversity Code, Road & Railways Assets Code)	86 Devon Hills Road, Devon Hills TAS 7300	Amanda Zeeman	30	D
PLN-22-0197	Alts & Additions to Existing Dwelling including Demolition of Existing Extension (Vary Side [S] Setback)	1 Gatenby Street, Cressy TAS 7302	Stephen Lawes	28	D
PLN-22-0199	Alterations & Additions to Existing Dwelling (Vary Side Setbacks, irrigation district)	420 Logan Road, Evandale TAS 7212	Urban Design Solutions	27	D
PLN-22-0200	Shed - 24mx12x6m (Vary Gross Floor Area of Outbuildings Greater than 80m2, Vary Side Setback)	87 Devon Hills Road, Devon Hills TAS 7300	Design To Live	23	D
PLN-22-0204	Tree Removal (Local Historic Heritage Code; Heritage Precinct Specific Area Plan; Biodiversity Code)	55 Marlborough Street, Longford TAS 7301	Joanna Ng	25	D
PLN-22-0207	Relocation of Existing Shed and Installation of Water Tank (Local Historic Heritage Code; Heritage Precinct Specific Area Plan)	80-82 Montagu Street, Campbell Town TAS 7210	Anton & Lynne Compton	20	D
PLN-22-0210	Dwelling	19 Phillip Street, Perth TAS 7300	Montrose Building Developments	22	D
PLN-22-0189	Alterations & Additions to Existing Dwelling Including Demolition of Existing at Stage 2 to create new dwelling	694 Elphinstone Road, Cressy TAS 7302	Woodburyco Design	11	P
<b>COUNCIL DECISIONS</b>					
PLN-22-0171	Part Demolition, Alterations and additions to building, new carpark (Heritage Listed, Heritage Precinct)	41-43 Wellington Street, Longford TAS 7301	Circa Architecture	42	C
<b>COUNCIL DECISIONS - REFUSAL</b>					
<b>DELEGATED DECISIONS - REFUSAL</b>					



## 2.2 Value of Planning Approvals

	Current Year				2022/2023	2021/2022	2020/2021	2019/2020
	Council	State	Residential	Business	Total	Total	Total	Total
July	50,000	0	4,399,020	15,650,000	20,099,020	4,380,747	3,377,500	1,429,000
August	0	1,820,000	3,710,844	1,625,000	7,155,844	3,781,274	3,709,500	3,503,000
September	0	0	3,027,900	1,070,000	4,097,900	14,817,000	6,189,000	25,457,550
<b>YTD Total</b>	<b>50,000</b>	<b>1,820,000</b>	<b>11,137,764</b>	<b>18,345,000</b>	<b>31,352,764</b>	<b>8,162,021</b>	<b>7,087,000</b>	<b>4,932,000</b>
<b>Annual Total</b>						<b>91,715,427</b>	<b>59,101,247</b>	<b>55,891,900</b>



## 2.3 Matters Awaiting Decision by TASCAT & TPC

TASCAT	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLN-21-0223	Appeal 152/21S. 102 & 104 Marlborough Street, Longford. Appeal against Council's refusal of 7 multiple dwellings. Preliminary conference held 17 January 2022. Mediation being undertaken.
PLN-21-0195	Appeal P/2022/77. 47 Marlborough Street, Longford. Appeal against Council's refusal of 21 multiple dwellings. Preliminary conference held 9 May 2022. Council agreed at its July 2022 meeting to resolve the appeal by replacing its refusal with a permit subject to conditions. Conditions mediated with the appellant. Awaiting Tribunal's decision
PLN-21-0073	Appeal P/2022/136. 5 Eskleigh Road, Perth. Appeal against Council's refusal of a 2 lot subdivision. Hearing set for 22 November 2022.
PLN-22-0045	Appeal P/2022/120. 21 Drummond Crescent, Perth. Appeal against Council's refusal of 16 multiple dwellings. Hearing held 11 October 2022.
<b>Decisions received</b>	
-	-

TPC	TASMANIAN PLANNING COMMISSION
LPS-NOR-TPS	<p>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 were included on 28 June Council agenda. GIS consultant made map changes required by the Minister. Provided to TPC 19/7/2021. TPC advised 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. Section 35F report on representations to be presented to Council meeting of 21 February 2022. Deferred until 21 March meeting to get information on the process if Council supports any of the representations. Section 35F report on representations considered at Council meeting of 21 March 2022. Report sent to Tasmanian Planning Commission 28 March 2022. Hearings held 8-10 June 2022.</p> <p>On 4 October 2022 Council received notice under section 35K(1)(a) and section 35KB(4)(a) of the <i>Land Use Planning and Approvals Act 1993</i> from the Tasmanian Planning Commission which advises that:</p> <ul style="list-style-type: none"> <li>The delegates have finalised their consideration of the Northern Midlands draft Local Provisions Schedule (draft LPS) under section 35J of the Act.</li> </ul>



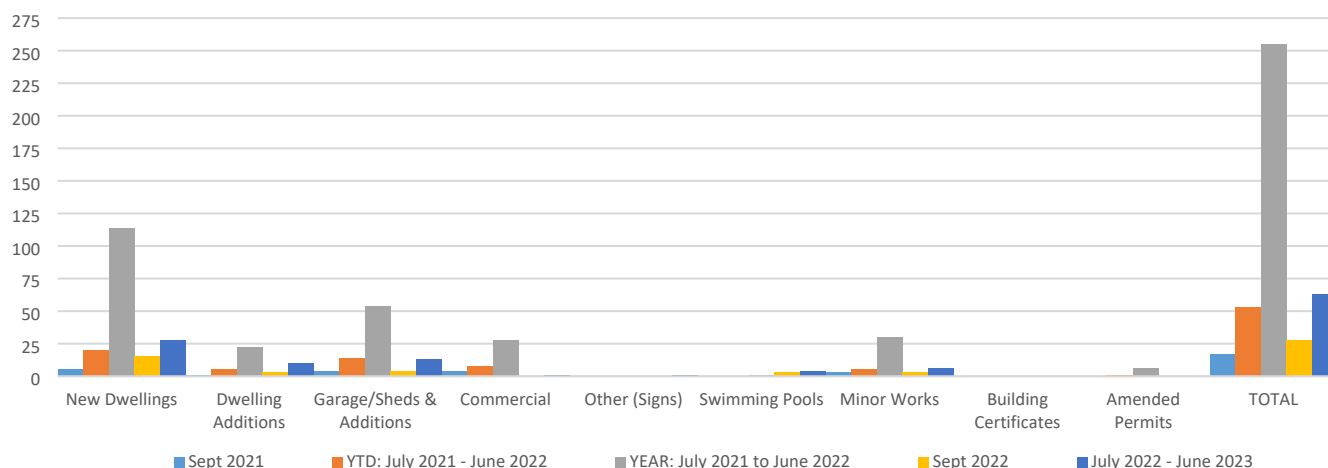
TPC TASMANIAN PLANNING COMMISSION	
	<ul style="list-style-type: none"> <li>They consider modifications are required and have issued a decision under section 35K(1) and 35KB.</li> <li>They have directed the Planning Authority to: <ul style="list-style-type: none"> <li>(a) modify the draft LPS, under section 35K(1)(a) of the Act, in accordance with the notice at Attachment 2 to the decision;</li> <li>(b) submit the modified draft LPS to the Commission under section 35K(2)(a) within 28 days (1 November 2022);</li> <li>(c) to prepare draft amendments under section 35KB(4)(a)(i) of the Act in the terms specified in the notice at Attachment 3 to the decision; and</li> <li>(d) to submit the draft amendments to the Commission under section 35KB(4)(a)(ii) of the Act within 42 days after the Northern Midlands LPS comes into effect.</li> </ul> </li> </ul>
PLN-22-0065	Draft Amendment 04-2022 to rezone part of 7 Wellington St, Longford, extend urban growth boundary and insert site specific qualification. Public notification until 29 July 2022. No representations. TPC has advised they have completed a preliminary review but require submissions on several matters by 25 October 2022.
PLN-22-0056	Draft Amendment 03/2022 to rezone part of folio of the Register 173776/1 to General Residential in conjunction with an s43A application for a 3 Lot subdivision. Placed on public exhibition. TPC has been advised that no representations were received.
DECISIONS RECEIVED	
-	-

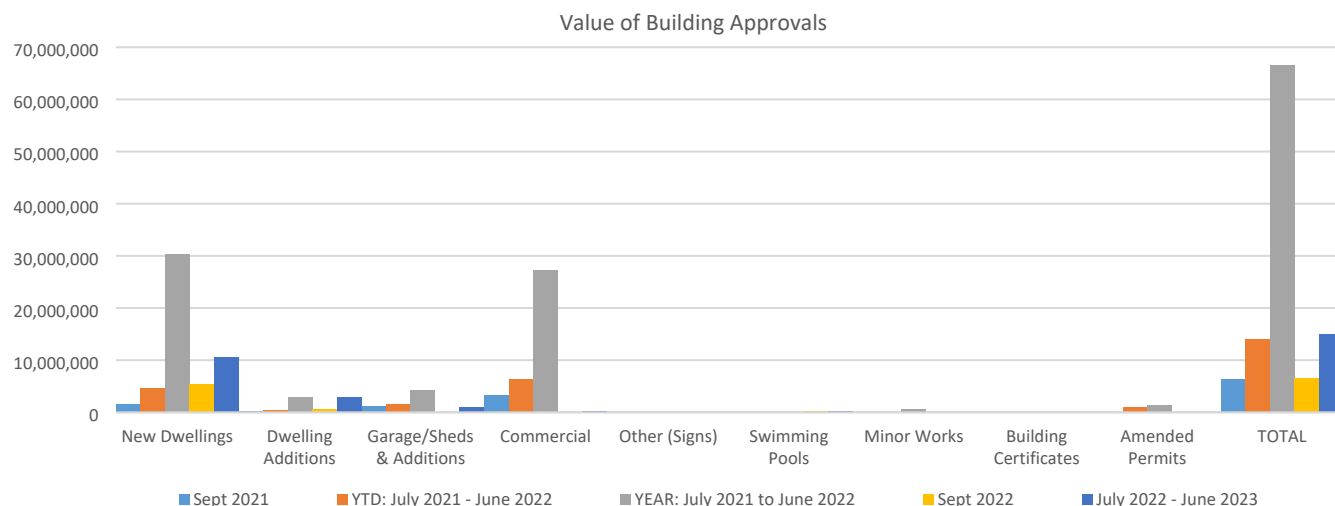
## 2.4 Building Approvals

The following table provides a comparison of the number and total value of building works for 2020/2021 – 2021/2022.

	YEAR: 2021-2022				YEAR		YEAR: 2022-2023			
	Sept 2021		YTD 2021-2022		July 2021 - June 2022		Sept-2022		YTD 2022-2023	
	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value
		\$		\$		\$		\$		\$
New Dwellings	5	1,579,699	20	4,692,870	114	30,244,148	15	5,417,035	28	10,503,105
Dwelling Additions	1	200,000	5	430,000	22	2,848,500	3	665,000	10	2,950,160
Garage/Sheds & Additions	4	1,103,370	14	1,572,370	54	4,236,238	4	120,000	13	898,000
Commercial	4	3,370,000	8	6,300,000	28	27,270,305	0	0	1	200,000
Other (Signs)	0	0	0	0	0	0	0	0	1	27,945
Swimming Pools	0	0	0	0	1	70,000	3	227,000	4	296,000
Minor Works	3	47,000	5	69,360	30	525,174	3	28,598	6	65,972
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	1	975,000	6	1,295,000	0	0	0	0
<b>TOTAL</b>	<b>17</b>	<b>6,300,069</b>	<b>53</b>	<b>14,039,600</b>	<b>255</b>	<b>66,489,365</b>	<b>28</b>	<b>6,457,633</b>	<b>63</b>	<b>14,941,182</b>
<b>Inspections</b>										
Building	1		2		38		0		0	
Plumbing	42		106		316		16		65	

Number of Building Approvals





## 2.5 Planning and Building Compliance – Permit Review

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

	This Month	2022/2023	Total 2021/2022
Number of Inspections	6	17	18
Property owner not home or only recently started			
Complying with all conditions / signed off			2
Not complying with all conditions			
Re-inspection required	5	14	12
Notice of Intention to Issue Enforcement Notice	1	4	
Enforcement Notices issued	1	1	
Enforcement Orders issued			
Infringement Notice			
No Further Action Required	1	3	4
	This Month	2022/2023	Total 2021/2022
Number of Inspections		4	
Property owner not home or only recently started			
Complying with all conditions / signed off			
Not complying with all conditions			
Re-inspection required		1	
Building Notices issued			
Building Orders issued			
No Further Action Required		3	
	This Month	2022/2023	Total 2021/2022
Number of Inspections	2	9	11
Commitment provided to submit required documentation		1	
Re-inspection required		3	8
Building Notices issued		2	
Building Orders issued		1	
Emergency Order			
No Further Action Required	2	5	3
	This Month	2022/2023	Total 2021/2022
Number of Inspections	2	3	29
Commitment provided to submit required documentation			3
Re-inspection required	2	3	21
Enforcement Notices issued			
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			

## 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

### 3.1 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

**3.2 Integrated Priority Projects Plan 2021**

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

**Enabling Project/s:**

*Projects which are considered to be incrementally important – usually by improving existing facilities or other complementary upgrades to infrastructure (does not include Council's business as usual projects including renewal and maintenance of existing assets)*

**5.4 Subdivisions:**

*Several at Cressy, Evandale, Longford & Perth - the Northern Midlands Council is a planning authority with responsibilities specified in the Land Use Planning and Approvals Act 1993 (LUPAA). These responsibilities include developing planning schemes, proposing amendments to planning schemes, supporting or rejecting changes proposed by others and making decisions on individual developments in accordance with the planning scheme. Several significant subdivisions in the Northern Midlands region have recently been identified and are in various stages of conceptual design or planning.*

**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 has been 1 commercial building approval/s valued at \$200,000 for 2022/23 (year to date), compared to 8 commercial building approvals valued at \$6,300,000 (year to date) for 2021/2022.

In total, there have been 63 building approvals valued at \$14,941,182 (year to date) for 2022/2023, compared to 53 building approvals valued at \$14,039,600 (year to date) for 2021/22.



## 10.2 POLICY UPDATES: LANDSCAPING REQUIREMENTS FOR DEVELOPMENT PROPOSALS & SHIPPING CONTAINER POLICY

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Erin Miles, Project Officer

### MINUTE NO. 22/347

#### DECISION

Deputy Mayor Goss/Cr Davis  
That Council

- a) endorse the amendments to the Landscaping Requirements for Development Proposals Policy.
- b) endorse the amendments to the Shipping Containers Policy (re-name as Exempt Temporary Buildings or Works (Including Shipping Containers)); and the policy wording be amended to include the following: *Part 5 Removal - That the container must be removed upon issue of the certificate of completion.*

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

#### RECOMMENDATION

That Council

- a) endorse the amendments to the Landscaping Requirements for Development Proposals Policy.
- b) endorse the amendments to the Shipping Containers Policy (re-name as Exempt Temporary Buildings or Works (Including Shipping Containers)).

### 1 PURPOSE OF REPORT

The purpose of this report is to advise and seek endorsement of policy updates.

### 2 INTRODUCTION/BACKGROUND

In order to ensure Council's Policy Manual remains relevant and correct, Council Officers periodically review the policies and recommend updates as required. Upon review, two policies were identified as requiring updates - Landscaping Requirements for Development Proposals and Shipping Containers (proposed to be re-named as Exempt Temporary Buildings or Works (Including Shipping Containers)). The updates are minor in nature and are required to improve interpretation, remove typographical errors and reflect operational or legislative changes.

### 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:**

- 3.2 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
- 4.4 Our heritage villages and towns are high value assets

**4 POLICY IMPLICATIONS**

Although both policies have been generally operating as required, minor updates are required to improve interpretation, remove typographical errors and reflect operational or legislative changes.

**5 STATUTORY REQUIREMENTS**

**5.1 Clause 8.11 - Northern Midlands Interim Planning Scheme 2013**

To aid enforcement and reflect the powers under the Planning Scheme, updates to the Landscaping Requirements for Development Proposals Policy are required. Changes to building legislation – namely the *Building Act 2016*, means that some works are either low risk or notifiable building work and do not require the issue of a building “permit”; however, conditions on a Planning Permit may require that specific things be done to the satisfaction of the planning authority under clause 8.11. Landscape bonds are therefore best enforced under the latter.

**5.2 Clause 5.3.3 - Northern Midlands Interim Planning Scheme 2013**

The placement of exempt buildings (inclusive of shipping containers, site buildings and the like) is allowed in accordance with the *Northern Midlands Interim Planning Scheme 2013*, provided there is development occurring on the site. The Scheme does not prescribe a timeframe for the placement or parameters for the location, hence the purpose of this policy.

**6 FINANCIAL IMPLICATIONS**

Operation of the policies is within existing budget allocations.

**7 RISK ISSUES**

The proposed changes seek to remove typographical errors, improve interpretation and reflect current legislation, hence reducing the risk of them being applied incorrectly. If policies are not updated to reflect current legislation, there is a risk that they are unenforceable.

**8 CONSULTATION WITH STATE GOVERNMENT**

Consultation with State Government was not required.

**9 COMMUNITY CONSULTATION**

No community consultation was identified as being necessary.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can amend the policies as recommended or move alternative amendments.



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

### **11.1 Landscaping Requirements for Development Proposals**

Landscaping plans and bonds for landscaping works continue to be taken in accordance with the policy. Given that for some works, a building permit is not required, it is advisable that conditioning the timeframe around the taking of a landscaping bond is enforceable under the *Land Use Planning and Approvals Act 1993* – i.e. prior to the commencement of use.

### **11.2 Shipping Containers (re-name as Exempt Temporary Buildings or Works (Including Shipping Containers))**

Re-naming this policy is required to reflect the content of the exemption under the Planning Scheme, to which it relates. Changing the name provides clarity as to the content of the policy; it does not change how it operates. A similar exemption exists under State Planning Provisions; however, further updates such as new clause numbers, will be required to reflect Council's new planning scheme, once it is in operation.

Further defining an appropriate location for temporary buildings is also considered necessary and will give the General Manager greater guidance in issuing approval.

## **12 ATTACHMENTS**

1. Landscaping Requirements for Development Proposals updated [10.2.1 - 1 page]
2. Shipping Container Policy updated [10.2.2 - 2 pages]



## 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

#### MINUTE NO. 22/348

#### DECISION

Cr Davis/Cr Goninon

That Council:

- i) receive and note the Monthly Financial Report for the period ending 30 September 2022, and
- ii) authorise Budget 2022/23 alterations as listed in Item 4.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

#### RECOMMENDATION

That Council:

- i) receive and note the Monthly Financial Report for the period ending 30 September 2022, and
- ii) authorise Budget 2022/23 alterations as listed in Item 4.

#### 1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 30 September 2022.

#### 2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 30 September 2022 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 2022-23 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-Sep-22

3

A. Operating Income and Expenditure						
	Budget	Year to Date Budget 42%	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$12,989,463	-\$12,989,463	-\$12,973,556	-\$16	99.9%	* 75% Advanced grants paid 21/22
Recurrent Grant Revenue	-\$4,593,268	-\$1,531,089	-\$847,341	-\$684	55.3%	
Fees and Charges Revenue	-\$2,571,392	-\$642,848	-\$797,261	\$154	124.0%	* Fee income above budget
Interest Revenue	-\$1,047,621	-\$261,906	-\$68,602	-\$193	26.2%	
Reimbursements Revenue	-\$44,625	-\$11,156	-\$37,919	\$27	339.9%	
Other Revenue	-\$1,542,444	-\$385,611	-\$79,733	-\$306	20.7%	
	-\$22,788,813	-\$15,822,074	-\$14,804,412	-\$1,018	93.6%	
Employee costs	\$6,415,996	\$1,603,999	\$1,356,828	\$247	84.6%	* EOY accruals and 3 pays to come
Material & Services Expenditure	\$5,806,838	\$1,451,710	\$1,661,407	-\$210	114.4%	
Depreciation Expenditure	\$6,651,715	\$1,662,929	\$1,663,105	\$0	100.0%	
Government Levies & Charges	\$1,161,962	\$290,491	\$28,178	\$262	9.7%	
Councillors Expenditure	\$217,390	\$54,348	\$21,916	\$32	40.3%	
Interest on Borrowings	\$100,368	\$25,092	\$87,216	-\$62	347.6%	
Other Expenditure	\$1,588,999	\$397,250	\$781,105	-\$384	196.6%	
Plant Expenditure Paid	\$569,494	\$142,374	\$186,598	-\$44	131.1%	
	\$22,512,762	\$5,628,191	\$5,786,353	-\$158	102.8%	
	-\$276,051	-\$10,193,883	-\$9,018,059			
Gain on sale of Fixed Assets	-\$160,000	-\$40,000	\$0	-\$40	0.0%	* Asset recognition EOY
Loss on Sale of Fixed Assets	\$426,581	\$106,645	\$0	\$107	0.0%	
Underlying (Surplus) / Deficit	-\$9,470 \$0	-\$10,127,238	-\$9,018,059 -			1*
Capital Grant Revenue	-\$8,353,950	-\$2,088,488	-\$447,494	-\$1,641	21.4%	* Not paid until milestones met
Subdivider Contributions	-\$345,649	-\$86,412	0	-\$86	0.0%	* Not recognised until EOY
Capital Revenue	-\$8,699,599	-\$2,174,900	-\$447,494			
	-		-			
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						
September						
1. Lfd - Anstey Street stormwater and associated kerb works						
			\$25,000			
1. Unallocated stormwater budget account						
			-\$25,000			
2. Glen Esk Road reconstruction extension						
			\$200,000			
2. Supplementary capital projects reserve						
			-\$200,000			
3. Fogo Service Bins						
			\$310,060			Minute 22/329 - 26/9/2022
3. Supplementary capital projects reserve						
			-\$310,060			
No adjustments for July & August.						
B. Balance Sheet Items						
	Year to Date Actual		Monthly Change		Same time last year	Comments
Cash & Cash Equivalents Balance						
- Opening Cash balance	\$25,974,971		\$24,586,516			
- Cash Inflow	\$9,914,805		\$1,837,771			
- Cash Payments	-\$11,226,949		-\$1,761,460			
- Closing Cash balance	\$24,662,827		\$24,662,827			
	24,662,827.00		-			
Account Breakdown						



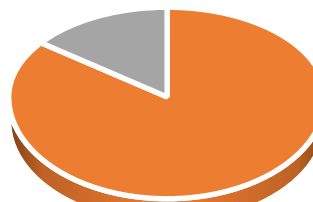
- Trading Accounts	\$260,274				
- Investments	\$24,402,553				
	\$24,662,827				
	-				
<b>Summary of Investments</b>	<b>Investment Date</b>	<b>Maturity Date</b>	<b>Interest Rate%</b>	<b>Purchase Price</b>	<b>Maturity Value</b>
Tasmanian Public Finance Corporation	7/09/2022	30/09/2022	2.36	\$5,419	\$5,427
Call Account	21/09/2022	30/09/2022	1.95	\$4,900,697	\$4,903,053
CBA Business Online Saver					
Westpac Corporate Regulated Interest Account	30/09/2022	30/09/2022	2.10	\$569,592	\$569,592
CBA	14/06/2022	12/12/2022	2.94	\$1,000,000	\$1,014,579
CBA	14/06/2022	13/03/2023	3.70	\$1,000,000	\$1,027,573
Westpac	13/04/2022	13/04/2023	1.91	\$4,500,000	\$4,585,950
CBA	14/06/2022	10/05/2023	3.94	\$5,000,000	\$5,178,110
My State Financial	25/05/2022	25/05/2023	2.70	\$3,371,425	\$3,462,454
Westpac - Stimulus	29/09/2022	29/06/2023	3.30	\$1,050,000	\$1,075,916
Westpac - Stimulus	16/06/2022	16/12/2024	1.60	\$3,000,000	\$3,120,197
Total Investments				\$24,397,134	\$24,942,851

Investments by Institution



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

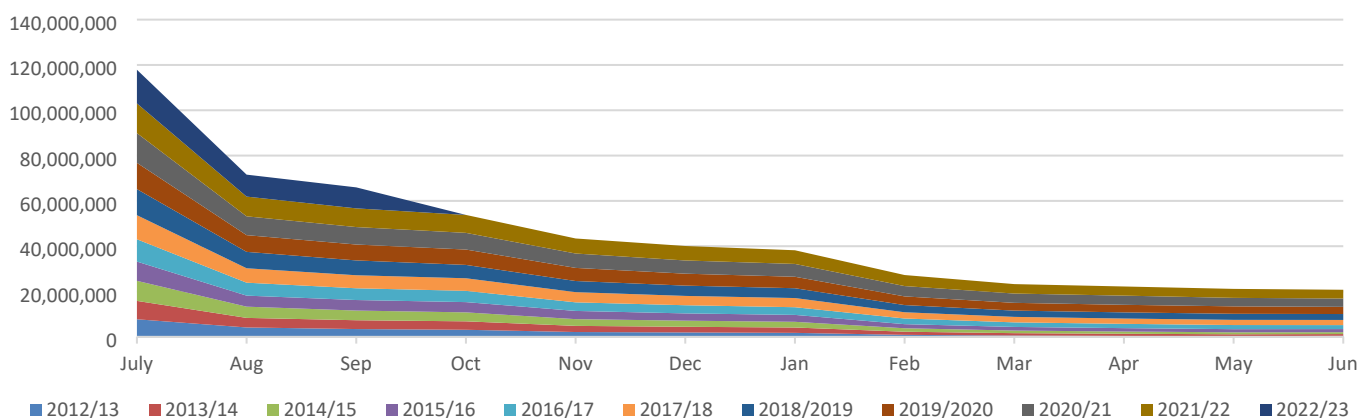
Total Investments by Rating (Standard & Poor's)



■ AA+ ■ AA- ■ BBB ■ Unrated

Rate Debtors	2022/23	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$3,863,134		\$3,205,341	
Rates Raised	\$13,043,145		\$12,275,300	
	\$16,906,278		\$15,480,641	
Rates collected	\$7,093,685	54.4%	\$6,712,153	54.7%
Pension Rebates	\$521,366	4.0%	\$492,390	4.0%
Discount & Remissions	\$26,086	0.2%	\$24,929	0.2%
	\$7,641,137		\$7,229,471	
Rates Outstanding	\$9,265,141	71.0%	\$8,251,170	67.2%
Advance Payments received	-\$292,442	2.2%	-\$178,375	1.5%

Outstanding Rates





Trade Debtors				
Current balance	\$1,013,929			
- 30 Days		\$368,703		
- 60 Days		\$3,090		
- 90 Days		\$92,785		
- More than 90 days		\$549,352		
Summary of Accounts more than 90 days:		-		
- Norfolk Plains Book sales		171		
- Hire/lease of facilities		11,387		
- Removal of fire hazards		6,267		
- Dog Registrations & Fines		18,991		
- Private Works		35,925		
- Regulatory Fees		7,151		
- Govt Reimbursements		469,460		
		-		

#### C. Capital Program

	Budget	Actual (\$,000)	Target 25%	Comments
Renewal	\$11,834,079	\$341,845	3%	
New assets	\$7,948,300	\$583,896	7%	
Total	\$19,782,379	\$925,741	5%	

#### Major projects:

- Perth Early Learning Centre	\$3,770,064	\$339,809	9%	In progress
- Lfd Memorial Hall upgrade	\$1,820,460	\$0	0%	
- Ctown Urban Streetscape Improvements	\$1,450,000	\$13,324	1%	
- Lfd Urban Streetscape Improvements	\$2,040,027	\$0	0%	
- Pth Urban Streetscape Improvements	\$1,518,272	\$21,420	1%	Design stage
- Cry Pool Improvements	\$600,000	\$352,740	59%	In progress
- Glen Esk Road Reconstruction	\$514,800	\$0	0%	
- Bishopsbourne Road Reconstruction	\$504,900	\$0	0%	
- Lfd Caravan Park Amenities replacement	\$450,000	\$4,760	1%	Preliminaries
- Evandale Hall Roof replacement	219,700	\$0	0%	Preliminaries
- William Street Footbridge	270,000	\$0	0%	Commenced
- Footpath Program	1,022,500	\$59,641	6%	Commenced

\* 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	57.0%	87.6%	-30.6%	↘	
- Own Source Revenue / Total Revenue	80%	94%	-14.4%	↘	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	0.0%	60.9%	-60.9%	↘	
- Debt / Own Source Revenue	40.8%	53.2%	-12.4%	↔	
Efficiency Ratios					
- Receivables / Own Source Revenue	56.5%	59.1%	-2.6%	↘	
- Employee costs / Revenue	28.2%	9.2%	19.0%	↗	
- Renewal / Depreciation	177.9%	20.6%	157.4%	↗	
Unit Costs					
- Waste Collection per bin	\$10.12	\$66.27		↔	





- Employee costs per hour	\$53.47	\$38.10	↗
- Rate Revenue per property	\$1,828.47	\$1,826.23	↔
- IT per employee hour	\$3.30	\$15.08	↘



#### E. Employee & WHS scorecard

	YTD	This Month	
Number of Employees	87	87	
New Employees	2	1	
Resignations	4	0	
Total hours worked	35,609	11,341	
Lost Time Injuries	0	0	
Lost Time Days	0	0	
Safety Incidents Reported	0	0	
Hazards Reported	3	0	
Risk Incidents Reported	1	0	
Insurance claims - Public Liability	0	0	
Insurance claims - Industrial	0	0	
Insurance claims - Motor Vehicle	0	0	
IT - Unplanned lost time	0	0	
Open W/Comp claims	3	1	



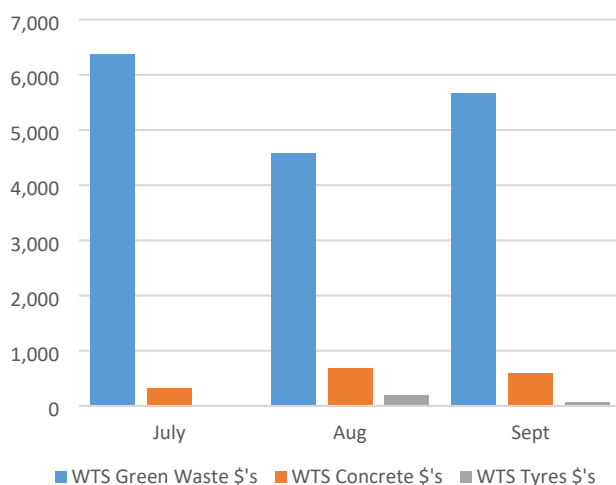
#### F. Waste Management

Waste Transfer Station	2020/21	2021/22	2022/23 Budget Year to Date	2021/22	
<b>Takings</b>					
- Refuse	\$119,842	\$135,285	\$22,147	\$31,864	
- Green Waste	\$80,904	\$82,450	\$13,862	\$16,594	
- Concrete	\$2,293	\$2,980	\$428	\$1,588	
- Tyres	727	694	\$108	\$257	
Total Takings	\$203,767	\$221,409	\$36,546	\$50,303	
<b>Tonnes Disposed</b>					
WTS Refuse Disposed Tonnes	1432	1349	266	295	
WTS Green Waste Disposed Tonnes	4670	2760	848	0	
WTS Concrete Disposed Tonnes	3056	3056	0	0	
Kerbside Refuse Disposed Tonnes	2435	2430	405	584	
Kerbside Recycling Disposed Tonnes	1051	1048	216	277	
Total Waste Tonnes Disposed	12644	10643	1735	1156	

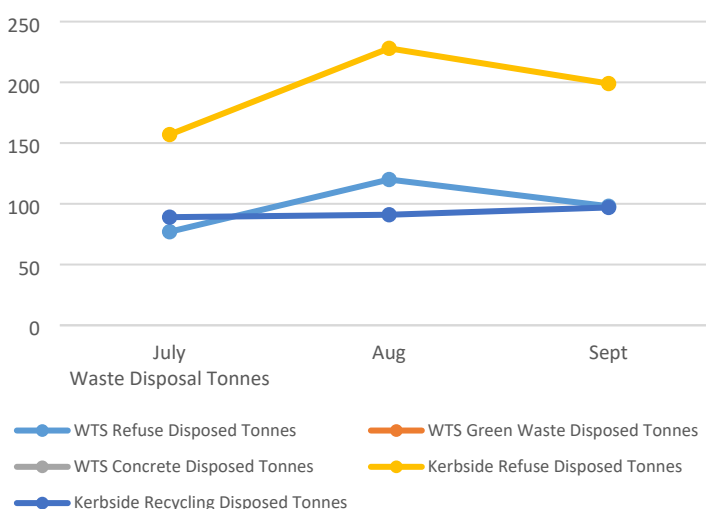


Mulch quarterly  
Crush periodically

Waste Transfer Station Fees \$'s



Waste Disposal Tonnes





**5 OFFICER COMMENTS**

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

**6 ATTACHMENTS**

Nil



## 11.2 ASSISTANCE FOR EVENTS: ROUND 2

Responsible Officer: Maree Bricknell, Corporate Services Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

### MINUTE NO. 22/349

#### DECISION

Cr Polley/Cr Calvert

That Council allocate Round 2 Event assistance as follows:

Applicant	Event	Grant Sought	Recommendation
Ross Wool Centre	Craft weekend at Ross – June 2023	\$825	\$825
Tasmanian Turf Club	Longford New Years Day Races 2023	\$6,000	\$6,000
Perth Early Learning Centre	Launch and opening of new Perth Centre 2023	\$3,500	\$3,119
Campbell Town Early Learning Centre	Thrive Group Tas – 10 year celebration 29 Oct 2022	\$2,000	\$1,000
Tasmanian Chamber of Music	Tasmanian Chamber Music Festival 19-21 Oct 2022	\$3,300	\$3,300
Nth Tas Light Horse Troop	War Animal Remembrance Day 26 February 2023	\$1,096	\$1,096
Sculpture Tasmania Inc	Ross Tin Can Sculpture Show	\$1,567	\$1,300
Longford Community Concert 2022	Christmas Concert 2022	\$288	\$288
Events Northern Midlands Assoc	Verandah Music Festival 26-27 November 2022	\$1,650	\$1,650
Events Northern Midlands Assoc	Longford Motorama March 2023	\$1,650	\$1,650
	<b>Total</b>	<b>\$21,876</b>	<b>\$20,228</b>

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

**Cr Goninon declared an interest in 11.2 Assistance for Events: Round 2 in relation to the Verandah Music Festival, signed the register and left the meeting at 5.48pm.**

### MINUTE NO. 22/350

#### DECISION

Cr Brooks/Cr Polley

That Council allocate Round 2 Event assistance as follows:

Events Northern Midlands Assoc	Verandah Music Festival 26-27 November 2022	\$1,650	\$1,650
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Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

**Cr Goninon returned to the meeting at 5.49pm.**



## RECOMMENDATION

That Council allocate Round 2 Event assistance as follows:

Event		Grant Sought	Recommendation
Ross Wool Centre	Craft weekend at Ross – June 2023	\$825	\$825
Tasmanian Turf Club	Longford New Years Day Races 2023	\$6,000	\$6,000
Perth Early Learning Centre	Launch and opening of new Perth Centre 2023	\$3,500	\$3,119
Campbell Town Early Learning Centre	Thrive Group Tas – 10 year celebration 29 Oct 2022	\$2,000	\$1,000
Tasmanian Chamber of Music	Tasmanian Chamber Music Festival 19-21 Oct 2022	\$3,300	\$3,300
Nth Tas Light Horse Troop	War Animal Remembrance Day 26 February 2023	\$1,096	\$1,096
Events Northern Midlands Assoc	Verandah Music Festival 26-27 November 2022	\$1,650	\$1,650
Events Northern Midlands Assoc	Longford Motorama March 2023	\$1,650	\$1,650
Sculpture Tasmania Inc	Ross Tin Can Sculpture Show	\$1,567	\$1,300
Total		\$21,588	\$ 19,940

## 1 PURPOSE OF REPORT

This report considers Round 2 requests for assistance during 2022-23 by community, sporting and non-profit organisations holding festivals, events or other promotions within the northern midlands area.

## 2 INTRODUCTION/BACKGROUND

Community organisations may apply for assistance towards festivals, events and promotions that are the only one of their kind in the Northern Midlands in any one year and attract significant numbers of people to the event and/or attract significant media coverage of the northern midlands area.

The maximum allocation to an event is \$2,000 except in the case of a major new event which can be eligible for a one-off seeding grant of up to \$3,500. Major events that are held annually are eligible for up to \$2,000 in-kind support each year (both grant amounts include a Covid compliance grant of \$350 towards additional expenses to run events covid safe).

Funding priorities are given to events that have a significant benefit for a wide range of Northern Midlands residents and businesses, are unique within Northern Midlands, or if profit making put the funds back into the community, preferably through community projects that will benefit a wide cross section of the community.

Round 2 applications for 2022-23 were advertised on 13th August and closed on 23rd September 2022.

Eight applications seeking \$17,540 were received by Council.

Event		Grant Sought	Recommendation
Ross Wool Centre	Craft weekend at Ross – June 2023	\$825	\$825
Tasmanian Turf Club	Longford New Years Day Races 2023	\$6,000	\$6,000
Perth Early Learning Centre	Launch and opening of new Perth Centre 2023	\$3,500	\$3,119
Campbell Town Early Learning Centre	Thrive Group Tas – 10 year celebration 29 Oct 2022	\$2,000	\$1,000
Tasmanian Chamber of Music	Tasmanian Chamber Music Festival 19-21 Oct 2022	\$3,300	\$3,300
Nth Tas Light Horse Troop	War Animal Remembrance Day 26 February 2023	\$1,096	\$1,096
Events Northern Midlands Assoc	Verandah Music Festival 26-27 November 2022	\$1,650	\$1,650
Events Northern Midlands Assoc	Longford Motorama March 2023	\$1,650	\$1,650
Total		\$20,021	\$ 18,640



### **3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN**

#### **3.1 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

**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

#### **3.2 Integrated Priority Projects Plan 2021**

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

### **4 POLICY IMPLICATIONS**

The event application guidelines set out a process for a fair and equitable distribution of financial assistance to local community groups.

### **5 STATUTORY REQUIREMENTS**

There is no statutory requirement to provide a community event grant program.

### **6 FINANCIAL IMPLICATIONS**

The support funding for Round 2 is funded from the annual allocation towards Events totalling \$75,000.

### **7 RISK ISSUES**

Without support many of the small community events would not be able to continue.

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

Not applicable – local event management.

### **9 COMMUNITY CONSULTATION**

Community groups promote their individual events. The funding rounds are advertised in the local papers and Facebook.

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

Approve or not approve some or all of the Round 2 event funding sought.



**11 OFFICER'S COMMENTS/CONCLUSION**

The above funding allocations are supported by the Tourism Officer.

**12 ATTACHMENTS**

1. Special Events 2022-23 [**11.2.1** - 1 page]



## 12 WORKS REPORTS

### 12.1 REQUEST FOR CHANGED SPEED LIMIT IN BREADALBANE

*Responsible Officer:* Leigh McCullagh, Works Manager  
*Report prepared by:* Jonathan Galbraith, Engineering Officer

#### MINUTE NO. 22/351

#### DECISION

Cr Davis/Cr Lambert

That Council request the Transport Commissioner at the Department of State Growth to consider lowering the speed limit in Breadalbane to 60kph.

Carried Unanimously

*Voting for the Motion:*

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

*Voting Against the Motion:*

Nil

#### **RECOMMENDATION**

That Council request the Transport Commissioner at the Department of State Growth to consider lowering the speed limit in Breadalbane to 60.

#### **1 PURPOSE OF REPORT**

The purpose of this report is for Council to consider requests from residents for the speed limit in Breadalbane to be lowered.

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

Council has received requests from residents of Breadalbane for the speed limit to be lowered from 80 to 60 for a number of years.

During recent years several new dwellings have been constructed in the area and there have also been a number of new businesses commence in the area and residents have requested that consideration be given to lowering the speed limit.

Speed limits on Council roads cannot be changed with the approval of the transport commissioner at the Department of State Growth but Council may request the commissioner to give approval for a change to the speed limit.



The speed limit in Breadalbane is currently 80

### 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

#### 3.1 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

#### 3.2 Integrated Priority Projects Plan 2021

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

### 4 POLICY IMPLICATIONS

None identified

### 5 STATUTORY REQUIREMENTS

The following legislation is relevant to this matter





- Tasmanian Road rules 2019
- Vehicles and Traffic act 1999

## **6 FINANCIAL IMPLICATIONS**

The cost of installing two new speed signs is approximately \$500

## **7 RISK ISSUES**

There was a recent fatal crash where a driver hit a pole in the Breadalbane roundabout, which is part of the State Government road network, officers from Department of State Growth have advised that the Breadalbane speed limits are not believed to have had an impact on this incident. The Department of State Growth traffic statistics show only two minor crashes in the Breadalbane township over the last five years which is not considered significant for the traffic volume on the road.

## **8 CONSULTATION WITH STATE GOVERNMENT**

Council Officers have discussed the requests from the community with officers from the Department of State Growth.

## **9 COMMUNITY CONSULTATION**

A number of requests have been received from residents of Breadalbane for the speed limit to be lowered over recent years.

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

Council can choose to:

1. Request the Transport Commissioner to lower the speed limit to 60 as requested by some residents of Breadalbane.
2. Leave the speed limit at 80 and continue to monitor traffic speeds and safety

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

It is recommended that Council request the speed limit be lowered to 60 from the private access road to the quarry through to the roundabout.

It should be noted that the Transport Commissioner is responsible for setting all speed limits and is responsible for making the final decision on the speed limit and may also recommend changes to Council's request based on advice from officers at the Department of State Growth.

## **12 ATTACHMENTS**

Nil



## 12.2 SAFETY AT THE INTERSECTION OF MULGRAVE AND SECCOMBE ST

Responsible Officer: Leigh McCullagh, Works Manager  
Report prepared by: Jonathan Galbraith, Engineering Officer

### MINUTE NO. 22/352

#### DECISION

Cr Davis/Cr Lambert

That the existing giveaway signs be replaced with larger "B" size giveaway signs and rumble bars be installed in the centre of the road.

Carried Unanimously

#### Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

#### Voting Against the Motion:

Nil

#### RECOMMENDATION

That the existing giveaway signs be replaced with larger "B" size giveaway signs and rumble bars be installed in the centre of the road.

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to consider signage at the intersection Seccombe and Mulgrave St.

### 2 INTRODUCTION/BACKGROUND

Seccombe St has recently been extended through to the new roundabout at the northern entrance of Perth to provide an easier access to the new subdivisions and other streets in the northern part of Perth.

Seccombe St intersects with Mulgrave St approximately 500m east of the new roundabout. In order to limit vehicle speeds Mulgrave St has been chosen as the priority route and there are giveaway signs on Seccombe St.

There have been several reports of accidents and near misses at this intersection and a request has been received for the giveaway signs to be replaced with stop signs.



Looking south along Mulgrave St (the priority route).



Looking east along Seccombe St.

### 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

#### 3.1 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

### **3.2 Integrated Priority Projects Plan 2021**

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

## **4 POLICY IMPLICATIONS**

If stop signs are installed at this location Council are likely to receive other requests for stop signs to be installed even at intersections where there is good sight distance in both directions.

## **5 STATUTORY REQUIREMENTS**

### **5.1 Sub-heading**

Australian Standard AS 1742.2 deals with road signage

## **6 FINANCIAL IMPLICATIONS**

The estimated cost to either install stop signs or upgrade to larger signs is approximately \$400. A further \$2000 would be required to install small "rumble bars" on the road centre line.

## **7 RISK ISSUES**

There have been a number of anecdotal reports of near misses at this intersection including a crash on the 29<sup>th</sup> of September 2022 which resulted in one driver being treated for minor injuries at the Launceston General Hospital. The Department of State Growth Crash data does not show any other crashes at this intersection.

There is possibly a higher risk of an accident at this intersection due to Secombe St being a long straight section of road where vehicles may travel at faster speeds.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/a

## **9 COMMUNITY CONSULTATION**

The request has come to Council from members of the community

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

Council can choose to either;

1. Install larger "B" size giveway signs or;



2. Do nothing at this time and continue to monitor safety at the intersection

## 11 OFFICER'S COMMENTS/CONCLUSION

Council have requested to install a stop sign at this intersection but stop signs are generally only used at intersections where there is limited sight distance. It is important not to use stop signs in locations where they are not required because these signs should only be used to make road users aware of a significant hazard such as limited sight distance. If signs are used too frequently road users are likely to ignore them.

The recommended treatment for this intersection is to replace the giveaway signs with larger "B" size signs and install 300mm rumble bars on the road centre line. The same treatment was done at the intersection of Clarence and Arthur St a number of years ago after several crashes which involved vehicles failing to give way.



Rumble bars and larger giveaway sign  
at Arthur and Clarence St intersection

## 12 ATTACHMENTS

1. Seccombe St intersection crash report [12.2.1 - 1 page]





**Mayor Knowles adjourned the meeting for the meal break at 6.04pm.**

**Mayor Knowles reconvened the meeting after the meal break at 6.45pm.**

### 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.

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 (in accordance with Council's Meeting Procedures Policy).

#### **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**

Nil.



## 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.

### MINUTE NO. 22/354

#### DECISION

Cr Goninon/Cr Lambert

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda Item/s 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7 and 15.8.

Carried Unanimously

## 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.

#### 15.3 PLN22-0190 - Part Change of Use to Food Services: 108 High Street, Campbell Town

##### **Wishes Goodearth, Ross**

Ms Goodearth noted that she had submitted a representation and confirmed that Councillors had received and read the representation.

#### 15.4 PLN22-0185 - 6 Lot Subdivision: 81 Brickendon Street, Longford

##### **Mr Peter Dixon, Prospect (for the applicant)**

Mr Dixon noted

- 6 blocks in the lower density residential zone
- Fits into discretionary use 'class'
- Includes installation of 6-foot Colourbond fence along boundary
- Agreement with the CEO of TAS Racing to delay the development for a 3-year period to allow time for the establishment of new stables

##### **Mr Michael Morris, Longford (representor)**

Mr Morris noted:

- Surgery is 4 meters from the boundary, construction noises will hinder administration of anesthetic to horses and impact on the amenity of future neighbours.
- At times, equine practice involves horses being euthanized, occasionally by gunshot, and issues with disposal of the carcass may impact neighbours.
- If the DA is approved, the proponent must be required to build effective acoustic and visual barriers/fences along the boundary before any works commence.

##### **Ms Michelle Schleiger – Town Planner at Woolcott Surveys (for the applicant)**

Ms Schleiger noted:

- The application is in line with the planning scheme and is compliant with the provisions.

##### **Mr Richard Archer (Representor)**

Mr Archer noted:

- That his 400ha property is adjacent to the development.
- His farming operations are potentially 20 meters away from a house.





- Concern for:
  - *Stock from wandering dogs, dust and smoke.*
  - *Survival of the vet clinic*
  - *Future of the racetrack*
- Long term future of farming is under threat due to the change of land use in the vicinity of farmland and queried why the 8000s/m lot size has this changed?

**Mr Paul Godier - Senior Planner**

Mr Goodier provided a response.

The Council's draft Local Provisions Schedule to the Tasmanian Planning Scheme proposed a Specific Area Plan which has a minimum lot size of 1ha which can be reduced a maximum of 20% down to 8000m2. However, the application that is before council was made under the Northern Midlands Interim Planning Scheme 2013 and must be assessed against the provisions of that scheme.

15.6 PLN22-0203 - 9 Lot Subdivision: 144 Marlborough Street, Longford

**Michelle Schleiger – Town Planner at Woolcott Surveys (for the applicant)**

Ms Schleiger noted:

- Development has overarching benefits of increasing density in an appropriate manner
- Residential demand is strong in Longford.

15.8 PLN22-0188, 4 Lot Subdivision, 274 Perth Mill Road, Perth

**Anthony Peters**

Mr Peters queried as to the process in relation to his application and when a decision would be made.

Mr Peters was advised that a decision would be made at the meeting with formal correspondence to be provided on completion of the minutes.



## 15 PLANNING REPORTS

### 15.1 PLN22-0101 - MULTIPLE DWELLINGS: 20 LEWIS STREET, LONGFORD

File: 108100.11; PLN22-0101  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Rebecca Green, Planning Consultant

#### MINUTE NO. 22/361

#### DECISION

Cr Goninon/Cr Polley

That application PLN-22-0101 to develop and use the land at 20 Lewis Street, Longford for Multiple Dwellings x 3 (1 Existing, 2 New) (vary access width) be approved subject to the following conditions:

#### 1 Layout not altered

The use and development must be in accordance with the endorsed documents **P1 – P13** (*Plans prepared by Design to Live, Drawing No: LWSS20, Sheet No's: 1/13-13/13, Dated: 18/05/2022*); and **D1** (*Planning Application Cover Letter, Design to Live, Received: 06.06.2022 (dated; 22 June 2021)*); and **D2** (*Stormwater Retention System Assessment, RJK Consulting Engineers, Dated: 30 August 2022*).

##### 1.1 Revised Plans Required

Before a building permit is issued, or the development commences, whichever occurs first, revised plans to the approval of the General Manager must be submitted. When approved the plans will be endorsed and form part of this permit. The plans must show the driveway and crossover 4.5m wide for the first 7m from the road carriageway

#### 2 Council's Works Department conditions

##### 2.1 Stormwater

- Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- Concentrated stormwater must not be discharged into neighbouring properties.
- Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings in accordance with the *RJK Stormwater Retention System assessment 30/8/22*. The system must connect through properly jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- A plumbing permit is required prior to commencing any plumbing or civil works within the property.

##### 2.2 Pumped System

Prior to the commencement of the use, an 'Operation and Maintenance Manual' for the pumped stormwater system must be prepared by a suitably qualified person and provided to and approved by Council's Works and Infrastructure Department. The Operation and Maintenance Manual must:

- provide a detailed description of the pumped stormwater system as well as the components included in the system covered in the manual;
- provide a comprehensive detailed explanation of all major operating procedures to ensure that the pumped system works as designed;
- detail the preventive and corrective maintenance programs that must be adopted to ensure the system is in a proper working order, including maintenance schedules, procedures and test requirements; and
- include 'as constructed' drawings of the pump and storage system as an annexure to the Operation and Maintenance Manual.



### 2.3 Access

- A concrete driveway crossover and apron must be constructed for each dwelling from the edge of the Road to the property boundary in accordance with Council standards.
- Access works must not commence until an application for vehicular crossing has been approved by Council.
- All works must be done in accordance with Council Standard Drawing TSD-R09 and to the satisfaction of the Works Manager.

### 2.4 Municipal standards & approvals

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. All works must be constructed to the satisfaction of Council. Where works are required to be designed prior to construction, such designs and specifications must be approved by Council prior to commencement of any *in situ* works.

### 2.5 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.

### 2.6 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 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.

### 2.7 Works damage bond

- Prior to the issue of a building permit, or the commencement of development authorised by this permit, a \$500 bond must be provided to Council, which will be refunded if Council's infrastructure is not damaged.
- This bond is not taken in place of the Building Department's construction compliance bond.
- The nature strip, crossover, apron and kerb and gutter and stormwater infrastructure must be reinstated to Council's standards if damaged.
- The bond will be returned after building completion if no damage has been done to Council's infrastructure and all engineering works are done to the satisfaction of the Works & Infrastructure Department.

### 2.8 Nature strips

Any 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.

### 2.9 Part 5 Agreement

Prior to the commencement of the use, the landowner must enter into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* with the Northern Midlands Council.

The agreement will be in such form as Council may require at its discretion, and must include the following:

- that the landowner acknowledges that the property relies on a pumped stormwater system and that the purpose of the pumped stormwater system is to service and control the concentrated discharge of stormwater from any structures on the property which are not connected by gravity or charged pipes to Council's stormwater system.
- that the landowner is responsible for the ongoing operation and maintenance of the pump and stormwater



storage system.

- that the landowner must operate and maintain the pumped stormwater system in accordance with the Operation and Maintenance Manual following its submission to and approval by the Council's Works and Infrastructure Department as required by condition 2.2 of this permit.
- annex a copy of the approved Operation and Maintenance Manual as required by condition 2.2 of this permit to the Agreement.
- that the landowner must provide a report to the Council on or before 30 June every 12 month period, from a suitably qualified person confirming that the pumped stormwater system is in working order and that the maintenance procedures and maintenance schedules described within the Operation and Maintenance Manual have been complied with.
- that the landowner must rectify any nuisance caused by the concentrated discharge of stormwater from the pumped stormwater system to Council's requirements and at the owner's expense, within 14 days of Council giving notice of the requirement to do so.
- That the failure by the landowner to comply with a term or condition set out in the agreement allows the Council to undertake that work, with the costs of doing so to be a debt due and payable by the landowner to the Council.

### **3 TasWater conditions**

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01543-NMC) – *attached at Appendix A*.

### **4 Landscaping**

- Landscaping works shall be in accordance with the endorsed plans, and landscaping works for each dwelling shall be completed prior to the commencement of use of that dwelling and then maintained for the duration of the use.
- Each dwelling must be provided with an external clothes line.
- A bond of \$500 per dwelling shall be provided prior to the commencement of development of that dwelling authorised by this permit – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

### **5 Driveways and Parking Areas**

- Driveways and parking areas around each dwelling shall be sealed in accordance with the endorsed documents prior to the commencement of use of the dwelling.
- The visitor car parking space must be clearly and permanently labelled as a visitor parking space prior to the commencement of use.

### **6 Required prior to the application for a building permit**

Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant shall:

- Pay works damage bond of \$500 (as per condition 2.7);
- Pay a \$500 per dwelling landscape bond (as per condition 4).

### **7 Prior to commencement of use**

Prior to the commencement of the use of each dwelling, the following must be completed:

- Part 5 Agreement (as per condition 2.9);
- Landscaping works for each dwelling including mail boxes, clothes lines, fencing, and garden shed (as per condition 4 – landscaping);
- Driveways and parking areas around each dwelling sealed (as per condition 5).

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil



## RECOMMENDATION

That application PLN-22-0101 to develop and use the land at 20 Lewis Street, Longford for Multiple Dwellings x 3 (1 Existing, 2 New) (vary access width) be approved subject to the following conditions:

### 1 Layout not altered

The use and development must be in accordance with the endorsed documents **P1 – P13** (*Plans prepared by Design to Live, Drawing No: LWSS20, Sheet No's: 1/13-13/13, Dated: 18/05/2022*); and **D1** (*Planning Application Cover Letter, Design to Live, Received: 06.06.2022 (dated: 22 June 2021)*); and **D2** (*Stormwater Retention System Assessment, RJK Consulting Engineers, Dated: 30 August 2022*).

### 2 Council's Works Department conditions

#### 2.1 Stormwater

- Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- Concentrated stormwater must not be discharged into neighbouring properties.
- Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings in accordance with the *RJK Stormwater Retention System assessment 30/8/22*. The system must connect through properly jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- A plumbing permit is required prior to commencing any plumbing or civil works within the property.

#### 2.2 Pumped System

Prior to the commencement of the use, an 'Operation and Maintenance Manual' for the pumped stormwater system must be prepared by a suitably qualified person and provided to and approved by Council's Works and Infrastructure Department. The Operation and Maintenance Manual must:

- provide a detailed description of the pumped stormwater system as well as the components included in the system covered in the manual;
- provide a comprehensive detailed explanation of all major operating procedures to ensure that the pumped system works as designed;
- detail the preventive and corrective maintenance programs that must be adopted to ensure the system is in a proper working order, including maintenance schedules, procedures and test requirements; and
- include 'as constructed' drawings of the pump and storage system as an annexure to the Operation and Maintenance Manual.

#### 2.3 Access

- A concrete driveway crossover and apron must be constructed for each dwelling from the edge of the Road to the property boundary in accordance with Council standards.
- Access works must not commence until an application for vehicular crossing has been approved by Council.
- All works must be done in accordance with Council Standard Drawing TSD-R09 and to the satisfaction of the Works Manager.

#### 2.4 Municipal standards & approvals

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. All works must be constructed to the satisfaction of Council. Where works are



required to be designed prior to construction, such designs and specifications must be approved by Council prior to commencement of any *in situ* works.

2.5 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.

2.6 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 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.

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Prior to the commencement of the use, the landowner must enter into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* with the Northern Midlands Council.

The agreement will be in such form as Council may require at its discretion, and must include the following:

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- that the landowner is responsible for the ongoing operation and maintenance of the pump and stormwater storage system.
- that the landowner must operate and maintain the pumped stormwater system in accordance with the Operation and Maintenance Manual following its submission to and approval by the Council's Works and Infrastructure Department as required by condition 2.2 of this permit.
- annex a copy of the approved Operation and Maintenance Manual as required by condition 2.2 of this permit to the Agreement.
- that the landowner must provide a report to the Council on or before 30 June every 12 month period, from a suitably qualified person confirming that the pumped stormwater system is in working order and that the maintenance procedures and maintenance schedules described within the Operation and



Maintenance Manual have been complied with.

- that the landowner must rectify any nuisance caused by the concentrated discharge of stormwater from the pumped stormwater system to Council's requirements and at the owner's expense, within 14 days of Council giving notice of the requirement to do so.
- That the failure by the landowner to comply with a term or condition set out in the agreement allows the Council to undertake that work, with the costs of doing so to be a debt due and payable by the landowner to the Council.

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Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01543-NMC) – *attached at Appendix A*.

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Prior to the commencement of the use of each dwelling, the following must be completed:

- Part 5 Agreement (as per condition 2.9);
- Landscaping works for each dwelling including mail boxes, clothes lines, fencing, and garden shed (as per condition 4 – landscaping);
- Driveways and parking areas around each dwelling sealed (as per condition 5).

## 1 INTRODUCTION

This report assesses an application for 20 Lewis Street, Longford to construct Multiple Dwellings x 3 (1 Existing, 2 New) (vary access width).

## 2 BACKGROUND

#### **Applicant:**

Design to Live

#### **Zone:**

General Residential

#### **Classification under the Scheme:**

#### **Owner:**

D Corbett

#### **Codes:**

Car Parking and Sustainable Transport Code

#### **Existing Use:**





Residential (multiple dwellings)

**Deemed Approval Date:**

28 October 2022

Residential (single dwelling)

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Reliance on performance criteria of the Car Parking and Sustainable Transport Code – access width.

**Planning Instrument:**

- *Northern Midlands Interim Planning Scheme 2013, Version 38, Effective from 22<sup>nd</sup> February 2022.*

**Preliminary Discussion:**

Prior to the application being placed on public exhibition, further information was requested from the applicant.

**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.

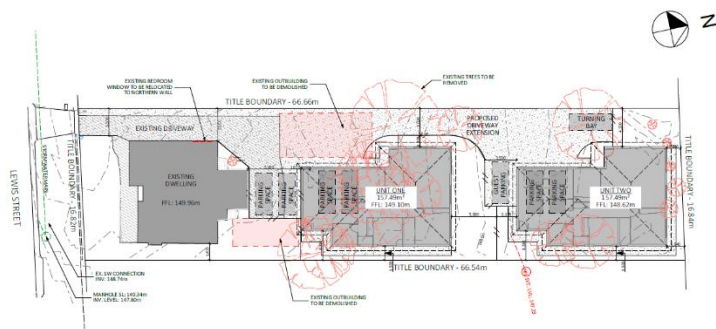
### 4 ASSESSMENT

#### 4.1 Proposal

- Multiple Dwellings x 3 (1 Existing, 2 New) (vary access width).

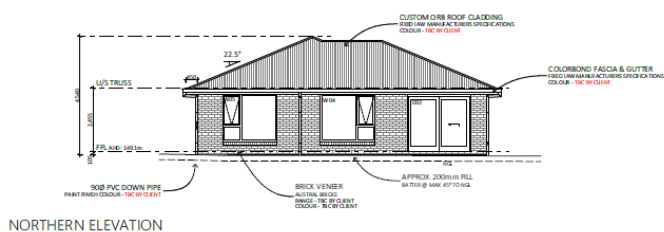


**Site Plan (extract)**

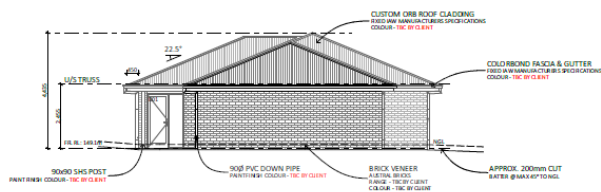


***Elevations (extract)***

EXHIBITED

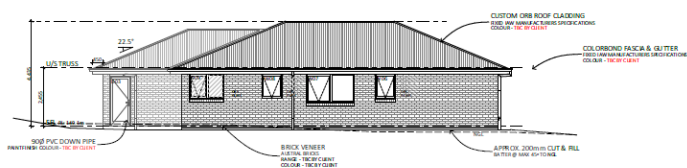
Received  
06.06.2022

NORTHERN ELEVATION

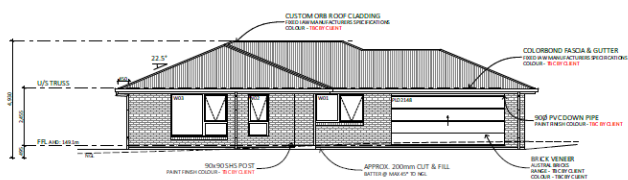


### SOUTHERN ELEVATION

EXHIBITED

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EASTERN ELEVATION

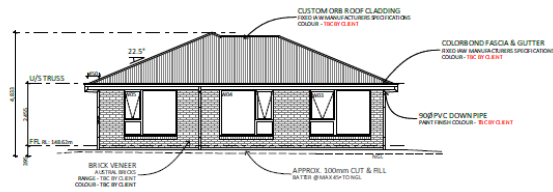


WESTERN ELEVATION

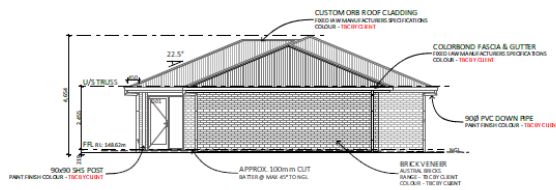


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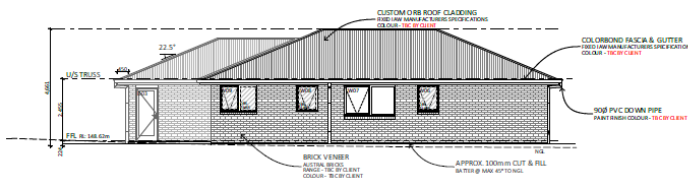
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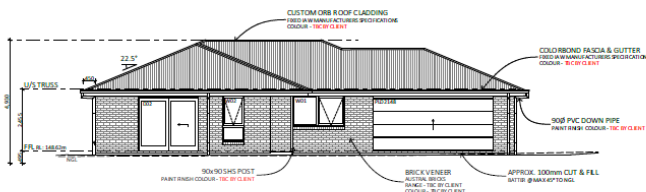
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06.06.2022



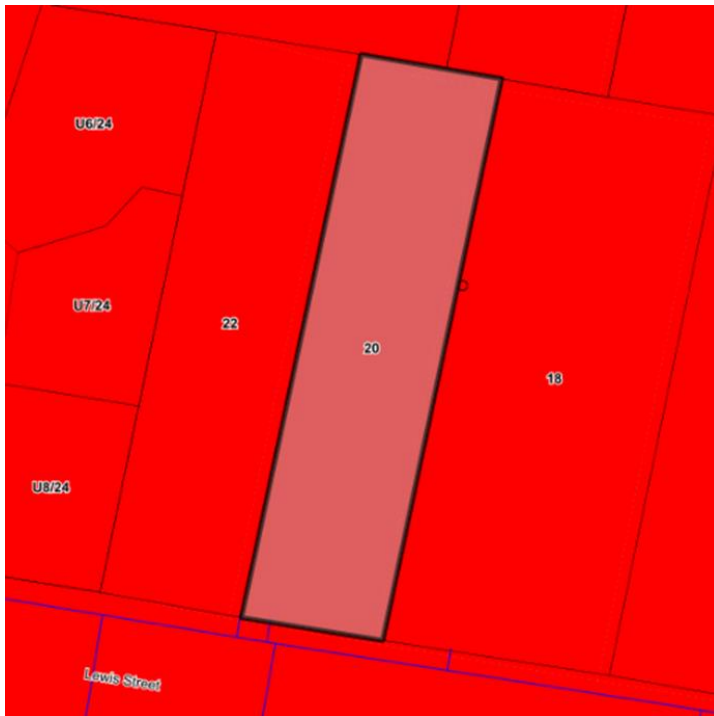
EASTERN ELEVATION



WESTERN ELEVATION

## 4.2 Zone and Land Use

The land is zoned General Residential and is not within a specific area.



The relevant Planning Scheme definition is:

<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>
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Residential (multiple dwellings) is Permitted in the zone.

#### 4.3 Subject Site and Locality

A site inspection was undertaken on 20<sup>th</sup> September 2022. The site comprises an area of 1,118m<sup>2</sup> and accommodates an existing single dwelling and outbuildings. The surrounding area consists of established residential uses with a mix of single and multiple dwellings.

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





*Photographs of subject site*







#### 4.4 Permit/Site History

Relevant permit history includes:

- Nil

#### 4.5 Representations

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

- J. Denne, 16 Lewis Street, Longford.

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

##### Issue 1

- Concerns that previous plans to build two units at the back of the existing residence were rejected due to width of driveway.

Planner's comment:

Council has no record of any previous application on the subject site.

##### Issue 2

- No mention of the removal of two sycamore trees located on the eastern boundary fence and pushing the fence out of position. There is also no mention in the application what is to be done with the boundary fences on the western, northern and eastern boundaries of the property.

Planner's comment:

Proposal drawing 2/13, LWSS20 details all trees to be removed (red dashed lines). There is no requirement for fencing nor vegetation removal within 1.5m of a boundary to require planning approval. Boundary fences will be considered under the *Boundary Fences Act 1908*.

##### Issue 3

- Concerns regarding slope of the site and stormwater at the rear of the block.

Planner's comment:



A Stormwater Retention System Assessment accompanied the application and conditions relating to stormwater management are provided for within Works and Infrastructure Department referral.

#### **Issue 4**

- Concerns the existing dwelling will be removed in the future.

#### **Planner's comment:**

The Planning Authority must only consider the application before it. The existing dwelling is to remain as shown on plans submitted together with the subject application.

### **4.6 Referrals**

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

Council's Engineering Officer, Jonathan Galbraith, reported on 26 September 2022 and his recommended conditions are included in the conditions of approval.

#### **TasWater**

TasWater issued a Submission to Planning Authority Notice on 27/09/2022 (TWDA 2022/01543-NMC).

### **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>
<b>Assessment:</b> The proposal complies with the zone purpose.

LOCAL AREA OBJECTIVES
<i>To consolidate growth within the existing urban land use framework of the towns and villages.</i>
<i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i>
<i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i>
<b>Assessment:</b> The proposal complies with the local area objectives.

#### **10.2 Use Table**

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
<i>Residential</i>	<i>If a single dwelling</i>
<i>Natural and cultural values management</i>	
<i>Passive recreation</i>	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>



<b>Residential</b>	<i>If a caretakers dwelling or home-based business</i> <i>If for multiple dwellings, except on CT 152543/1</i>
<b>Utilities</b>	<i>If for minor utilities</i>
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
<i>Business and professional services</i>	<i>If a medical centre</i>
<i>Educational and occasional care</i>	
<i>Food services</i>	<i>If a cafe or takeaway food premises</i> <i>If a Restaurant on the land described in CT 3040/81 (114 Marlborough Street, Longford)</i>
<i>General retail and hire</i>	<i>If for a local shop</i> <i>If a hairdressing salon and the sale of clothing and accessories only on the land described in CT 110036/1 (4 Nile Road, Evandale)</i>
<i>Community meeting &amp; entertainment</i>	<i>If not a cinema or function centre</i>
<i>Emergency Services</i>	<i>If on CT 76398/4 &amp; 5 (176 High Street, Campbell Town)</i>
<i>Recycling and waste disposal</i>	<i>If on CT 135864/3</i>
<i>Residential</i>	<i>If a boarding house, communal residence, hostel, residential aged care facility, retirement village</i> <i>If on CT 152534/1 retirement village only</i>
<i>Resource development</i>	<i>If on CT 135864/3</i>
<i>Vehicle parking</i>	<i>If on CT 135864/3 and directly associated with the Evandale market</i>
<i>Visitor accommodation</i>	
<i>Utilities</i>	<i>If not for minor utilities</i>
<b>Prohibited</b>	
<i>All other uses</i>	

### 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>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1If for permitted or no permit required uses.</i>	<i>P1The 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>
<i>A2Commercial 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>	<i>P2Commercial 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>
<i>A3If for permitted or no permit required uses.</i>	<i>P3External 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>
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*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: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.</i>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <i>Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>.</i>	<b>P1</b> <i>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: (a) is compatible with the density of existing development on established properties in the area; or (b) provides for a significant social or community benefit and is: (i) wholly or partly within 400m walking distance of a public transport stop; or (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.</i>
<b>Complies.</b> Title area is 1,118m <sup>2</sup> . 3 dwellings give a site area per dwelling of 372.6m <sup>2</sup> .	<b>N/a</b>

**10.4.2**          *Setbacks and building envelope for all dwellings*

<b>Objective:</b>	<i>The siting and scale of dwellings: 1. provides reasonably consistent separation between dwellings and their frontage within a street; 2. provides consistency in the apparent scale, bulk, massing and proportion of dwellings; 3. provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and 4. provides reasonable access to sunlight for existing solar energy installations.</i>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <i>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: 1. 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; 2. 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</i>	<b>P1</b> <i>A dwelling must: (a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and (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.</i>





<p>not a primary frontage, of any existing dwelling on the site;</p> <p>3. if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>4. if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>5. if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<b>Complies.</b> Setback of more than 4.5m is proposed.	<b>N/a</b>
<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>1. 5.5m, or alternatively 1m behind the building line;</p> <p>2. the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>3. 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<b>Complies.</b> Setback of more than 5.5m for garages proposed.	<b>N/a</b>
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(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</p> <p>(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</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the mm adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
<b>Complies.</b> Minimum 1.5m setback proposed.	<b>N/a</b>



Objective:	That dwellings are compatible with the amenity and character of the area and provide: <ol style="list-style-type: none"> <li>for outdoor recreation and the operational needs of the residents;</li> <li>opportunities for the planting of gardens and landscaping; and</li> <li>private open space that is conveniently located and has access to sunlight.</li> </ol>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Dwellings must have:</p> <ol style="list-style-type: none"> <li>a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>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).</li> </ol>	<p>P1</p> <p>Dwellings must have:</p> <ol style="list-style-type: none"> <li>site coverage consistent with that existing on established properties in the area;</li> <li>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: <ol style="list-style-type: none"> <li>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</li> <li>operational needs, such as clothes drying and storage; and</li> </ol> </li> <li>reasonable space for the planting of gardens and landscaping.</li> </ol>
<p>a) Dwellings to cover 436m<sup>2</sup>. Site area is 1,118m<sup>2</sup>. Coverage is 39%. <b>Complies.</b></p> <p>b) Drawing 4/13 of the plans details that each multiple dwelling will have at least 60m<sup>2</sup> of private open space. <b>Complies.</b></p>	<b>N/a</b>
<p>A2</p> <p>A dwelling must have private open space that:</p> <ol style="list-style-type: none"> <li>is in one location and is not less than: <ol style="list-style-type: none"> <li>24m<sup>2</sup>; or</li> <li>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);</li> </ol> </li> <li>has a minimum horizontal dimension of not less than: <ol style="list-style-type: none"> <li>4m; or</li> <li>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);</li> </ol> </li> <li>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</li> <li>has a gradient not steeper than 1 in 10.</li> </ol>	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ol style="list-style-type: none"> <li>conveniently located in relation to a living area of the dwelling; and</li> <li>orientated to take advantage of sunlight.</li> </ol>
Plan shows that each dwelling will have private open space in accordance with A2. <b>Complies.</b>	<b>N/a</b>



<b>Objective:</b>	<i>That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.</i>	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> <i>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):</i> <i>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4):</i> <i>(i) at a distance of 3m from the northern edge of the private open space; and</i> <i>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</i> <i>(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</i> <i>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</i> <i>(i) an outbuilding with a building height not more than 2.4m; or</i> <i>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</i>		<b>P1</b> <i>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.</i>
<b>Complies.</b>		<b>N/a</b>

**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>		<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</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> <b>1.</b> <i>a dwelling on an adjoining property or its private open space; or</i>



<p><i>uniform transparency of not more than 25%, along the sides facing a:</i></p> <ol style="list-style-type: none"> <li><i>1. 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></li> <li><i>2. 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></li> <li><i>3. dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</i></li> <li><i>4.</i></li> <li><i>5. (i)from a window or glazed door, to a habitable room of the other dwelling on the same site; or</i></li> <li><i>6.</i></li> <li><i>7. (ii)from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</i></li> </ol>	<ol style="list-style-type: none"> <li><i>2. another dwelling on the same site or its private open space.</i></li> </ol>
<p><b>N/a</b></p>	<p><b>N/a</b></p>
<p><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></p> <ol style="list-style-type: none"> <li><i>1. the window or glazed door:</i></li> <li><i>2.</i></li> <li><i>3. (i)is to have a setback of not less than 3m from a side boundary;</i></li> <li><i>4.</i></li> <li><i>5. (ii)is to have a setback of not less than 4m from a rear boundary;</i></li> <li><i>6.</i></li> <li><i>7. (iii)if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</i></li> <li><i>8.</i></li> <li><i>9. (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></li> <li><i>10.</i></li> <li><i>11. (b)the window or glazed door:</i></li> <li><i>12.</i></li> <li><i>13. (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></li> <li><i>14.</i></li> <li><i>15. (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></li> </ol>	<p><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></p> <ol style="list-style-type: none"> <li><i>1. a window or glazed door, to a habitable room of another dwelling; and</i></li> <li><i>2. the private open space of another dwelling.</i></li> </ol>



16. 17. (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%.	
<b>N/a</b>	<b>N/a</b>
<p><b>A3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <ol style="list-style-type: none"> <li>2.5m; or</li> <li>1m if:</li> <li></li> <li>(i) it is separated by a screen of not less than 1.7m in height; or</li> <li></li> <li>(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.</li> </ol>	<p><b>P3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p><b>Complies</b>, the existing bedroom window on the eastern elevation of the existing dwelling is to be relocated to the northern wall. The front windows of each new dwelling are located at least 1m from a shared driveway and plans submitted detail that those windows have screening to a height of not less than 1.7m above the floor level and therefore meets b) ii).</p>	<b>N/a</b>

10.4.7 Frontage fences for all dwellings

Objective:	<p>The height and transparency of frontage fences:</p> <ol style="list-style-type: none"> <li>provides adequate privacy and security for residents;</li> <li>allows the potential for mutual passive surveillance between the road and the dwelling; and</li> <li>is reasonably consistent with that on adjoining properties.</li> </ol>
Acceptable Solutions	Performance Criteria
<p><b>A1</b> No Acceptable Solution.</p>	<p><b>P1</b> A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ol style="list-style-type: none"> <li>provide for security and privacy while allowing for passive surveillance of the road; and</li> <li>be compatible with the height and transparency of fences in the street, having regard to:</li> <li></li> <li>(i) the topography of the site; and</li> <li></li> <li>(ii) traffic volumes on the adjoining road.</li> </ol>
<b>N/a</b> - does not propose new fencing.	<b>N/a</b>



10.4.8 Waste storage for multiple dwellings

<b>Objective:</b>	<i>To provide for the storage of waste and recycling bins for multiple dwellings.</i>	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> <i>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:</i> <ol style="list-style-type: none"> <li><i>1. an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</i></li> <li><i>2. a common storage area with an impervious surface that:</i> <ol style="list-style-type: none"> <li><i>3.</i></li> <li><i>4. (i)has a setback of not less than 4.5m from a frontage;</i></li> <li><i>5.</i></li> <li><i>6. (ii)is not less than 5.5m from any dwelling; and</i></li> <li><i>7.</i></li> <li><i>8. (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.</i></li> </ol> </li> </ol>		<b>P1</b> <i>A multiple dwelling must have storage for waste and recycling bins that is:</i> <ol style="list-style-type: none"> <li><i>1. capable of storing the number of bins required for the site;</i></li> <li><i>2. screened from the frontage and dwellings; and</i></li> <li><i>3. if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</i></li> </ol>
<b>Complies</b> with A1 a).		<b>N/a</b>

10.4.9 Storage for multiple dwellings

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

10.4.10 Common Property for multiple dwellings

<b>Objective</b>		
<i>To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.</i>		
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> <i>Development for multiple dwellings must clearly delineate public, communal and private areas such as:</i> <ol style="list-style-type: none"> <li><i>a. driveways; and</i></li> <li><i>b. site services and any waste collection points.</i></li> </ol>		<b>P1</b> <i>No performance criteria.</i>
<b>Complies.</b> The plans show driveways and site services.		-

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

<b>Objective</b>		
<i>To ensure:</i> <ol style="list-style-type: none"> <li><i>a. that outbuildings do not detract from the amenity or established neighbourhood character; and</i></li> <li><i>b. that dwellings remain the dominant built form within an area; and</i></li> <li><i>c. earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.</i></li> </ol>		



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>1. visual impact on the streetscape; and</li> <li>2. compatibility with the size and location of outbuildings in the neighbourhood.</li> </ul>
<b>Complies.</b>	<b>N/a</b>
A2A swimming pool for private use must be located: <ul style="list-style-type: none"> <li>1. behind the setback from a primary frontage; or</li> <li>2. in the rear yard.</li> </ul>	P2A swimming pool for private use must be designed and located to: <ul style="list-style-type: none"> <li>1. minimise any visual impact on the streetscape; and</li> <li>2. not unreasonably overlook or overshadow adjoining properties; and</li> <li>3. 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> To ensure that: <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 plans show 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 *
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

\*A trip generation rate of 6.5 trips per dwelling per day, as per the RTA Guide to Traffic Generating Developments, 2002, gives 3 dwellings x 6.5 trips per day = 19.5 trips per day which complies with the acceptable solution E4.6.1 A2 of less than 40 vehicle trips per day.





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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

<i>Objective: To ensure that an appropriate level of car parking is provided to service use.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
<p>All are 3-bedroom dwellings. Therefore 2 car parking spaces per dwelling are required. 2 spaces x 3 dwellings = 6 spaces.</p> <p>Plus, visitor parking of 1 space per 4 dwellings.</p> <p>The plans show 2 spaces per dwelling and 1 visitor spaces. The proposal complies.</p>	N/a

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

<b>Use</b>	<b>Parking Requirement</b>	
	<b>Vehicle</b>	<b>Bicycle</b>
<b>Residential:</b>		





<i>If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	<i>1 space per dwelling</i>	<i>1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.</i>
<i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	<i>2 spaces per dwelling</i>	
<i>Visitor parking for multiple dwellings in the general residential zone.</i>	<i>1 dedicated space per 4 dwellings, rounded up to the nearest whole number. If on an internal lot or located at the head of a cul de sac, 1 space per 3 dwellings (rounded up to the nearest whole number).</i>	

#### **E6.6.2 Bicycle Parking Numbers**

<i>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.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i>	<i>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</i>
<b>Complies. Available in garages.</b>	<b>N/a</b>

#### **E6.6.3 Taxi Drop-off and Pickup**

<i>Objective: To ensure that taxis can adequately access developments.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>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).</i>	<i>P1 No performance criteria.</i>
<b>N/a</b>	<b>N/a</b>

#### **E6.6.4 Motorbike Parking Provisions**

<i>Objective: To ensure that motorbikes are adequately provided for in parking considerations.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i>	<i>P1 No performance criteria.</i>
<b>N/a – less than 20 car spaces required.</b>	<b>N/a</b>

#### **E6.7 Development Standards**



#### E6.7.1 Construction of Car Parking Spaces and Access Strips

<i>Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1All car parking, access strips manoeuvring and circulation spaces must be:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p> <p>c)except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>P1All 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>
<b>Complies. The plans show car parking, access strips, manoeuvring and circulation spaces are to be of concrete, drained to stormwater pits with car spaces clearly delineated.</b>	<b>N/a</b>

#### E6.7.2 Design and Layout of Car Parking

<i>Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1Where 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>A1.2Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c)the ability to access the site and the rear of buildings; and</p> <p>d)the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
<b>Complies.</b>	<b>N/a</b>
<p>A2.1Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c)have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>A2.2The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</p>	<p>P2Car parking and manoeuvring space must:</p> <p>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</p> <p>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
<b>Does not comply.</b>	<p>The proposal relies upon assessment against the performance criteria due to the lack of a 4.5m width for the initial 7m from the road carriageway. The driveway is straight and provides for convenient, safe and efficient use for the cars associated with the 3 multiple dwellings. Plans demonstrate the ability to turn within the site to ensure that vehicles enter and egress in a</p>



	forward direction. Proposal complies with the performance criteria.
--	---

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

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

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

<i>Objective: To ensure adequate access, safety and security for car parking and for deliveries.</i>	
Acceptable Solutions	Performance Criteria
A1Car parking areas with greater than 20 parking spaces must be: a) secured and lit so that unauthorised persons cannot enter or; b) visible from buildings on or adjacent to the site during the times when parking occurs.	P1Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the: a) levels of activity within the vicinity; and b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
N/a	N/a

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

<i>Objective: To ensure adequate parking for persons with a disability.</i>	
Acceptable Solutions	Performance Criteria
A1All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 The location and design of parking spaces considers the needs of disabled persons, having regard to: a. the topography of the site; b. the location and type of relevant facilities on the site or in the vicinity; c. the suitability of access pathways from parking spaces, and d. applicable Australian Standards.
N/a - not required for a residential use.	N/a
A2One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.	P2 The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to: a. characteristics of the populations to be served; b. their means of transport to and from the site; and c. applicable Australian Standards.
N/a - not required for a residential use.	N/a

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

<i>Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i>
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<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1For 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 Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</p>	<p>P1For 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>
<b>N/a</b>	<b>N/a</b>

## **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**

<p><b>Objective:</b> To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1Bicycle 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 Australian Standard AS 2890.3 1993; 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 Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</p> <p>A1.2Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>
<b>Complies. Available in garages.</b>	<b>N/a</b>
<p>A2Bicycle 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>P2Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<b>Complies. Available in garages.</b>	<b>N/a</b>

### **E6.8.5 Pedestrian Walkways**

<p><b>Objective:</b> To ensure pedestrian safety is considered in development</p>	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p>A1Pedestrian access must be provided for in accordance with Table E6.5.</p>	<p>P1Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>
<b>No separate pedestrian access required, as 7 spaces accessed by a singular driveway. Complies.</b>	<b>N/a</b>

**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:
- 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.

<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	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

<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> <ul style="list-style-type: none"><li>Statutory Planning</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:

- Reliance upon performance criteria of Car Parking and Sustainable Transport Code – variation to access width

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

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

## **8 ATTACHMENTS**

1. applications docs [**15.1.1** - 26 pages]
2. Tas Water- 20 LEWIS S T, LONGFORD [**15.1.2** - 2 pages]
3. 1. Representation [**15.1.3** - 2 pages]



## 15.2 PLN22-0174 - 4 LOT SUBDIVISION: 37 BRIDGE STREET, ROSS

*File:* 400500.06; PLN22-0174  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Ryan Robinson, Planner

### MINUTE NO. 22/362

#### DECISION

Deputy Mayor Goss/Cr Davis

That application PLN-22-0174 to develop and use the land at 37 Bridge Street, Ross for a 4 lot subdivision (vary clause 10.4.15.2 P2 Provision of Services – Stormwater Drainage) be approved subject to the following conditions:

#### **1 LAYOUT NOT ALTERED**

The development and use must be in accordance with the endorsed document P1 (Drawing No: L211128, Sheet No's: 1/1, Dated: 07/07/2022).

#### **2 COUNCIL'S WORKS DEPARTMENT CONDITIONS**

##### **2.1 Stormwater**

- a) All lots must be provided with a connection to the naturestrip. The stormwater must discharge into a charged bubble-up style grated pit. Works must be constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- b) A drawing shall be provided showing the location and construction details of the connection prior to the commencement of any works on site.
- c) Design plans must be submitted to the approval of Council's Works Manager showing the nature strip reshaped along Bridge Street to provide a shallow drain to carry stormwater.

##### **2.2 Access (Rural) – Gravel**

- a) A driveway crossover must be constructed from the edge of Bridge Street to the property boundary of all lots in accordance with LGAT TSD-R03-v3 & Council standards.
- b) The driveways must be constructed from suitable road building gravel and colour matched to existing gravel used in the area
- c) Access works must not commence until an application for vehicular crossing has been approved by Council.

##### **2.3 As constructed information**

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

##### **2.4 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.



## **2.5 Works in Council road reserve**

- a) 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.
- b) 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.

## **2.6 Separation of hydraulic services**

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

## **2.7 Easements to be created**

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

## **2.8 Pollutants**

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) 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.

## **2.9 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.

## **2.10 Footpaths**

A 1.5m gravel footpath must be constructed from ironstone/chocolate rock adjacent to the property boundary on Bridge Street. Before works commence a design plan must be provided showing the location of the footpath from the in line with the western boundary of the property to the access of proposed lot 4.

## **3 TASWATER CONDITIONS**

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01486-NMC).

## **4 PUBLIC OPEN SPACE CONTRIBUTION**

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

\$1,400 per additional lot created;

OR





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

## 5 BUSHFIRE HAZARD MANAGEMENT

### *Final plan to show building area*

The final plan of subdivision must show the building area for each lot and the hazard management area for each lot, in accordance with the endorsed document D1 – Bushfire Hazard Management.

### *Internal property access construction*

Internal property access for lot/s must be constructed in accordance with the endorsed document D1 – Bushfire Hazard Management to the following standards:

- i) All-weather construction;
- ii) Load capacity of at least 20 tonnes, including for bridges and culverts;
- iii) Minimum carriageway width of 4 metres;
- iv) Minimum vertical clearance of 4 metres;
- v) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
- vi) Cross falls of less than 3 degrees (1:20 or 5%);
- vii) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
- viii) Curves with a minimum inner radius of 10 metres;
- ix) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- x) Terminate with a turning area for fire appliances provided by one of the following:
  - xi) A turning circle with a minimum inner radius of 10 metres; or
  - xii) A property access encircling the building; or
  - xiii) A hammerhead “T” or “Y” turning head 4 metres wide and 8 metres long.

## 6 SEALING OF PLANS

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

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

### RECOMMENDATION

That application PLN-22-0174 to develop and use the land at 37 Bridge Street, Ross for a 4 lot subdivision (vary clause 10.4.15.2 P2 Provision of Services – Stormwater Drainage) be approved subject to the following conditions:

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OR

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- viii) Curves with a minimum inner radius of 10 metres;



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## 6 SEALING OF PLANS

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

## 1 INTRODUCTION

This report assesses an application for a 4 lot staged subdivision at 37 Bridge Street, Ross. The subject site has an area of 5,316m<sup>2</sup>, and will be subdivided to create four new lots ranging in area from 1,127m<sup>2</sup> to 1,931m<sup>2</sup>. Each lot will have frontage and access to Bridge Street and will be serviced by water and sewer services. Stormwater drainage will be to the 30m wide Bridge Street road reserve.

## 2 BACKGROUND

**Applicant:**

Woolcott Surveys

**Zone:**

General Residential

**Classification under the Scheme:**

Residential (subdivision)

**Deemed Approval Date:**

21 October 2022

**Owner:**

George Robert Hortle & Michael John Young & Leanne Jane Munnings & Robert Edward & Debra Lee Price

**Codes:**

Bushfire Prone Areas Code

**Existing Use:**

Residential

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- 10.4.15.2 Provision of stormwater services

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 39 Effective from 20/07/2022*

**Preliminary Discussion**

Not applicable

**Subject Site**



### 3 STATUTORY REQUIREMENTS

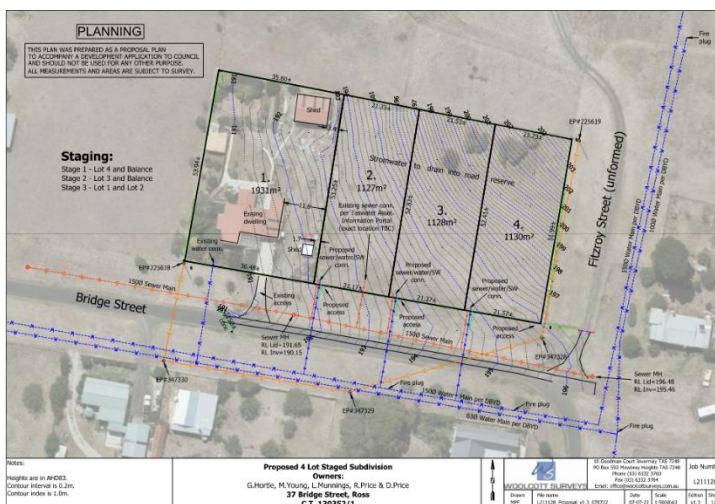
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 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 create a 4 lot staged subdivision at 37 Bridge Street, Ross.

#### Site Plan (extract)



#### 4.2 Zone and Land Use

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

subdivision	means the act of subdividing or the lot subject to an act of subdividing.
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#### 4.3 Subject Site and Locality



The author of this report carried out a site visit on 09/09/2022.

The site is located to the east of the town of Ross, at the end of the Council maintained portion of Bridge Street.

The site is within an area zoned General Residential, and there is no land subject to another zone within 100m of the site.

The land slopes down from the north-eastern corner of the lot, towards the south-western corner. Elevations range between 190m and 204m over a distance of 113m, which is equivalent to an average slope of approximately 12.4%.

The site contains an established dwelling with three outbuildings, all of which will be contained within lot 1 of the proposed subdivision.

The site is connected to sewer and water services, and drainage is to the swale along the northern side of Bridge St.

Whilst the site bounds an unmanaged portion of the Fitzroy St road reserve, existing and proposed site access is via Bridge St only, which has a speed limit of 50km/h.

***Aerial photograph of area***







**Photographs of subject site**



**4.4 Permit/Site History**

Relevant permit history includes:

- P04/353 – Garage, Deck, Porch

**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 the representation (attached) was received from:

- Arthur Thorpe, 42 Bridge St, Ross
- Cedric Tuffin, 41 Bridge St Ross





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

#### **Issue 1**

The proposal for stormwater from the subdivided land to be directed to Bridge Street will exacerbate the potential impact of flash flooding in the area, particularly given the steep incline of the land.

#### **Planner's comment:**

The application was referred to Council's Engineering Officer Jonathan Galbraith, who notes that each proposed lot will be able to connect to Council's stormwater services (a swale within the Bridge Street road reserve), and that the proposed design of stormwater services complies with Council's stormwater policy. Further, Council's standard conditions apply to the potential approval of the subdivision, which will require connections to the stormwater system consistent with Standard Drawing TSD-SW25 – a 100mm stormwater connection.

#### **Issue 2**

The lack of footpaths is a public safety issue and Council has a duty of care to ensure that the proposed subdivision does not create a situation where people's safety is placed at risk due to a lack of footpaths.

#### **Planner's comment:**

In accordance with recommendations from Council's Works and Infrastructure Department the applicant will be required to construct a 1.5m wide gravel footpath, constructed from ironstone/chocolate rock adjacent to the property boundary along the Bridge Street boundary.

#### **Issue 3**

The likely location of development on the proposed lots will inhibit the views from the property at 41 Bridge Street.

#### **Planner's comment:**

There is no relevant provision of the Planning Scheme to protect the views from a particular property.

### **4.6 Referrals**

#### **Council's Works & Infrastructure Department**

Council's Works & Infrastructure Department (Daniel Stearnes/Jonathan Galbraith) and their recommended conditions are included in the conditions of approval.

#### **TasWater**

The application was referred to Taswater on 09/09/2022 and a Submission to Planning Authority Notice was issued on 12/09/2022 (Taswater Ref: TWDA 2022/01486-NMC).

### **4.7 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 meets 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 meets the local area objectives.

#### Development Standards for Subdivisions in General Residential Zone

##### 10.4.4 Subdivision

##### 10.4.15.1 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
A1 Lots must: a) have a minimum area of at least 450m <sup>2</sup> which: i) is capable of containing a rectangle measuring 10m by 15m; and ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or b) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or c) for the provision of utilities; or d) for the consolidation of a lot with another lot with no additional titles created; or e) to align existing titles with zone boundaries and no additional lots are created.	P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for: a) a dwelling to be erected in a convenient and hazard-free location; and b) on-site parking and manoeuvrability; and c) adequate private open space.
<u>Comment:</u> Complies	N/a
A2 Each lot must have a frontage of at least 3.6m.	P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.
<u>Comment:</u> Complies	N/a

##### 10.4.4.2 Provision of Services

Objective: To provide lots with appropriate levels of utility services.



Acceptable Solutions	Performance Criteria
A1 Each lot must be connected to a reticulated: a) water supply; and b) sewerage system.	P1 Each lot created must be: a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
<u>Comment</u> : Complies	
A2 Each lot must be connected to a reticulated stormwater system.	P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.
<u>Comment</u> : Does not comply. The site is not connected to a reticulated stormwater system, and therefore relies on compliance with the provisions of Performance Criteria.	The site, including all four proposed lots, will drain stormwater to Bridge Street road reserve at the frontage of the site.  Council's Works Department has confirmed that the proposal meets Council's requirements for discharging stormwater.  The proposal complies with the provisions of the Performance Criteria.

#### 10.4.4.3 Solar Orientation of Lots

Objective: To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
A1 At least 50% of lots must have a long axis within the range of: a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.
<u>Comment</u> : Complies	
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.
<u>Comment</u> : Not applicable	

#### 10.4.4.5 Integrated Urban Landscape

Objective: To provide attractive and continuous landscaping in roads and public open spaces that contribute to the: a) character and identity of new neighbourhoods and urban places; or b) to existing or preferred neighbourhood character, if any.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: a) it has regard to existing, significant features; and



	<p>b) accessibility and mobility through public spaces and roads are protected or enhanced; and</p> <p>c) connectivity through the urban environment is protected or enhanced; and</p> <p>d) the visual amenity and attractiveness of the urban environment is enhanced; and</p> <p>e) it furthers the local area objectives, if any.</p>
<u>Comment:</u> Complies	

#### 10.4.4.6 Walking and Cycling Network

<p>Objective:</p> <p>a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and</p> <p>b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.</p> <p>c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <p>a) link to any existing pedestrian and cycling networks; and</p> <p>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> <p>c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and</p> <p>d) promote surveillance along roads and from abutting dwellings.</p>
<u>Comment:</u> Complies	

#### 10.4.4.7 Neighbourhood Road Network

<p>Objective:</p> <p>a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and</p> <p>b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.</p>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <p>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</p> <p>b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</p>



	<p>c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</p> <p>d) provide safe and efficient access to activity centres for commercial and freight vehicles; and</p> <p>e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and</p> <p>f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and</p> <p>g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and</p> <p>h) take into account of any identified significant features.</p>
<u>Comment:</u> Complies	

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Complies
E2.0 POTENTIALLY CONTAMINATED LAND	N/A
E3.0 LANDSLIP CODE	N/A
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies
E5.0 FLOOD PRONE AREAS CODE	N/A
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies
E7.0 SCENIC MANAGEMENT CODE	N/A
E8.0 BIODIVERSITY CODE	N/A
E9.0 WATER QUALITY CODE	N/A
E10.0 RECREATION AND OPEN SPACE CODE	Complies
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 E1.0

#### (Bushfire-Prone Areas Code)

#### E1.1 Purpose of the Bushfire-Prone Areas Code

E1.1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

Comment: The proposal complies with the Code Purpose.

#### E1.5 Use Standards



#### E1.5.1 Vulnerable uses

Objective: Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
Acceptable solutions	Performance criteria
A1 No Acceptable Solution.	P1 A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: a) the location, characteristics, nature and scale of the use; b) whether there is an overriding benefit to the community; c) whether there is no suitable alternative lower-risk site; d) the emergency management strategy and bushfire hazard management plan; and e) other advice, if any, from the TFS.
A2 An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering: a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; b) the ability of occupants of the vulnerable use to: i) protect themselves and defend property from bushfire attack; ii) evacuate in an emergency; and iii) understand and respond to instructions in the event of a bushfire; and c) any bushfire protection measures available to reduce risk to emergency service personnel.	P2 No Performance Criterion.
A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	P3 No Performance Criterion.

Comment: Note a vulnerable use - not applicable

#### E1.5.2 Hazardous uses

Objective: Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.	
Acceptable solutions	Performance criteria
A1 No Acceptable Solution.	P1 A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:



	<p>a) the location, characteristics, nature and scale of the use;</p> <p>b) whether there is an overriding benefit to the community;</p> <p>c) whether there is no suitable alternative lower-risk site;</p> <p>d) the emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this Standard; and</p> <p>e) other advice, if any, from the TFS.</p>
<p>A2</p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:</p> <p>a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; and</p> <p>b) available fire protection measures to:</p> <p>i) prevent the hazardous use from contributing to the spread or intensification of bushfire;</p> <p>ii) limit the potential for bushfire to be ignited on the site;</p> <p>iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</p> <p>iv) reduce risk to emergency service personnel.</p>	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p>P3</p> <p>No Performance Criterion.</p>

Comment: Not applicable – not a hazardous use.

## E1.6 Development Standards

### E1.6.1 Subdivision: Provision of hazard management areas

<p>Objective: Subdivision provides for hazard management areas that:</p> <p>a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>c) provide protection for lots at any stage of a staged subdivision.</p>	
Acceptable solutions	Performance criteria
<p>A1</p> <p>a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p>	<p>P1</p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p>



<p>b) The proposed plan of subdivision:</p> <p>i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>ii) shows the building area for each lot;</p> <p>iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas; and</p> <p>iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas; and</p> <p>c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>a) the dimensions of hazard management areas;</p> <p>b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>d) the topography, including site slope;</p> <p>e) any other potential forms of fuel and ignition sources;</p> <p>f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>h) any advice from the TFS.</p>
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Comment: Complies with the provisions of the Acceptable Solution per the Bushfire Hazard Report submitted with the application.

#### E1.6.2 Subdivision: Public and fire fighting access

<p>Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <p>a) allow safe access and egress for residents, fire fighters and emergency service personnel;</p> <p>b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</p> <p>c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>d) provide access to water supplies for fire appliances; and</p> <p>e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
Acceptable solutions	Performance criteria
<p>A1</p> <p>a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>b) A proposed plan of subdivision showing the layout of roads, fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that:</p>	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>a) appropriate design measures, including:</p> <p>i) two way traffic;</p> <p>ii) all weather surfaces;</p> <p>iii) height and width of any vegetation clearances;</p> <p>iv) load capacity;</p> <p>v) provision of passing bays;</p>





<p>i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>i) is certified by the TFS or accredited person.</p>	<p>i) traffic control devices;</p> <p>i) geometry, alignment and slope of roads, tracks and trails;</p> <p>i) use of through roads to provide for connectivity;</p> <p>k) limits on the length of cul-de-sacs and dead-end roads;</p> <p>k) provision of turning areas;</p> <p>i) provision for parking areas;</p> <p>i) perimeter access; and</p> <p>i) fire trails;</p> <p>b) the provision of access to:</p> <p>i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>i) fire fighting water supplies; and</p> <p>c) any advice from the TFS.</p>
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Comment: Complies with the provisions of the Acceptable Solution per the Bushfire Hazard Report submitted with the application.

#### E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

Objective: Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
Acceptable solutions	Performance criteria
<p>A1</p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</p> <p>In areas that are not serviced by reticulated water by the water corporation:</p> <p>a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</p>	<p>P2</p> <p>No Performance Criterion.</p>



c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.	
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Comment: Complies with the provisions of the Acceptable Solution per the Bushfire Hazard Report submitted with the application.

#### Assessment against E4.0

#### (Road and Railway Assets Code)

##### E4.1 Purpose of Code

E4.1.1 The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

Comment: Complies with the Code Purpose

##### 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.	
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.
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.
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



	<p>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>
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Comment: Not applicable

Comment: Complies

Comment: Not applicable

#### **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> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<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>

Comment: Complies

##### **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>	
<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.
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	<p>P2 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 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>

Comment: Complies

Comment: Not applicable

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

<p>Objective</p> <p>To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.</p>	
Acceptable Solutions	Performance Criteria
<p>A1Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	<p>P1Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p> <p>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</p> <p>c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and</p> <p>d) an alternative access or junction is not practicable.</p>

Comment: Not applicable

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

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



<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, 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>
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Comment: Complies

#### Assessment against E6.0

##### (Car Parking & Sustainable Transport Code)

As there will be no change to the existing site access and parking arrangement, and as there will be no development of the proposed new lots aside from subdivision, no provisions of the Code apply, and further assessment is not required for this report.

#### Assessment against E10.0

##### (Recreation and Open Space Code)

#### E10 Purpose of the Code

E10.1.1 The purpose of this provision is to:

- a) consider the requirements of open space and recreation in the assessment of use or development with emphasis upon:
  - i) the acquisition of land and facilities through the subdivision process; and
  - ii) implementation of local open space strategies and plans to create quality open spaces; and
  - iii) the creation of a diverse range of recreational opportunities via an integrated network of public open space commensurate with the needs of urban communities and rural areas; and
  - iv) achieving an integrated open space network which provides for a diversity of experiences; and
  - v) providing for appropriate conservation and natural values within recreation and open space.

Comment: Complies with the Code Purpose

#### E10.6 Development Standards

##### E10.6.1 Provision of Public Open Space

<p>Objective</p> <p>a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and</p> <p>b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.</p>	
Acceptable Solutions	Performance Criteria
<p>A1The application must:</p>	<p>P1Provision of public open space, unless in accordance with Table E10.1, must:</p> <p>a) not pose a risk to health due to contamination; and</p>



a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.	<p>b) not unreasonably restrict public use of the land as a result of:</p> <ul style="list-style-type: none"> <li>i) services, easements or utilities; and</li> <li>ii) stormwater detention basins; and</li> <li>iii) drainage or wetland areas; and</li> <li>iv) vehicular access; and</li> </ul> <p>c) be designed to:</p> <ul style="list-style-type: none"> <li>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</li> <li>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</li> <li>iii) be cost effective to maintain; and</li> <li>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</li> <li>v) provide for public safety through Crime Prevention Through Environmental Design principles; and</li> <li>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</li> <li>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</li> <li>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</li> </ul>
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Comment: Complies with the Acceptable Solution

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 Access and Provision of Infrastructure Across Land in Another Zone	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
Strategic Plan 2017-2027
Statutory Planning

## 5 SERVICES

This proposal did not require any alterations to services.

### Sewer & Water

The application was referred to TasWater regarding water and sewer infrastructure. Their certificate of consent is included as to this report and will be included as an attachment if a permit is issued.

### Stormwater & Access

The application was referred internally to the Council's Works Department, who advised that the subdivision can be serviced by Council infrastructure. Their recommended conditions of approval will be included if a permit is issued.

### Provision of Services

Prior to the sealing of the final plan of subdivision, the applicant would be required to provide water services, sewer and stormwater services to the property boundaries of all lots (as required by TasWater/Works Department Section's conditions).

### Public Open Space Contribution

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

### The Public Open Space Rate

- 1 The Public Open Space Rate shall be \$1400 per additional lot created; 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. The Public Open Space Rate shall total 5% of that value.

## 6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		X
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"?		X
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?		X
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?		X
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?		X





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?		X
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?		X
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		X

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?		X
	If 'yes', refuse the subdivision.		

Section 85	Refusal of application for subdivision		
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		X
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		X
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;		X
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;		X
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		X
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		X
85(d)(iii)	public open space;		X
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;		X
85(d)(v)	private roads, ways or open spaces;		X
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;		X
85(d)(vii)	licences to embank highways under the <a href="#">Highways Act 1951</a> ;		X
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		X
85(d)(ix)	provision for the preservation of trees and shrubs;		X



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;		X
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;		X
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;		X
85(g)(ii)	party-wall easements;		X
85(g)(iii)	the state of a party-wall on its boundary.		X

Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		X
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;		X
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;		X
86(2)(f)	the filling in of ponds and gullies;		X
86(2)(g)	the piping of watercourses.		X
	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		

Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		X
	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
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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)		X
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		X

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 8 OPTIONS

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

## 9 DISCUSSION

Council has discretion to refuse the application.

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

It is recommended that land at 37 Bridge St, Ross be approved to be subdivided for residential use in accordance with application PLN-22-0174.

## 10 ATTACHMENTS

1. APPLICATION [15.2.1 - 1 page]
2. Annexure 1 - Folio Plan-130352-1 [15.2.2 - 1 page]
3. Proposal v 1.3 070722 [15.2.3 - 1 page]
4. L 211128 - Planning report - Subdivision - 37 Bridge St [15.2.4 - 19 pages]
5. L 211128 - W S 93 - Bushfire Hazard Package -4 Lot Subdivision - 37 Bridge Street, Ross [15.2.5 - 32 pages]
6. Letter regarding POS contribution [15.2.6 - 1 page]
7. SPAN TWDA 2022-01486- NMC - Copy [15.2.7 - 2 pages]
8. 1) Representation - Thorpe [15.2.8 - 14 pages]
9. 2. Representation - Tuffin [15.2.9 - 1 page]
10. Response to reps PL N-22-0174 [15.2.10 - 2 pages]
11. EOT Proforma - PL N 22-0174 - Signed [15.2.11 - 1 page]



## 15.3 PLN22-0190 - PART CHANGE OF USE TO FOOD SERVICES: 108 HIGH STREET, CAMPBELL TOWN

File: 302300.32; PLN22-0190  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Rebecca Green, Planning Consultant

### MINUTE NO. 22/363

#### DECISION

Deputy Mayor Goss/Cr Goninon

That land at 108 High Street, Campbell Town be approved to be developed and used to convert retail shop into a takeaway shop (Heritage Precinct, Car Parking and Sustainable Transport Code) in accordance with application PLN-22-0190, and subject to the following conditions:

#### 1 Layout not altered

The use and development must be in accordance with the endorsed documents **P1-P4** (Plans prepared by Urban Space Designers, Sheet No's: 01-04, Dated: 08.08.2022); and **D1** (Submission of DA@ Takeaway Shop, 108 High Street, Campbell Town, Urban Space Designers, Dated: 22 August 2022); and **D2** (Additional information provided by Prabin Kharel including signage photographs, Dated: 13 September 2022); and **D3** (RFI Response, SALT, Dated: 9 September 2022).

#### 2 TasWater conditions

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01525-NMC) - **Appendix A**.

#### 3 Noise Levels

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

- a) 50dB(A) day time; and
- b) 40dB(A) night time.

#### 4 Hours of Operations

The use must operate only between the hours of 8am to 8pm, without the further approval of Council.

#### 5 Lighting

Any outdoor lighting must be designed, baffled, and located to present any adverse effect on adjoining land.

**Note: The permit operator should investigate their environmental health and safety obligations in relation to the roosting of birds in the building.**

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

#### RECOMMENDATION

That land at 108 High Street, Campbell Town be approved to be developed and used to convert retail shop into a takeaway shop (Heritage Precinct, Car Parking and Sustainable Transport Code) in accordance with application PLN-22-0190, and subject to the following conditions:



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### 5 Lighting

Any outdoor lighting must be designed, baffled, and located to present any adverse effect on adjoining land.

## 1 INTRODUCTION

This report assesses an application to convert a retail shop into a takeaway shop (Heritage Precinct, Car Parking and Sustainable Transport Code).

## 2 BACKGROUND

#### **Applicant:**

Prabin & Anju Panday Kharel

#### **Zone:**

General Business

#### **Classification under the Scheme:**

Food Services

Residential

#### **Deemed Approval Date:**

24 October 2022

#### **Owner:**

Prabin & Anju Panday Kharel

#### **Codes:**

Car Parking and Sustainable Transport Code

Local Historic Heritage Code

#### **Existing Use:**

General Retail and Hire

Residential

#### **Recommendation:**

Approve

#### **Discretionary Aspects of the Application:**

- Reliance on Performance Criteria of the Car Parking and Sustainable Transport Code; and
- Reliance on Performance Criteria of the Local Historic Heritage Code.

#### **Planning Instrument:**

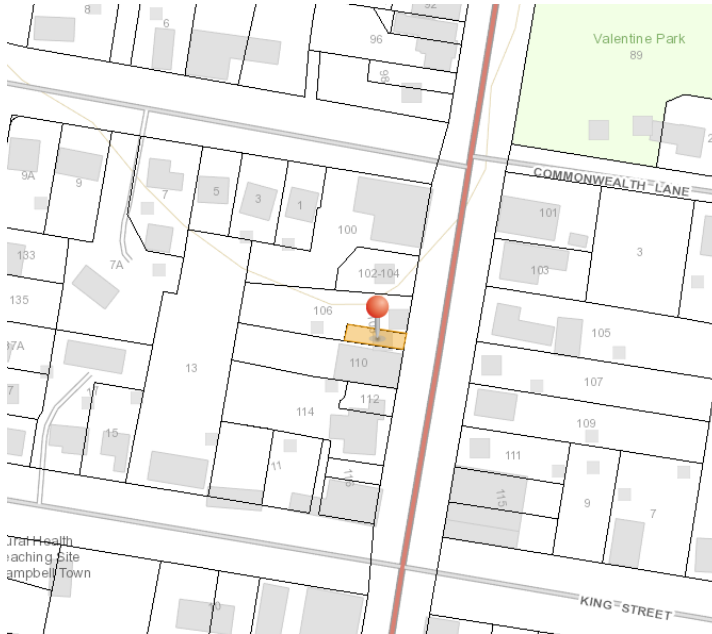
*Northern Midlands Interim Planning Scheme 2013, Version 39, Effective from 20<sup>th</sup> July 2022.*

#### **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.

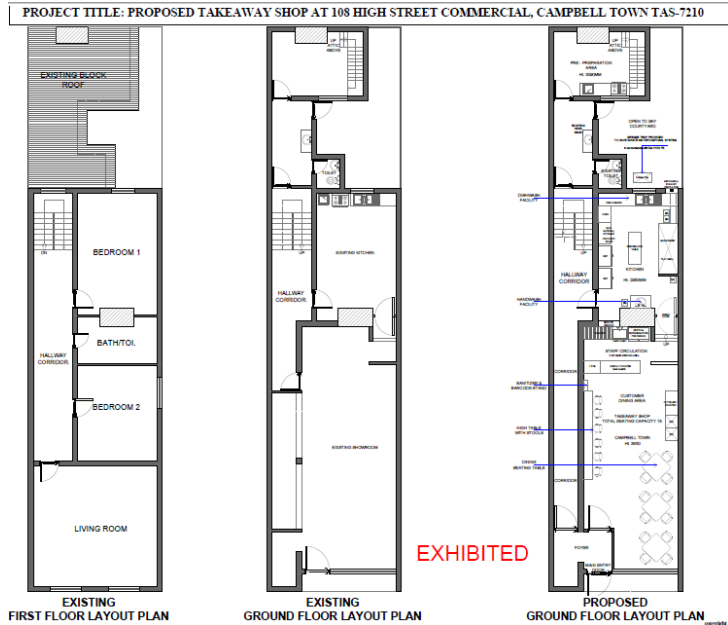
## **4 ASSESSMENT**

### **4.1 Proposal**

It is proposed to:

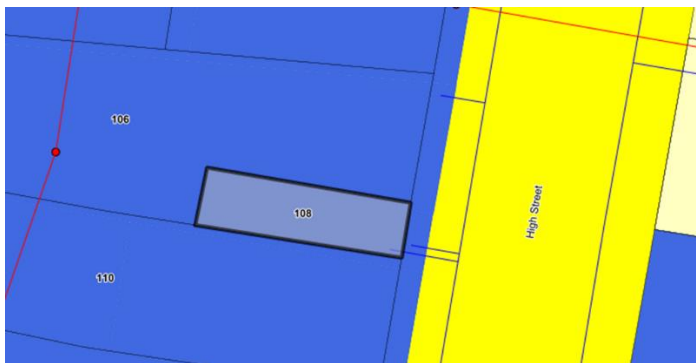
- Convert retail shop into a takeaway shop (Heritage Precinct, Car Parking and Sustainable Transport Code).

### **Floor Plan (extract)**



## 4.2 Zone and Land Use

The land is zoned General Business Zone.



The relevant Planning Scheme definition is:

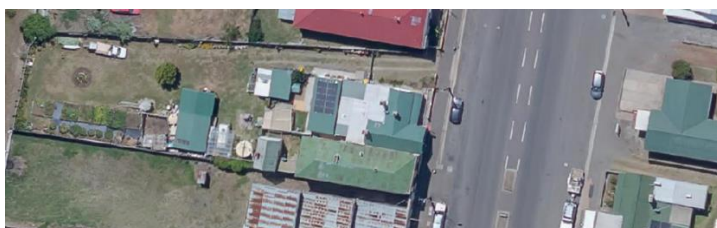
<i>Food services</i>	<i>use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.</i>
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Food Services is permitted (with permit) in the zone, however as the proposal relies upon performance criteria, the application has a discretionary status.

## 4.3 Subject Site and Locality

A site inspection was carried out on 16<sup>th</sup> September 2022. The site is a 159m<sup>2</sup> site located on the western side of High Street. The site contains an existing two storey building, the ground floor level being used in recent years for a shop with the first floor level a residence. The site is surrounded by a mix of commercial and residential uses.

### *Aerial photograph of area*







**Photographs of subject site**





#### 4.4 Permit/Site History

Relevant permit history includes:

- DA18/98 - use building as shop
- P12-249 – Change of use to takeaway
- P17-057 – Change of use (Takeaway to Retail)

#### 4.5 Representations

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

- W. Goodearth, 106 High Street, Campbell Town (it is noted that this representor provided 3 communications which are combined as a singular representation).

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

##### Issue 1

- Concerns with the condition of the subject building and safety concerns of an unstable building.

##### Planner's comment:

There are no relevant provisions within the Planning Scheme which consider this matter, this is a building matter only.

Prior to the settlement of the subject site to the current owners and proponents, Council's compliance team commissioned Coordinated Engineering Services to assess the structural integrity of the property after receiving concerns from the owner of 106 High Street. Coordinated Engineering Services undertook an assessment on 4<sup>th</sup> May 2022 and found that the building at 108 High Street was structurally sound, and that whilst the building is showing its age, there is no sign of the building moving recently, or leaning against its neighbour at 106 High Street.

The works proposed do not affect or impact on the structural components of the building. A non-structural partition stud wall is to be replaced to add doors at a couple of locations and has no impact on the structure.

##### Issue 2

- Roof of subject building is full of starlings and straw, creating conditions for pandemic disease and major fire hazard (photographs provided including bird droppings on footpath).

##### Planner's comment:



By providing an active land use on the subject site, together with the pedestrian movements of customers in and out of the takeaway area of the property will help to mitigate the bird issues. The property has been vacant for some time and only just recently sold to the proponents of this application. There are no relevant provisions within the Planning Scheme which consider this matter, however, by providing a change of use together with new ownership is likely to resolve this issue.

#### 4.6 Referrals

##### Department of State Growth

The Department of State Growth advised on the 28.09.2022 that they have no comment to make on the proposal.

##### TasWater

TasWater responded on the 20.09.2022 with a Submission to Planning Authority Notice (TWDA 2022/01525-NMC).

##### Heritage Advisor

Council's Heritage Advisor, David Denman, reviewed the application on 4 October 2022 and advised that he has no objections to the proposal, stating, *"There are no alterations proposed to the exterior front façade of the building. Therefore, this proposal will have no adverse impact on the historic cultural heritage values of the building or streetscape. The proposed signage is of an acceptable size, style to be sympathetic with the streetscape."*

#### 4.7 Planning Scheme Assessment

##### GENERAL BUSINESS ZONE

##### 21.1 Zone Purpose

##### 21.1.1 Zone Purpose Statements

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

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

21.1.1.2 *To create through good urban design:*

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

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

##### 21.1.2 Local Area Objectives

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

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

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

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

##### 21.1.3 Desired Future Character Statements

*There are no desired future character statements*



## 21.2 Use Table

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

## 21.3 Use Standards

### 21.3.1 Amenity

<b>Objective</b> To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday.	P1Commercial vehicles (except for visitor accommodation and recreation) must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, odour, dust and illumination.
<b>Comment:</b> Complies. Business hours are to be 8am to 8pm, 7 days per week.	N/a



A2Noise levels at the boundary of the site with any adjoining land must not exceed: a)50dB(A) day time; and b)40dB(A) night time; and c)5dB(A) above background for intrusive noise.	P2Noise must not cause unreasonable loss of amenity to nearby sensitive uses.
<b>Comment:</b> It is considered that A2 is complied with. A condition on the permit is required to ensure compliance.	N/a

## 21.4 Development Standards

### 21.4.1 Siting, Design and Built Form

<b>Objective</b> To ensure that buildings are visually compatible with surrounding development.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1The entrance of a building must be: a) clearly visible from the road or publically accessible areas on the site; and b) provide a safe access for pedestrians.	P1No performance criteria.
Not applicable. No building is proposed.	N/a
A2Building height must not exceed: a)8m; or b)1m greater than the average of the heights of buildings on immediately adjoining lots.	P2Building height must: a) be consistent with the local area objectives if any, and b) have regard to the streetscape and the desirability of a greater setback for upper floors from the frontage; and c)avoid unreasonable levels of overshadowing to public places or adjoining properties.
Not applicable. No building is proposed.	N/a
A3.1Buildings must be: set back the same as or less than the setback of an immediately adjoining building; A3.2Extensions or alterations to existing buildings must not reduce the existing setback.	P3Building setbacks must: a) provide for enhanced levels of public interaction or public activity; and b) ensure the efficient use of the site; and c)be consistent with the established setbacks within the immediate area and the same zone; and d)be consistent with the local area objectives, if any; and e) provide for emergency vehicle access.
Not applicable. No building is proposed.	N/a

### 21.4.2 Subdivision - Not applicable.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	N/a
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	Complies – See code assessment below
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a - existing signage to be rebranded.

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

#### E6.6 Use Standards

##### E6.6.1 Car Parking Numbers

<i>Objective: To ensure that an appropriate level of car parking is provided to service use.</i>
<b>Acceptable Solutions / Performance Criteria</b>
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p> <p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
<p><b>Comment:</b></p> <p><u>Proposed food services</u></p> <p>For Food Services, Table E6.1 1 requires 1 space per 15m<sup>2</sup> net floor area. <i>There is no change to the residential use on the first floor level, so no further assessment of that use is required.</i></p> <p>The new use for food services will have a floor area of approximately 96m<sup>2</sup>, therefore 7 car parking spaces is required.</p> <p><u>Proposed parking</u></p> <p>No on-site parking is available due to site constraints.</p> <p>a) No parking plans are in place.</p> <p>b) There is a public car park located on Commonwealth Lane approximately 140 metres from the site, which features 42 spaces.</p> <p>c) Not relevant in this instance.</p>



- d) There is a bus stop approximately 260 metres north of the site.
  - e) The existing building is to be retained and covers the entire site, as such it is not possible to provide on-site car parking while retaining the existing building.
  - f) There is unrestricted on-street parking available along both sides of High Street.
  - g) The previous General Retail and Hire use of the ground floor level would have required 4 parking spaces, the difference in 3 is sought as a variation, which can readily be accommodated in the surrounding area.
  - h) It is not possible to provide any on-site parking whilst retaining the existing building.
  - i) No traffic impact assessment has been prepared nor is this necessary for a proposal of this scale. A response to the relevant provisions has been provided together with the application from SALT.
  - j) No relevant.
  - k) Not relevant.
- It is considered that this complies with the performance criteria.

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

Use	Parking Requirement	
	Vehicle	Bicycle
Food services (restaurant, café, take-away)	1 space per 15m <sup>2</sup> net floor area + 6 queuing spaces for drive-through	1 space per 75m <sup>2</sup> net floor area.

#### E6.6.2 Bicycle Parking Numbers

<i>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.</i>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<b>Comment:</b> With a floor area of 96m <sup>2</sup> , 2 bicycle parking spaces is required. None were proposed, must address the performance criteria.	<b>Comment:</b> Whilst there is no formal bicycle parking proposed on the site, the proponents have advised that any staff member who chooses to cycle to work could safely store their bicycles in the courtyard at the rear of the site. Visitor could store their bicycles in the foyer area next to the main entry. It is however unlikely that visitors to the takeaway food shop will cycle given they will be taking food from the store and hence it would be inconvenient to carry this on a bicycle. It is considered that this complies with the performance criteria.

#### E6.6.3 Taxi Drop-off and Pickup

<i>Objective: To ensure that taxis can adequately access developments.</i>	
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.





<b>Comment:</b> Less than 50 car spaces are required, so a taxi drop-off and pickup space is not required.	N/a
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#### E6.6.4 Motorbike Parking Provisions

<i>Objective: To ensure that motorbikes are adequately provided for in parking considerations.</i>	
Acceptable Solutions	Performance Criteria
A1One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1No performance criteria.
<b>Comment:</b> Less than 20 car spaces are required by Table E6.1 so a motorbike parking space is not required.	N/a

#### E6.7 Development Standards – Not applicable, no parking proposed.

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

<i>Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i>	
Acceptable Solutions	Performance Criteria
A1For retail, commercial, industrial, service industry or warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.	P1For 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.
<b>Comment:</b> N/a	<b>Comment:</b> N/a

#### 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

<i>Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i>	
Acceptable Solutions	Performance Criteria
A1.1Bicycle parking spaces for customers and visitors must: a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and A1.2Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	P1Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
<b>Comment:</b> Not applicable, no formalised bicycle parking proposed.	N/a



<p>A2Bicycle 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>P2Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<b>Comment:</b> Not applicable, no formalised bicycle parking proposed.	N/a

#### E6.8.5 Pedestrian Walkways

<i>Objective: To ensure pedestrian safety is considered in development</i>	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
A1Pedestrian access must be provided for in accordance with Table E6.5.	P1Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
<b>Comment:</b> N/a, no parking spaces proposed.	N/a

**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:
  - i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
  - ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
  - iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

### ASSESSMENT AGAINST E13.0 LOCAL HISTORIC HERITAGE CODE

#### E13.1 Purpose

E13.1.1 The purpose of this provision is to:

- a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; and
- b) encourage and facilitate the continued use of these items for beneficial purposes; and
- c) discourage the deterioration, demolition or removal of buildings and items of assessed heritage significance; and
- d) ensure that new use and development is undertaken in a manner that is sympathetic to, and does not detract from, the cultural significance of the land, buildings and items and their settings; and
- e) conserve specifically identified heritage places by allowing a use that otherwise may be prohibited if this will demonstratively assist in conserving that place



### **E13.2 Application of the Code**

*E13.2.1 This code applies to use or development of land that is:*

- a) within a Heritage Precinct;*
- b) a local heritage place;*
- c) a place of identified archaeological significance.*

### **E13.3 Use or Development Exempt from this Code**

*E13.3.1 The following use or development is exempt from this code:*

- a) works required to comply with an Emergency Order issued under Section 162 of the Building Act 2000;*
- b) electricity, optic fibre and telecommunication cables and gas lines to individual buildings;*
- c) internal alterations to buildings if the interior is not included in the historic heritage significance of the place or precinct;*
- d) maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric;*
- e) repainting of an exterior surface that has been previously painted, in a colour similar to that existing;*
- f) the planting, clearing or modification of vegetation for safety reasons where the work is required for the removal of dead, or treatment of disease, or required to remove unacceptable risk to the public or private safety, or where vegetation is causing or threatening to cause damage to a building or structure; and*
- g) the maintenance of gardens, unless there is a specific listing for the garden in Table E13.1 or Table E13.2.*

Comment: The subject site is within a Heritage Precinct.

### **E13.5 USE STANDARDS**

#### **E13.5.1 Alternative Use of heritage buildings**

<i>Objective: To ensure that the use of heritage buildings provides for their conservation.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1No acceptable solution.</i>	<i>P1Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where: a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and b) the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and c)a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.</i>

Comment: N/a

### **E13.6 DEVELOPMENT STANDARDS**

#### **E13.6.1 Demolition**



<i>Objective: To ensure that the demolition or removal of buildings and structures does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Removal of non-original cladding to expose original cladding.	<p>P1.1 Existing buildings, parts of buildings and structures must be retained except:</p> <ul style="list-style-type: none"> <li>a) where the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or</li> <li>b) the demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or</li> <li>c) there are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or</li> <li>d) the building is identified as non-contributory within a precinct identified in Table E13.1: Heritage Precincts, if any; and</li> </ul> <p>P1.2 Demolition must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: N/a

#### **E13.6.2 Subdivision and development density**

<i>Objective: To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	<p>P1 Subdivision must:</p> <ul style="list-style-type: none"> <li>a) be consistent with and reflect the historic development pattern of the precinct or area; and</li> <li>b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and</li> <li>c) not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and</li> <li>d) not require the removal of vegetation, significant trees or garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage precinct; and</li> <li>e) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</li> </ul>

Comment: N/a

#### **E13.6.3 Site Cover**

<i>Objective: To ensure that site coverage is consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts, if any.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Site coverage must be in accordance with the acceptable development criterion for site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1 The site coverage must:</p> <ul style="list-style-type: none"> <li>a) be appropriate to maintaining the character and appearance of the building or place, and the appearance of adjacent buildings and the area; and</li> <li>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</li> </ul>

Comment: N/a



#### **E13.6.4 Height and Bulk of Buildings**

<i>Objective: To ensure that the height and bulk of buildings are consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1New building must be in accordance with the acceptable development criteria for heights of buildings or structures within a precinct identified in Table E13.1: Heritage Precincts, if any.</i>	<i>P1.1The height and bulk of any proposed buildings must not adversely affect the importance, character and appearance of the building or place, and the appearance of adjacent buildings; and P1.2Extensions proposed to the front or sides of an existing building must not detract from the historic heritage significance of the building; and P1.3The height and bulk of any proposed buildings must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a

#### **E13.6.5 Fences**

<i>Objective: To ensure that fences are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1New fences must be in accordance with the acceptable development criteria for fence type and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.</i>	<i>P1New fences must: a) be designed to be complementary to the architectural style of the dominant buildings on the site or b) be consistent with the dominant fencing style in the heritage precinct; and c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a

#### **E13.6.6 Roof Form and Materials**

<i>Objective: To ensure that roof form and materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1Roof form and materials must be in accordance with the acceptable development criteria for roof form and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.</i>	<i>P1Roof form and materials for new buildings and structures must: a) be sympathetic to the historic heritage significance, design and period of construction of the dominant existing buildings on the site; and b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a

#### **E13.6.7 Wall materials**

<i>Objective: To ensure that wall materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>



<i>A1Wall materials must be in accordance with the acceptable development criteria for wall materials within a precinct identified in Table E13.1: Heritage Precincts, if any.</i>	<i>P1Wall material for new buildings and structures must: a) be complementary to wall materials of the dominant buildings on the site or in the precinct; and b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>
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Comment: N/a

#### **E13.6.8 Siting of Buildings and Structures**

<i>Objective: To ensure that the siting of buildings, does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1New buildings and structures must be in accordance with the acceptable development criteria for setbacks of buildings and structures to the road within a precinct identified in Table E13.1: Heritage Precincts, if any.</i>	<i>P1The front setback for new buildings or structure must: a) be consistent with the setback of surrounding buildings; and b) be set at a distance that does not detract from the historic heritage significance of the place; and c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a

#### **E13.6.9 Outbuildings and Structures**

<i>Objective: To ensure that the siting of outbuildings and structures does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1Outbuildings and structures must be: a) set back an equal or greater distance from the principal frontage than the principal buildings on the site; and b) in accordance with the acceptable development criteria for roof form, wall material and site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.</i>	<i>P1New outbuildings and structures must be designed and located; a) to be subservient to the primary buildings on the site; and b) to not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a

#### **E13.6.10 Access Strips and Parking**

<i>Objective: To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1Car parking areas for non-residential purposes must be: a) located behind the primary buildings on the site; or b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in Table 1: Heritage Precincts, if any.</i>	<i>P1Car parking areas for non-residential purposes must not: a) result in the loss of building fabric or the removal of gardens or vegetated areas where this would be detrimental to the setting of a building or its historic heritage significance; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>



Comment: N/a

#### **E13.6.11 Places of Archaeological Significance**

<i>Objective: To ensure that places identified in Table E13.3 as having archaeological significance are appropriately managed.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1No acceptable solution.	<p>P1For works impacting on places listed in Table E13.3:</p> <p>a) it must be demonstrated that all identified archaeological remains will be identified, recorded and conserved; and</p> <p>b) details of survey, sampling and recording techniques technique be provided; and</p> <p>c)that places of identified historic heritage significance will not be destroyed unless there is no prudent and feasible alternative.</p>

Comment: N/a

#### **E13.6.12Tree and Vegetation Removal**

<i>Objective: To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1No acceptable solution.	<p>P1The removal of vegetation must not:</p> <p>a) unreasonably impact on the historic cultural significance of the place; and</p> <p>b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: N/a

#### **E13.6.13Signage**

<i>Objective: To ensure that signage is appropriate to conserve the historic heritage significance of local heritage places and precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1Must be a sign identifying the number, use, heritage significance, name or occupation of the owners of the property not greater than 0.2m <sup>2</sup> .	<p>P1New signs must be of a size and location to ensure that:</p> <p>a) period details, windows, doors and other architectural details are not covered or removed; and</p> <p>b) heritage fabric is not removed or destroyed through attaching signage; and</p> <p>c)the signage does not detract from the setting of a heritage place or does not unreasonably impact on the view of the place from public viewpoints; and</p> <p>d)signage does not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: Satisfies the performance criteria.

#### **E13.6.14 Maintenance and Repair**

<i>Objective</i>
<i>To ensure that maintenance and repair of buildings is undertaken to be sympathetic to, and not detract from the historic cultural heritage significance of local heritage places and precincts.</i>





<b>Acceptable Solution</b>
<i>New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are being replaced.</i>

Comment: N/a

**Table E13.1: Local Heritage Precincts**

For the purpose of this table, Heritage Precincts refers to those areas listed, and shown on the Planning Scheme maps as Heritage Precincts.

<b>Existing Character Statement - Description and Significance</b>
<b>CAMPBELL TOWN HERITAGE PRECINCT CHARACTER STATEMENT</b> <i>The Campbell Town Heritage Precinct is unique because it is the core of a substantially intact nineteenth century townscape, with its significant built fabric, and its atmosphere of a traditional resting place on the main road between the north and south. Its wide main street, historic buildings and resting places for travellers all contribute to its unique character. High Street has remained as the main commercial focus for the town, continuing to serve the needs of residents, visitors and the agricultural community. The War Memorial to the north marks the approach to the business area which terminates at the historic bridge over the Elizabeth River; a significant landscape feature. Traditional buildings in the Precinct include impressive examples of colonial architecture. The historic Valentine's Park is the original foreground for 'The Grange' and provides a public outdoor resting place for visitors and locals at the heart of the town. Campbell Town's heritage ambience has been acknowledged, embraced and built on by many of those who live in or visit the town.</i>
<b>Management Objectives</b>
<i>To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct. To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.</i>

Comment: The proposal is consistent with the Heritage Precinct Character Statement and satisfies the Management Objectives.

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	Complies – See Specific Area Plan assessment below

<b>Assessment against F2.0 (Heritage Precincts Specific Area Plan)</b>
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**F2.1 Purpose of Specific Area Plan**

**F2.1.1** *In addition to, and consistent with, the purpose of E13.0 Local Historic Heritage Code, the purpose of this Specific Area Plan is to ensure that development makes a positive contribution to the streetscape within the Heritage Precincts.*

**F2.2 Application of Specific Area Plan**

**F2.2.1** *This Specific Area Plan applies to those areas of land designated as Heritage Precincts on the Planning Scheme maps.*



**F2.2.2** The following development is exempt from this Specific Area Plan:

- a) works required to comply with an Emergency Order issued under section 162 of the Building Act 2000;
- b) electricity, optic fibre and telecommunications cables, and water, sewerage, drainage connections and gas lines to individual buildings;
- c) maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric;
- d) repainting of an exterior surface that has been previously painted, in a colour similar to that existing;
- e) the planting, clearing or modification of vegetation for safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove unacceptable risk to the public or private safety, or where vegetation is causing or threatening to cause damage to a building or structure; and
- f) the maintenance of gardens, unless there is a specific listing for the garden in Table E13.1 or Table E13.2.

### **F2.3 Definitions**

#### **F2.3.1 Streetscape**

For the purpose of this specific area plan 'streetscape' refers to the street reservation and all design elements within it, and that area of a private property from the street reservation; including the whole of the frontage, front setback, building façade, porch or verandah, roof form, and side fences; and includes the front elevation of a garage, carport or outbuilding visible from the street (refer Figure F2.1 and F2.2).

#### **F2.3.2 Heritage-Listed Building**

For the purpose of this Plan 'heritage-listed building' refers to a building listed in Table F2.1 or listed on the Tasmanian Heritage Register.

### **F2.4 Requirements for Design Statement**

**F2.4.1** In addition to the requirements of clause 8.1.3, a design statement is required in support of the application for any new building, extension, alteration or addition, to ensure that development achieves consistency with the existing streetscape and common built forms that create the character of the streetscape.

**F2.4.2** The design statement must identify and describe, as relevant to the application, setbacks, orientation, scale, roof forms, plan form, verandah styles, conservatories, architectural details, entrances and doors, windows, roof covering, roof plumbing, external wall materials, paint colours, outbuildings, fences and gates within the streetscape. The elements described must be shown to be the basis for the design of any new development.

**F2.4.3** The design statement must address the subject site and the two properties on both sides, the property opposite the subject site and the two properties both sides of that.

**Comment:** Although the subject site is within the Heritage Precincts Specific Area Plan, the proposal will not have an effect on the streetscape.

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
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#### STATE POLICIES

The proposal is consistent with all State Policies.

#### OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

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

#### STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

##### ***Strategic Plan 2017-2027***

- *Statutory Planning*

## 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:

- Reliance on performance criteria of Car Parking and Sustainable Heritage Code;
- Reliance of performance criteria of Local Historic Heritage Code.

The use is a permitted use in the zone and the only variations are in relation to the site being within a Heritage Precinct and lack of provisions of parking on site. The representation has raised concerns that are not relevant to the provisions within the Planning Scheme. The structural concerns have been addressed by Council previously commissioning an assessment, which found the structural integrity of the building to be satisfactory and the bird concerns will be mitigated by the subject site simply being used on a regular basis, both with new ownership as well as an active frontage due to the additional pedestrians that a takeaway food shop is likely to generate.

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 [15.3.1 - 15 pages]
2. DSG response - no comment [15.3.2 - 2 pages]
3. Tas Water Submission to Planning Authority Notice TWDA 2022 01525- NMC [15.3.3 - 2 pages]
4. 1. Representation - W Goodearth Complete [15.3.4 - 11 pages]



## 15.4 PLN22-0185 - 6 LOT SUBDIVISION: 81 BRICKENDON STREET, LONGFORD

*File:* 101400.02; PLN22-0185  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Ryan Robinson, Planner

### MINUTE NO. 22/364

#### DECISION

Cr Calvert/Cr Brooks

That application PLN-22-0185 to develop and use the land at 81 Brickendon Street, Longford for a 6 lot subdivision (vary lot sizes, bushfire prone area) be approved subject to the following conditions:

#### 1 LAYOUT NOT ALTERED

The use and development shall be in accordance with the endorsed plans numbered P1 (Drawing No: L220733, Sheet No's: 1/2-2/2 Dated: 08/09/2022). This must include (with the exception of the existing dwelling, which will be located within proposed lot 5) the demolition of all buildings at the subject site, including the carport servicing the existing dwelling, which is not shown on the site plans, and will be located at the boundary between proposed lots 5 and 6.

#### 2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

##### 2.1 Stormwater

Each lot must be provided with either a connection to the Council's stormwater system, or stormwater must be detained internally in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.

##### 2.2 Access (Rural)

- a) A driveway crossover and hotmix sealed apron must be constructed from the edge of the road to the property boundary of each Lot in accordance with Council standard drawing TSD R03.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

##### 2.3 As constructed information

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

##### 2.4 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.

##### 2.5 Works in Council road reserve

- a) 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.
- b) 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.

##### 2.6 Works on Council Infrastructure

The applicant must complete a Council Road Opening Permit prior to constructing any infrastructure in the road reserve which will become Council responsibility including kerb and channel, footpaths and stormwater. Works must not commence until the permit has been approved by Council.

##### 2.7 Roadworks



- The existing gravel section of Anstey St must be sealed to 5 metres past the access. The developer is responsible for sealing to the centre line of the road and the section of road on the eastern side of the road is Council responsibility.
- All roadworks including base works and sealing are to be Completed in accordance with Council standard drawing TSD-R02

#### 2.8 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.

#### 2.9 Easements to be created

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

#### 2.10 Planting of Street Trees

- a) Before the final plan is sealed, a bond or bank guarantee of \$400 per lot (i.e., 6 x \$400) must be provided to the Council.
- b) The developer must plant the street trees in accordance with the landscape plan at the end of the 12-month maintenance period. If the trees are not planted, Council may use the bond/bank guarantee to ensure the plantings occur.
- c) Each tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal

#### 2.11 Bonds

The subdivision shall be subject to a maintenance period and a bond shall be held by Council until the completion of the maintenance period. The bond shall be \$2500 (minimum bond for construction works).

#### 2.12 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.

#### 2.13 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 MEMORANDUM OF UNDERSTANDING BETWEEN COUNCIL AND THE APPLICANT

The applicant is to enter into a Memorandum of Understanding, to be prepared by Council, requiring the applicant to prepare plans that show stormwater drainage connection for lots 3, 4, 5, and 6 to the council's piped stormwater system, and for construction of the system prior to the sealing of the final plan of subdivision, to the satisfaction of Council's Works and Infrastructure Department. Council's General Manager will need to agree to, and sign the Agreement prior to the titles being sealed.



#### 4 TASWATER CONDITIONS

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2022/01398-NMC).

#### 5 PUBLIC OPEN SPACE CONTRIBUTIONS

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

\$1,400 per additional lot created; OR

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

#### 6 BUSHFIRE HAZARD MANAGEMENT

##### Final plan to show building area

The final plan of subdivision must show the building area for each lot and the hazard management area for each lot, in accordance with the endorsed document D1 – Bushfire Hazard Management.

##### Internal property access construction

Internal property access for lot/s ... must be constructed in accordance with the endorsed document D1 – Bushfire Hazard Management to the following standards:

- All-weather construction;
- Load capacity of at least 20 tonnes, including for bridges and culverts;
- Minimum carriageway width of 4 metres;
- Minimum vertical clearance of 4 metres;
- Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
- Cross falls of less than 3 degrees (1:20 or 5%);
- Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
- Curves with a minimum inner radius of 10 metres;
- Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- Terminate with a turning area for fire appliances provided by one of the following:
  - A turning circle with a minimum inner radius of 10 metres; or
  - A property access encircling the building; or
  - A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.

#### 7 ONSITE WASTEWATER SYSTEMS

- A suitably qualified person must locate the onsite wastewater system and disposal area for the existing house.
- The system and area must be located within the boundary of Lot 5.
- The setback distances of both the system and the land application area are to comply with AS/NZS 1547:2012.
- The on-site wastewater treatment unit that is on site must be accredited by CBOS, and appropriate for the soil classification for the site.
- The system must be upgraded if required.
- The existing land application area and/or drain must be located on site and removed from Lot 6 and that area remediated.
- As Constructed drawing be submitted to Council detailing the location of the system and detailing the construction of the land application area.



## 8 SEALING OF PLANS

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

Lost

Voting for the Motion:  
Cr Brooks and Cr Calvert

Voting Against the Motion:  
Mayor Knowles, Deputy Mayor Goss, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

## MINUTE NO. 22/365

### FORESHADOWED MOTION

Cr Davis/Cr Polley

That application PLN22-0185 to develop and use 81 Brickendon Street, Longford for a 6 lot subdivision be refused on the following grounds:

- Each lot for residential use does not provide 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, contrary to clause 12.4.3.1 P1.1 e) of the planning scheme.

Carried

Voting for the Motion:  
Mayor Knowles, Deputy Mayor Goss, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:  
Cr Brooks and Cr Calvert

### **RECOMMENDATION**

That application PLN-22-0185 to develop and use the land at 81 Brickendon Street, Longford for a 6 lot subdivision (vary lot sizes, bushfire prone area) be approved subject to the following conditions:

#### **1 LAYOUT NOT ALTERED**

The use and development shall be in accordance with the endorsed plans numbered P1 (Drawing No: L220733, Sheet No's: 1/2-2/2 Dated: 08/09/2022). This must include (with the exception of the existing dwelling, which will be located within proposed lot 5) the demolition of all buildings at the subject site, including the carport servicing the existing dwelling, which is not shown on the site plans, and will be located at the boundary between proposed lots 5 and 6.

#### **2 COUNCIL'S WORKS DEPARTMENT CONDITIONS**

##### **2.1 Stormwater**

Each lot must be provided with either a connection to the Council's stormwater system, or stormwater must be detained internally in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.

##### **2.2 Access (Rural)**

- a) A driveway crossover and hotmix sealed apron must be constructed from the edge of the road to the property boundary of each Lot in accordance with Council standard drawing TSD R03.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

##### **2.3 As constructed information**





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

#### 2.4 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.

#### 2.5 Works in Council road reserve

- a) 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.
- b) 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.

#### 2.6 Works on Council Infrastructure

The applicant must complete a Council Road Opening Permit prior to constructing any infrastructure in the road reserve which will become Council responsibility including kerb and channel, footpaths and stormwater. Works must not commence until the permit has been approved by Council.

#### 2.7 Roadworks

- The existing gravel section of Anstey St must be sealed to 5 metres past the access. The developer is responsible for sealing to the centre line of the road and the section of road on the eastern side of the road is Council responsibility.
- All roadworks including base works and sealing are to be Completed in accordance with Council standard drawing TSD-R02

#### 2.8 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.

#### 2.9 Easements to be created

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

#### 2.10 Planting of Street Trees

- a) Before the final plan is sealed, a bond or bank guarantee of \$400 per lot (i.e., 6 x \$400) must be provided to the Council.
- b) The developer must plant the street trees in accordance with the landscape plan at the end of the 12-month maintenance period. If the trees are not planted, Council may use the bond/bank guarantee to ensure the plantings occur.
- c) Each tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal

#### 2.11 Bonds



The subdivision shall be subject to a maintenance period and a bond shall be held by Council until the completion of the maintenance period. The bond shall be \$2500 (minimum bond for construction works).

#### 2.12 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.

#### 2.13 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.

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The applicant is to enter into a Memorandum of Understanding, to be prepared by Council, requiring the applicant to prepare plans that show stormwater drainage connection for lots 3, 4, 5, and 6 to the council's piped stormwater system, and for construction of the system prior to the sealing of the final plan of subdivision, to the satisfaction of Council's Works and Infrastructure Department. Council's General Manager will need to agree to, and sign the Agreement prior to the titles being sealed.

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Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2022/01398-NMC).

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

\$1,400 per additional lot created; OR

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

### 6 BUSHFIRE HAZARD MANAGEMENT

#### Final plan to show building area

The final plan of subdivision must show the building area for each lot and the hazard management area for each lot, in accordance with the endorsed document D1 – Bushfire Hazard Management.

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Internal property access for lot/s ... must be constructed in accordance with the endorsed document D1 – Bushfire Hazard Management to the following standards:

- All-weather construction;
- Load capacity of at least 20 tonnes, including for bridges and culverts;
- Minimum carriageway width of 4 metres;



- Minimum vertical clearance of 4 metres;
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- Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- Terminate with a turning area for fire appliances provided by one of the following:
  - A turning circle with a minimum inner radius of 10 metres; or
  - A property access encircling the building; or
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#### **7 ONSITE WASTEWATER SYSTEMS**

- A suitably qualified person must locate the onsite wastewater system and disposal area for the existing house.
- The system and area must be located within the boundary of Lot 5.
- The setback distances of both the system and the land application area are to comply with AS/NZS 1547:2012.
- The on-site wastewater treatment unit that is on site must be accredited by CBOS, and appropriate for the soil classification for the site.
- The system must be upgraded if required.
- The existing land application area and/or drain must be located on site and removed from Lot 6 and that area remediated.
- As Constructed drawing be submitted to Council detailing the location of the system and detailing the construction of the land application area.

#### **8 SEALING OF PLANS**

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

## **1 INTRODUCTION**

This report assesses an application for a 6 lot subdivision of Low Density Residential land located at 81 Brickendon Street, Longford, and for the demolition of all buildings and outbuildings, excluding the existing dwelling located within proposed lot 5.



## 2 BACKGROUND

**Applicant:**

Woolcott Surveys

**Zone:**

Low Density Residential Zone

**Owner:**

Patricia & Arthur Quarrell

**Codes:**

Bushfire Prone Areas Code

Road and Railway Assets Code

Car Parking and Sustainable Transport Code

Recreation and Open Space Code

**Classification under the Scheme:**

Residential (Subdivision)

**Existing Use:**

Residential

**Deemed Approval Date:**

29 October 2022

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- 12.4.3.1 P1.1, P3, and P4 (lot sizes less than 1ha; on-site wastewater required; not connected to reticulated stormwater system)
- E4.6.1 P2 (total daily vehicle movements)
- E4.7.2 P1 (multiple accesses proposed)
- E4.7.4 P1 (sub-minimum sight distances)

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 39, Effective from 20 July 2022.*

**Preliminary Discussion**

Prior to the application being placed on exhibition requests for further information were issued to the applicant. Copies of correspondence are included in the attachments to this report.

***Subject Site***



### 3 STATUTORY REQUIREMENTS

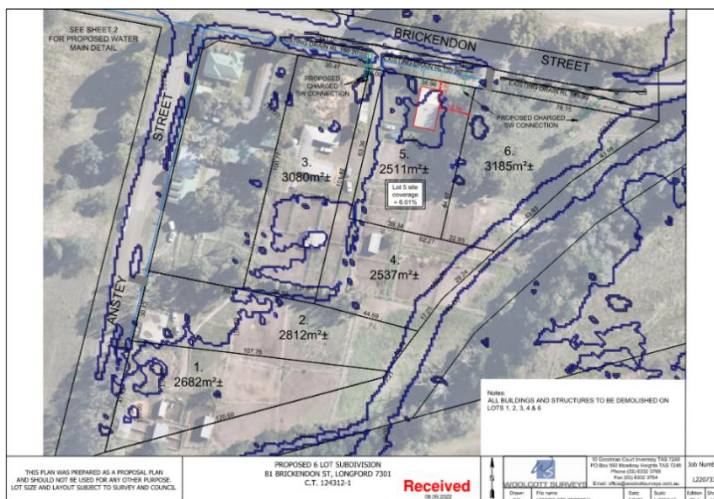
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e., a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51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

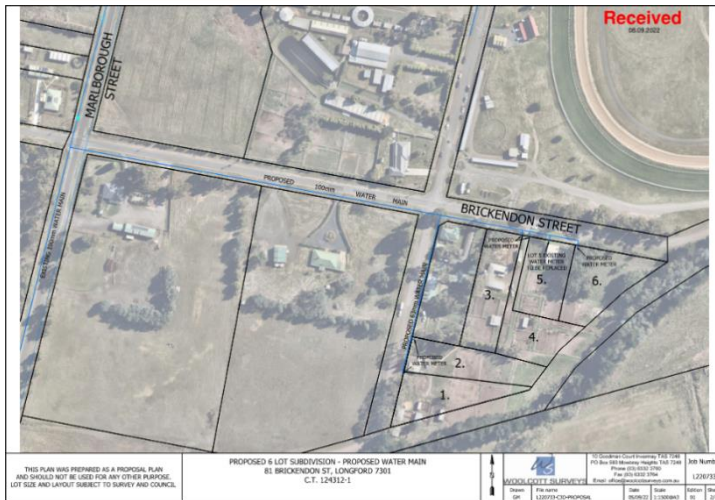
### 4.1 Proposal

- 6 lot subdivision of Low Density Residential land located at 81 Brickendon Street, Longford, and for the demolition of all buildings and outbuildings excluding the existing dwelling located within proposed lot 5, which includes an established dwelling.

**Site Plan (extract)**







## 4.2 Zone and Land Use

The land is zoned Low Density Residential. The relevant Planning Scheme definitions are:

<b>Residential</b>	<i>use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.</i>
<b>Subdivision</b>	<i>means the act of subdividing or the lot subject to an act of subdividing.</i>

## 4.3 Subject Site and Locality

The author of this report carried out site visits on the 24/08/2022 (initial assessment), 13/09/2022 (site notices) and 19/09/2022 (following a rain event). The site is located to the south-east of the intersection of Brickendon Street and Anstey Street, and adjoins a veterinary clinic at 97 Brickendon Street.

The site is relatively flat and mostly free of impervious surfaces, containing several small outbuildings and one dwelling. The site is part of a broader low density residential area that extends from Weston Street (south-west of the site) towards Cracroft Street (north of the site). Other dominant land uses in the surrounding area include Longford Racecourse on the northern side of Brickendon Street, and the brickworks approximately 330m west of the subject site.

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



***Photographs of subject site***



Above: Photos were taken from each location shown with letters A-D



Above: Location A – view to the north along the Anstey Street boundary of the site



Above: Location B – view into the subject site from the existing Anstey Street access





Above: Location C – view along the northern boundary of the site from Brickendon Street



Above: Location D – View to the west along the Brickendon Street boundary of the site

#### 4.4 Permit/Site History

Relevant permit history includes:

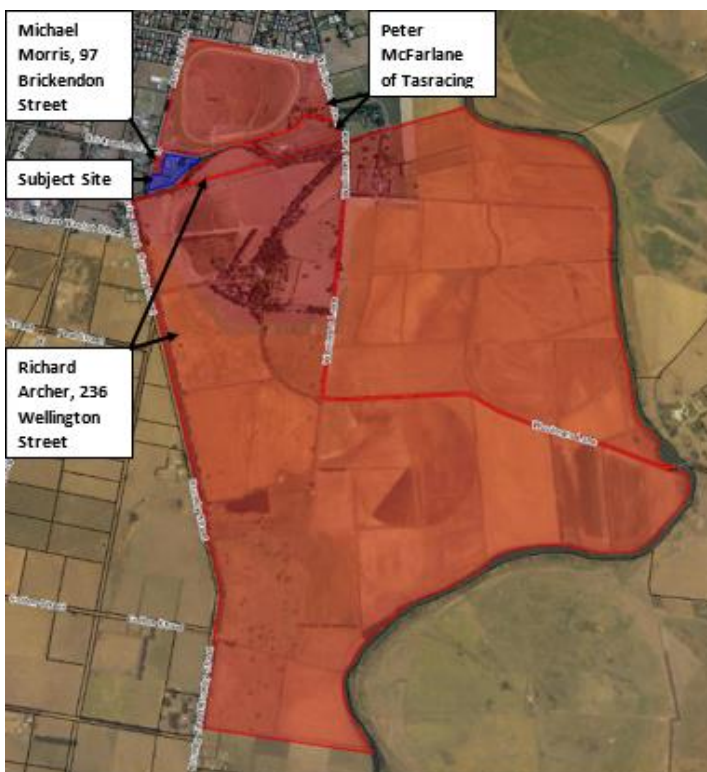
P06-019 - Stable

#### 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 six representations (attached) were received from:

1. Neil Tubb, 54 Marlborough Street, Longford
2. Richard Archer, 236 Wellington Street, Longford
3. Isabel Collier, 10 Alma Street, Longford
4. Chris Cornes, 10 Lyttleton Street, Longford
5. Michael Morris, 97 Brickendon Street, Longford
6. Peter McFarlane of Tasracing, Longford Racecourse

The location of each representor in relation to the subject site is shown in the below figures:



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

***Issue 1 Conflict between established and proposed uses***

*There will be conflict between established and proposed land uses, including:*



- a. *Activities of the established racecourse and residential uses on the proposed new lots, including interactions between horses and children using the same streets;*
- b. *Activities of the established veterinary clinic and residential uses on the proposed new lots, including construction noise and noise generated by residential uses, and noise generated by horses at all hours, and the handling and processing of sick or dead horses at the veterinary clinic;*
- c. *Activities of the established farm to the south of the subject site, and residential uses on the proposed new lots, including potential dog attacks on farm animals;*

To this end, one representation states that the proposed development does not comply with provision (e) of Clause 12.1.1 P1.1 as it will adversely affect the amenity of, and be out of character with, surrounding development and the streetscape.

**Planner's comment:**

The subject site is within the Low Density Residential Zone and contains an established residential use. Whilst the proposed subdivision will intensify residential uses in the vicinity it will not create a new conflict between land uses. It is considered that the proposal is consistent with the relevant provisions of Clause 12.1.1 P1.1 (e).

***Issue 2 Acknowledgement of the Longford Horse Racing Industry***

*The Northern Midlands Interim Planning Scheme 2013 fails to acknowledge the horse racing industry in Longford due to a lack of strategic planning. Specifically, in relation to "Part 2, Schedule 1 of the Act", and "Amendment 04-2020 of the Tasmanian Planning Commission".*

*Takes away resources for the racing industry in the form of land used for stabling horses (there is nothing to prevent the property from ceasing any existing use associated with horse racing, and to be used for any other Permitted or Discretionary use if in accordance with the relevant provisions)*

**Planner's comment:**

With respect to "Amendment 04-2020 of the Tasmanian Planning Commission" no further details are provided to clarify specifically what this is in relation to.

With respect to "Part 2, Schedule 1 of the Act" it is assumed that the relevant representation is referring to Schedule 1, Part 2 of the Land Use Planning and Approvals Act 1993, which does not form part of the assessment criteria for the application.

In accordance with the requirements of the Land Use Planning and Approvals Act 1993 and the Northern Midlands Interim Planning Scheme 2013, the application is assessed against all relevant provisions of the Scheme and is determined to be consistent with those provisions. It is considered that the proposed subdivision of residential land will not impact the operations of the racecourse, or the Longford horse racing industry.

***Issue 3 Longford Racecourse Master Plan***

*The incomplete Longford Racecourse Master Plan does not ensure that there will be no irreversible planning decisions made, which negatively impact the racecourse.*

**Planner's comment:**

The Longford Racecourse Master Plan is not complete, and does not form part of the assessment criteria for the proposed development.





**Issue 4 Availability of private land for horse/racing businesses in the area**

*The subdivision of the subject site will lead to a lack of private land for horse businesses in the vicinity of the racecourse.*

**Planner's comment:**

The subject site is zoned Low Density Residential, as is all land immediately south and west of the racecourse. Land to the north of the racecourse is zoned General Residential. The relevant zonings were established in 2013, and have been subsequently developed for residential uses.

The Low Density Residential Zone allows Sports and Recreation land uses, including horse training or veterinary establishments, on specific properties throughout the South Longford area, which includes the subject site and the neighbouring properties to the east and west. Whilst the Zone allows for such uses under a Discretionary use class, the proposed residential subdivision under the Residential use class has a Permitted status, and more strongly aligns with the Zone Purpose Statements.



Above: Properties within the Low Density Residential Zone on which horse training or veterinary establishments have a Discretionary use status.

It is considered that the proposed subdivision does not preclude suitable horse training or veterinary establishments from being developed on the specific properties listed in the Use Table for the Zone.

**Issue 5 Wastewater management**

*The proposed new lots will not be capable of incorporating on-site wastewater systems, and further information is required to determine if they can.*

**Planner's comment:**

The application is lodged with an on-site wastewater system report, which demonstrates that the proposed new lots can accommodate on-site wastewater systems. Any development on each of the new lots will be required to include a more detailed on-site wastewater system report for the specific building design and system location.

**Issue 6 Stormwater management**

*The proposed new lots will not be capable of managing stormwater on-site, and only four of the six new lots will be drained to Council's system, located within the road reserve of Brickendon St). Further, Council's stormwater infrastructure in Brickendon St is over capacity and does not drain properly.*



**Planner's comment:**

The application is lodged with a stormwater report, which demonstrates that the proposed new lots can either accommodate on-site stormwater management, or can connect to Council's stormwater system in the Brickendon St road reserve. The report has been reviewed by Council's Engineering Officer and external hydrology consultant, who have included conditions for approval which will require a connection between the subject site and a suitable point within the Brickendon St reserve.

It is considered that the site will manage stormwater drainage.

**Issue 7 Bushfire Hazard Assessment**

*The bushfire assessment does not factor the possibility of the adjacent rural land to be used for forestry in the future.*

**Planner's comment:**

The bushfire assessment report lodged with the application can only take into consideration established land uses, and has determined that the site is suitable for further subdivision.

It is considered that the application complies with the Bushfire Prone Areas Code.

**Issue 8 Lot sizes**

*The proposed subdivision will create lot sizes between 2,511m<sup>2</sup> and 3,185m<sup>2</sup>, which are approximately 25% and 33% the minimum size required to comply with the provisions of the Acceptable Solution to Clause 12.4.3.1 A1.1, and they are therefore inappropriate for the area.*

**Planner's comment:**

Section 4.7 of this report includes assessment of the proposal against all relevant provisions of the Planning Scheme, including Clause 12.4.3.1. In summary, the assessment determines that the proposed subdivision complies with the provisions of Clause 12.4.3.1 P1.1. It is considered that each new lot will provide a sufficient usable area and dimensions for:

- a) A dwelling to be erected in a hazard free location;
- b) On-site parking and manoeuvring;
- c) Adequate private open space;
- d) Access from either Brickendon Street or Anstey Street (in accordance with a condition of potential approval requiring that the applicant extends the sealed portion of Anstey Street south to the proposed site accesses of lots 1 and 2), and sufficient space for internal access to a suitable building area within each lot; and
- e) As the subdivision is for new residential lots on land with an established residential use, the proposed lots will not be inconsistent with the established residential character of the site or the dominant residential character and streetscape of surrounding land. It is noted that whilst the proposed lots are smaller than the average residential lot in the vicinity, the proposed lots will be larger than those approved under Permit PLN-22-0062, which will have frontages to both Brickendon and Anstey Streets.

**4.6 Referrals**

**TasWater**

The application was referred to TasWater on the 25/08/2022. TasWater responded on the 07/09/2022 and provided conditions for the approval of an application, which are included in the attachments to this report.



#### Works and Infrastructure Department

The application was referred to Works and Infrastructure on the 25/08/2022. A response was received, which provides conditions for the approval of an application, which are included in the attachments to this report

#### Tasmania Gas Pipeline

The application was referred to Tasmania Gas Pipeline on the 25/08/2022. Tasmania Gas Pipeline responded on 04/09/2022 that they have no objection to the proposed development.

#### Environmental Health Officer

Council's Environmental Health Officer, Kate Clark, reported that in relation to Lot 5 the septic tank and the absorption trenches for the property are to be located within the proposed property boundary of Lot 5. The on-site wastewater treatment unit that is on location is accredited by CBOS, also that the system is appropriate for the soil classification for the site. The setback distances of both the septic tank and the land application area are to comply with AS/NZS 1547:2012. It is required that the existing land application area and or drain, is removed from Lot 6 and that area is remediated. That an As Constructed drawing be submitted to Council detailing the location of the septic tank and detailing the construction of the land application area.

### 4.7 Planning Scheme Assessment

#### 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.

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

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.

#### Planner's comment

The proposed subdivision is consistent with the Zone Purpose Statements.

#### 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.

#### Planner's comment

The proposed subdivision is consistent with the Local Area Objectives.

#### Use Standards

##### 12.3.1 Amenity

Objective  To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1If for permitted or no permit required uses.	P1The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.



A2Commercial 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.	P2Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
A3 If for permitted or no permit required uses.	P3External 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.

**Planner's comment**

The proposal complies with the provisions of Acceptable Solutions A1 and A3. Subclause A2 does not apply.

**12.3.2 Low Density Residential Character**

<p>Objective</p> <p>To ensure that discretionary uses support the:</p> <p>a)visual character of the area; and</p> <p>b)local area objectives, if any.</p>	
Acceptable Solutions	Performance Criteria
A1Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1No performance criteria.
A2Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2No performance criteria.
A3Waste 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.	P3No performance criteria.

**Planner's comment**

Not applicable.

**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>Objective</p> <p>a)To ensure that the site coverage respects the existing or preferred neighbourhood character: and</p>
--





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.	
Acceptable Solutions	Performance Criteria
A1The site coverage must not exceed 10% of the site.	P1The 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.

**Planner's comment**

With the exception of buildings located within proposed lot 5, including the existing dwelling, all buildings and outbuildings will be demolished. The site coverage of lot 5 will be 6.01%, and the proposal therefore complies with the provisions of Acceptable Solutions A1.

**12.4.1.2 Building Height**

Objective To ensure that the height of dwellings respects the existing or desired future character statements.	
Acceptable Solutions	Performance Criteria
A1Building height must not exceed 8 metres.	P1Building 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.

**Planner's comment**

Not applicable (there will be no change to the existing height of any buildings that will be retained on the subject site).

**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	Performance Criteria
A1.1Primary frontage setbacks must be a minimum: a)of 15m; and	P1Buildings are set back from the primary frontage an appropriate distance having regard to: a)the efficient use of the site; 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	b)the safety of road users; and				
<table><tr><td>Road</td></tr><tr><td>Existing building</td></tr><tr><td>Existing building</td></tr><tr><td>Infill Lot</td></tr></table>	Road	Existing building	Existing building	Infill Lot	c)the prevailing setbacks of existing buildings on nearby lots; and
Road					
Existing building					
Existing building					
Infill Lot					
	d)the visual impact of the building when viewed from the road; and				
	e)retention of vegetation within the front setback.				

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

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

**Planner's comment**

With the exception of buildings located within proposed lot 5, including the existing dwelling, all buildings and outbuildings will be demolished. As such, the Clause does not apply to the proposal.

**12.4.1.4 Rear and Side Setbacks**

<p>Objective</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>	
Acceptable Solutions	Performance Criteria
<p>A1Buildings must be set back 5m from the rear boundary.</p>	<p>P1Building 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>A2Buildings must be set back 7.5m from side boundaries.</p>	<p>P2Building setback to the side 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; and</p> <p>g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.</p>
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**Planner's comment**

With the exception of buildings located within proposed lot 5, including the existing dwelling, all buildings and outbuildings will be demolished. The new boundaries for lot 5 will allow for a 12.85m side boundary setback, and a rear setback greater than 5m. As such, the application complies with the provisions of Acceptable Solutions A1 and A2.

**12.4.1.5 Location of Car Parking**

<p>Objective</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>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>

**Planner's comment**

There will be no change to the established on-site parking arrangement for lot 5. The clause does not apply to any of the other proposed lots.

**12.4.1.6 Outbuildings and Ancillary Structures**

<p>Objective</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>A1 Outbuildings must not have a:</p> <ul style="list-style-type: none"> <li>a) combined gross floor area of greater than 80m<sup>2</sup>; and</li> <li>b) maximum wall height of greater than 3.5m; and</li> <li>c) maximum building height greater than 4.5m.</li> </ul>	<p>P1 Outbuildings must be designed and located having regard to:</p> <ul style="list-style-type: none"> <li>a) visual impact on the streetscape; and</li> <li>b) any adverse impacts on native vegetation; and</li> <li>c) overshadow adjoining properties; and</li> <li>d) compatibility with the size and location of outbuildings in the neighbourhood.</li> </ul>
<p>A2A swimming pool or tennis court for private use must be located:</p> <ul style="list-style-type: none"> <li>a) behind the primary frontage setback; or</li> <li>b) in the rear yard.</li> </ul>	<p>P2A swimming pool or tennis court for private use must be designed and located to:</p> <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>

**Planner's comment**

The clause does not apply.

**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>Objective</p> <p>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>	
Acceptable Solutions	Performance Criteria
<p>A1 If for permitted or no permit required uses.</p>	<p>P1 Development must be designed to protect the amenity of surrounding residential uses and:</p> <ul style="list-style-type: none"> <li>a) the proportion of the site covered by buildings must have regard to the: <ul style="list-style-type: none"> <li>i) size and shape of the site; and</li> <li>ii) site coverage of existing buildings and any constraints imposed by existing development or the features of the site; and</li> <li>iii) site coverage of adjacent properties; and</li> <li>iv) effect of the visual bulk of the building and whether it respects the neighbourhood character; and</li> <li>v) capacity of the site to absorb runoff; and</li> <li>vi) landscape character of the area and the need to remove vegetation to accommodate development; and</li> </ul> </li> <li>b) the building height must have regard to the: <ul style="list-style-type: none"> <li>i) effect of the slope of the site on the height of the building; and</li> <li>ii) relationship between the proposed building height and the height of existing adjacent buildings; and</li> </ul> </li> </ul>



	<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 boundaries; and</p> <p>f)landscaping must integrate development having regard to:</p> <p>i)the level and effectiveness of physical screening by fences or vegetation; and</p> <p>ii)the location and impacts of illumination of the site; and</p> <p>iii)passive surveillance of the site.</p>
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**Planner's comment**

The clause does not apply.

12.4.3 Subdivision

12.4.3.1 Lot Area, Building Envelopes and Frontage

<p>Objective</p> <p>To ensure:</p> <p>a)the area and dimensions of lots are appropriate for the zone; and</p> <p>b)the conservation of natural values, vegetation and faunal habitats; and</p> <p>c)the design of subdivision protects adjoining subdivision from adverse impacts; and</p> <p>d)each lot has road, access, and utility services appropriate for the zone.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1Each lot must:</p> <p>a)have a minimum area of 1ha; and</p>	<p>P1.1Each 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; and</p>



<p>b) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p> <p>c) be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>d) be for the provision of public utilities; or</p> <p>e) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>f) to align existing titles with zone boundaries and no additional lots are created.</p> <p>A1.2 Subdivision at Devon Hills will not result in any new lots.</p>	<p>d) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</p> <p>e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</p> <p>P1.2 Land in Devon Hills must not be further subdivided</p>
<p>A2 Each lot must have a frontage of at least 6m.</p>	<p>P2 No performance criteria.</p>
<p>A3 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <p>a) in a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) capable of accommodating an on-site wastewater management system.</p>
<p>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>

#### Planner's comment

The proposed new lots will have an area ranging from 2,511m<sup>2</sup> to 3,185m<sup>2</sup>, which is less than the minimum 1ha required by the provisions of the Acceptable Solutions for A1. As such, the proposal requires assessment against the provisions of Performance Criteria P1.1 (P1.2 does not apply).



It is considered that each new lot will provide a sufficient usable area and dimensions for:

- a) A dwelling to be erected in a hazard free location;
- b) On-site parking and manoeuvring;
- c) Adequate private open space;
- d) Access from either Brickendon Street or Anstey Street (in accordance with a condition of potential approval requiring that the applicant extends the sealed portion of Anstey Street south to the proposed site accesses of lots 1 and 2), and sufficient space for internal access to a suitable building area within each lot; and
- e) As the subdivision is for new residential lots on land with an established residential use, the proposed lots will not be inconsistent with the established residential character of the site or the dominant residential character and streetscape of surrounding land. It is noted that whilst the proposed lots are smaller than the average residential lot in the vicinity, the proposed lots will be larger than those approved under Permit PLN-22-0062, which will have frontages to both Brickendon and Anstey Streets, within 215m of the subject site.

The proposal complies with the provisions of Performance Criteria P1.1.

Each lot will have a minimum frontage greater than 6m. As such, the proposal complies with the provisions of the Acceptable Solutions for A2.

Each lot will be connected to water via a proposed new connection to be established by the applicant. However, the site is not connected to a sewerage system, and as such the application requires assessment against the provisions of Performance Criteria P3.

The application is lodged with a soil and wastewater report, which concludes that the site is suitable for on-site wastewater management. As such, it is considered that the application complies with the provisions of Performance Criteria P3.

The new lots will not be connected to a reticulated stormwater system. As such, the application requires assessment against the provisions of the Performance Criteria.

Following a response to Council's further information request regarding the limited fall of land at the site, and overcapacity Council stormwater infrastructure, the applicant will need to enter into a Memorandum of Understanding with Council requiring that the applicant provides a connection to Council's stormwater infrastructure, which demonstrates that stormwater will be discharged from the site to the satisfaction of Council's Works and Infrastructure Department. If this is completed, it is considered that proposed lots 3-6 will comply with the provisions of Acceptable Solution A4.

Proposed lots 1-2 will not connect to Council's stormwater system, and will require on-site management. The application is lodged with a soil report that concludes these two lots can provide for on-site stormwater drainage. As such, it is considered that the proposal complies with the provisions of Performance Criteria P4.

## E1.0 Bushfire-Prone Areas Code

### E1.5 Use Standards

#### E1.5.1 Vulnerable uses

<b>Objective:</b> Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
Acceptable solutions	Performance criteria
<b>A1</b>  No Acceptable Solution.	<b>P1</b>  A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: <ul style="list-style-type: none"><li>1. the location, characteristics, nature and scale of the use;</li></ul>





	<ol style="list-style-type: none"> <li>2. whether there is an overriding benefit to the community;</li> <li>3. whether there is no suitable alternative lower-risk site;</li> <li>4. the emergency management strategy and bushfire hazard management plan; and</li> <li>5. other advice, if any, from the TFS.</li> </ol>
<p><b>A2</b></p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering:</p> <ol style="list-style-type: none"> <li>1. the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</li> <li>2. the ability of occupants of the vulnerable use to: <ol style="list-style-type: none"> <li>1. protect themselves and defend property from bushfire attack;</li> <li>2. evacuate in an emergency; and</li> <li>3. understand and respond to instructions in the event of a bushfire; and</li> </ol> </li> <li>3. any bushfire protection measures available to reduce risk to emergency service personnel.</li> </ol>	<p><b>P2</b></p> <p>No Performance Criterion.</p>
<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p><b>P3</b></p> <p>No Performance Criterion.</p>

**Planner's comment**

Not applicable

**E1.5.2 Hazardous uses**

<p><b>Objective:</b> Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.</p>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p>



	<ol style="list-style-type: none"> <li>1. the location, characteristics, nature and scale of the use;</li> <li>2. whether there is an overriding benefit to the community;</li> <li>3. whether there is no suitable alternative lower-risk site;</li> <li>4. the emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this Standard; and</li> <li>5. other advice, if any, from the TFS.</li> </ol>
<p><b>A2</b></p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:</p> <ol style="list-style-type: none"> <li>1. the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; and</li> <li>2. available fire protection measures to: <ol style="list-style-type: none"> <li>1. prevent the hazardous use from contributing to the spread or intensification of bushfire;</li> <li>2. limit the potential for bushfire to be ignited on the site;</li> <li>3. prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</li> <li>4. reduce risk to emergency service personnel.</li> </ol> </li> </ol>	<p><b>P2</b></p> <p>No Performance Criterion.</p>
<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p><b>P3</b></p> <p>No Performance Criterion.</p>

**Planner's comment**

Not applicable

**E1.6 Development Standards**

**E1.6.1 Subdivision: Provision of hazard management areas**

**Objective:** Subdivision provides for hazard management areas that:



<ol style="list-style-type: none"> <li>1. facilitate an integrated approach between subdivision and subsequent building on a lot;</li> <li>2. provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</li> <li>3. provide protection for lots at any stage of a staged subdivision.</li> </ol>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>(a)TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <ol style="list-style-type: none"> <li>1. The proposed plan of subdivision:             <ol style="list-style-type: none"> <li>1. shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</li> <li>2. shows the building area for each lot;</li> <li>3. shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>; and</li> <li>4. is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>; and</li> </ol> </li> <li>2. If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</li> </ol>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <ol style="list-style-type: none"> <li>1. the dimensions of hazard management areas;</li> <li>2. a bushfire risk assessment of each lot at any stage of staged subdivision;</li> <li>3. the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</li> <li>4. the topography, including site slope;</li> <li>5. any other potential forms of fuel and ignition sources;</li> <li>6. separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</li> <li>7. an instrument that will facilitate management of fuels located on land external to the subdivision; and</li> <li>8. any advice from the TFS.</li> </ol>

**Planner's comment**

The proposed subdivision complies with the provisions of the Acceptable Solutions in accordance with the Bushfire Hazard Report lodged with the application.

**E1.6.2 Subdivision: Public and fire fighting access**



<b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision: <ol style="list-style-type: none"> <li>allow safe access and egress for residents, fire fighters and emergency service personnel;</li> <li>provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</li> <li>are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>provide access to water supplies for fire appliances; and</li> <li>are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ol>	
Acceptable solutions	Performance criteria
<b>A1</b> (a)TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or (b)A proposed plan of subdivision showing the layout of roads, fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that: <ol style="list-style-type: none"> <li>demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</li> <li>is certified by the TFS or accredited person.</li> </ol>	<b>P1</b> A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to: <ol style="list-style-type: none"> <li>appropriate design measures, including:               <ol style="list-style-type: none"> <li>two way traffic;</li> <li>all weather surfaces;</li> <li>height and width of any vegetation clearances;</li> <li>load capacity;</li> <li>provision of passing bays;</li> <li>traffic control devices;</li> <li>geometry, alignment and slope of roads, tracks and trails;</li> <li>use of through roads to provide for connectivity;</li> <li>limits on the length of cul-de-sacs and dead-end roads;</li> <li>provision of turning areas;</li> <li>provision for parking areas;</li> <li>perimeter access; and</li> <li>fire trails;</li> </ol> </li> <li>the provision of access to:               <ol style="list-style-type: none"> <li></li> <li>(i)bushfire-prone vegetation to permit the undertaking of hazard management works; and</li> <li></li> <li>(ii)fire fighting water supplies; and</li> <li>any advice from the TFS.</li> </ol> </li> </ol>

Planner's comment



The proposed subdivision complies with the provisions of the Acceptable Solutions in accordance with the Bushfire Hazard Report lodged with the application.

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

<b>Objective:</b> Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
Acceptable solutions	Performance criteria
<b>A1</b> In areas serviced with reticulated water by the water corporation: <ol style="list-style-type: none"><li>1. TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</li><li>2. A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</li><li>3. A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li></ol>	<b>P1</b> No Performance Criterion.
<b>A2</b> In areas that are not serviced by reticulated water by the water corporation: <ol style="list-style-type: none"><li>1. The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</li><li>2. The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</li><li>3. A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li></ol>	<b>P2</b> No Performance Criterion.

**Planner's comment**

The proposed subdivision complies with the provisions of the Acceptable Solutions in accordance with the Bushfire Hazard Report lodged with the application.



## E4 Road and Railway Assets Code

### E4.6 Use Standards

#### E4.6.1 Use and road or rail infrastructure

<p><b>Objective</b></p> <p>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>	
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.
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.
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>P3 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 use or 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 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</li> <li>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.</li> </ul>

#### Planner's comment

Subclauses A1 and A3 do not apply.

The proposal will generate greater than 40 vehicle movements each day, and therefore the application requires assessment against the provisions of performance Criteria P2.

The proposal complies with the provisions of the Performance Criteria for P2 in accordance with the Traffic Impact Assessment lodged with the application.



## 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> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
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> <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>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> <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>

#### Planner's comment

Not applicable

### 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>
<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>





	<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>
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**Planner's comment**

The proposal will create greater than one access providing both entry and exit, and therefore the application requires assessment against the provisions of performance Criteria P1.

The proposal complies with the provisions of the Performance Criteria for P1 in accordance with the Traffic Impact Assessment lodged with the application.

Subclause A2 does not apply.

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

<p>Objective</p> <p>To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	<p>P1 Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p> <p>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</p> <p>c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and</p> <p>d) an alternative access or junction is not practicable.</p>

**Planner's comment**

Not applicable

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

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



<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
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**Planner's comment**

The Traffic Impact Assessment prepared for this application states that the proposal does not comply with the provisions of the Acceptable Solution, and as such the application requires assessment against the provisions of the Performance Criteria.

The proposal complies with the provisions of the Performance Criteria for P1 in accordance with the Traffic Impact Assessment lodged with the application.

**E6 Car Parking and Sustainable Transport Code**

**Planner's comment**

The proposed development will create 6 new lots, but does not include any development that requires parking. The arrangement for parking at proposed lot 5, which contains the established dwelling, complies with the provisions of the Acceptable Solutions for all relevant Clauses. As such, it is considered that the proposal complies with the Code, and that no further assessment is required for this report.

**E10 Recreation and Open Space Code**

**E10.6 Development Standards**

**E10.6.1 Provision of Public Open Space**

<p>Objective</p> <p>a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and</p> <p>b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The application must:</p> <p>a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.</p>	<p>P1 Provision of public open space, unless in accordance with Table E10.1, must:</p> <p>a) not pose a risk to health due to contamination; and</p> <p>b) not unreasonably restrict public use of the land as a result of:</p> <p>i) services, easements or utilities; and</p> <p>ii) stormwater detention basins; and</p> <p>iii) drainage or wetland areas; and</p> <p>iv) vehicular access; and</p> <p>c) be designed to:</p> <p>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</p> <p>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</p>



	<p>iii) be cost effective to maintain; and</p> <p>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</p> <p>v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and</p> <p>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</p> <p>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</p> <p>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</p>
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**Planner's comment**

The application was lodged with a request for consent from the General Manager that a payment of cash in lieu of the provision of public open space. The General Manager responded, agreeing to the payment.

The proposal complies with the provisions of the Acceptable Solutions to A1.

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 proposed with this application.
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

**5 SERVICES**

Sewer & Water

The application was referred to TasWater regarding water and sewer infrastructure. Their certificate of consent dated 28 September 2022 is included as to this report and will be included as an attachment if a permit is issued.



### Stormwater & Access

The application was referred internally to the Council's Works Department, who advised that the subdivision can be serviced by Council infrastructure. Their recommended conditions of approval will be included if a permit is issued.

### Provision of Services

Prior to the sealing of the final plan of subdivision, the applicant would be required to provide water services, sewer and stormwater services to the property boundaries of all lots (as required by TasWater and Council's Works Department Section's conditions).

### Public Open Space

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

### The Public Open Space Rate

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

OR

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

## **6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993**

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		X
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"?		X
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?		X
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?	X	
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?		X
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?	X	
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?		X
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		X



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 <u>Roads and Jetties Act 1935</u> has first not approved so much of the application as affects the drainage?		X
	<b>If 'yes', refuse the subdivision.</b>		
Section 85	<b>Refusal of application for subdivision</b>		
	<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;		X
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		X
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;		X
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;		X
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		X
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		X
85(d)(iii)	public open space;		X
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;		X
85(d)(v)	private roads, ways or open spaces;		X
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;		X
85(d)(vii)	licences to embank highways under the <u>Highways Act 1951</u> ;		X
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		X
85(d)(ix)	provision for the preservation of trees and shrubs;		X
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;		X
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;		X
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;		X



85(g)(ii)	party-wall easements;		X
85(g)(iii)	the state of a party-wall on its boundary.		X
<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;		X
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		X
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;		X
86(2)(f)	the filling in of ponds and gullies;		X
86(2)(g)	the piping of watercourses.		X
	<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?		X
	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)		X
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		X

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable

## 8 OPTIONS

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

## 9 DISCUSSION

Council has discretion to refuse the application.

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

It is recommended that land at 81 Brickendon St, Longford be approved to be subdivided for residential use in accordance with application PLN-22-0185.

## 10 ATTACHMENTS

1. Proposal Page [15.4.1 - 1 page]
2. L 220733 - Planning report - Subdivision - 81 Brickendon St 08092022 [15.4.2 - 19 pages]
3. Annexure 1 - Folio Plan-124312-1 [15.4.3 - 1 page]
4. Annexure 2 - Proposal Plan v 2.1 080922 [15.4.4 - 2 pages]
5. Annexure 3 - TIA - RE P-0-81 Brickendon Street Subdivision [15.4.5 - 24 pages]
6. Annexure 3 - NMC confirm Adequacy of TIA [15.4.6 - 2 pages]
7. Annexure 4 - Onsite wastewater report - 81 Brickendon St, Longford Subdivision - Aug 22 [15.4.7 - 20 pages]
8. Annexure 5 - Onsite Stormwater report - 81 Brickendon Street, Longford Performance Solution Report R [15.4.8 - 13 pages]
9. Annexure 6 - L 220733 - Letter regarding POS contribution [15.4.9 - 1 page]
10. Annexure 7 - L 220733 - W S 91 - Bushfire Hazard Report -6 Lot Subdivision - 81 Brickendon Street L [15.4.10 - 31 pages]
11. P D 22 109757 81 BRICKENDON S T, LONGFORD Tas Water Submission to Planning Authority Notice - Cond [15.4.11 - 3 pages]
12. WI referral PL N-22-0185 81 Brickendon Street Longford [15.4.12 - 4 pages]
13. Referral to EHO [15.4.13 - 1 page]
14. 1. Representation - Tas Racing [15.4.14 - 3 pages]
15. 2. Representation - Morris [15.4.15 - 5 pages]
16. 3. Representation - Cornes [15.4.16 - 1 page]
17. 4. Representation - Collier [15.4.17 - 1 page]
18. 5. Representation - Archer [15.4.18 - 2 pages]
19. 6. Representation - Tubb [15.4.19 - 2 pages]





## 15.5 PLN22-0160 - ANCILLARY DWELLING: 662 CRESSY ROAD, LONGFORD

*File:* 103400.062; PLN22-0160  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Ryan Robinson, Planner

### MINUTE NO. 22/366

#### DECISION

Deputy Mayor Goss/Cr Goninon

That application PLN-22-0160 to develop and use the land at 662 Cressy Road, Longford for an Ancillary Dwelling (vary location of ancillary dwelling; non-agricultural use within irrigation district; vary western [rear] setback, and southern [side] setback) be approved subject to the following conditions:

#### **1 Endorsed Documents**

The use and development must be substantially in accordance with the endorsed documents Design intent Architecture and Management, Project No. 220032, Drawing Nos. A000, A001, and A100, Dated 25/08/2022.

#### **2 Revised Plans Required**

Before a building permit is issued, or the development commences, whichever occurs first, revised plans must be submitted to Council. When approved the plans will be endorsed and form part of this permit. The plans must be substantially in accordance with the endorsed plans but revised to show the gross floor area of the proposed ancillary dwelling will not exceed 60m<sup>2</sup>.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

#### **RECOMMENDATION**

That application PLN-22-0160 to develop and use the land at 662 Cressy Road, Longford for an Ancillary Dwelling (vary location of ancillary dwelling; non-agricultural use within irrigation district; vary western [rear] setback, and southern [side] setback) be approved subject to the following conditions:

#### **1 Endorsed Documents**

The use and development must be substantially in accordance with the endorsed documents Design intent Architecture and Management, Project No. 220032, Drawing Nos. A000, A001, and A100, Dated 25/08/2022.

#### **2 Revised Plans Required**

Before a building permit is issued, or the development commences, whichever occurs first, revised plans must be submitted to Council. When approved the plans will be endorsed and form part of this permit. The plans must be substantially in accordance with the endorsed plans but revised to show the gross floor area of the proposed ancillary dwelling will not exceed 60m<sup>2</sup>.



## 1 INTRODUCTION

This report assesses an application for 662 Cressy Road, Longford to construct an Ancillary Dwelling (vary location of ancillary dwelling; non-agricultural use within irrigation district; vary western [rear] setback, and southern [side] setback).

## 2 BACKGROUND

**Applicant:**

Design Intent Architecture + Management

**Zone:**

Rural Resource

**Classification under the Scheme:**

Residential Single Dwelling

**Deemed Approval Date:**

29 October 2022

**Owner:**

Gordon Edwin St Leger Hayes & Narelle Gay Hayes

**Codes:**

Car Parking and Sustainable Transport Code

**Existing Use:**

Residential Single Dwelling

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- 26.3.2 Dwellings
- 26.3.3 Irrigation Districts
- 26.4.1 Building Location and Appearance

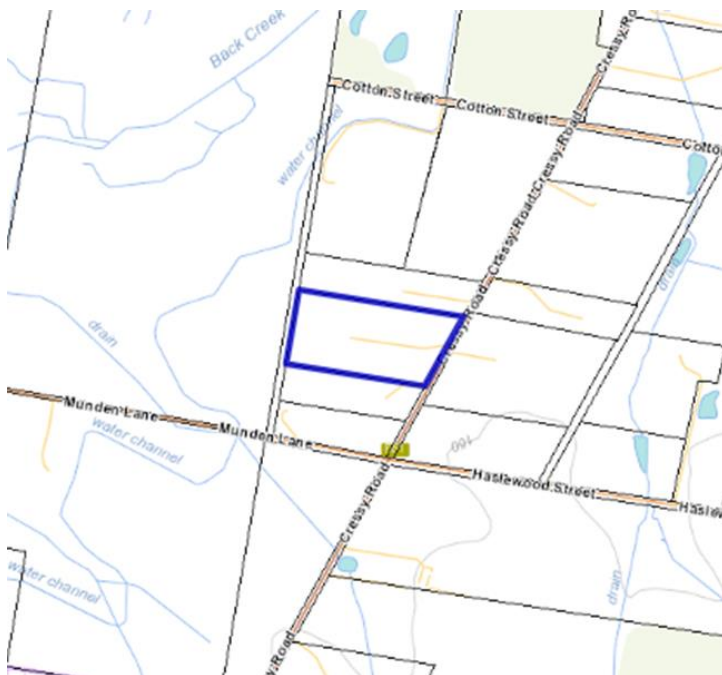
**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 38, Effective from 22nd February 2022.*

**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



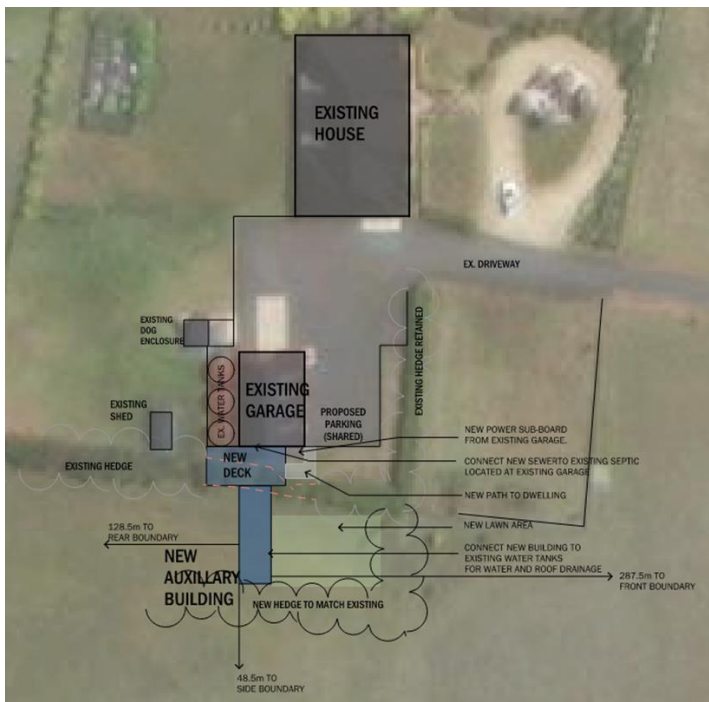
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51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

#### 4 ASSESSMENT

##### 4.1 Proposal

It is proposed to construct an ancillary Dwelling (vary location of ancillary dwelling; non-agricultural use within irrigation district; vary western [rear] setback, and southern [side] setback).

##### *Site Plan (extract)*



##### *Elevations (extract)*



##### 4.2 Zone and Land Use



The land is zoned Rural Resource. The relevant Planning Scheme definitions are:

<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>ancillary dwelling</i>	<i>means an additional dwelling:</i> <i>a) with a floor area not greater than 60m<sup>2</sup>;</i> <i>b) that is appurtenant to a single dwelling; and</i> <i>c) that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters.</i>

#### 4.3 Subject Site and Locality

A site inspection was undertaken on 2nd September 2022 by Ryan Robinson, Planner. The site comprises an area of 8.627ha and accommodates a single dwelling and shed approximately in the centre of the site. Residential uses surround the site to the north, east and south and primary and agricultural uses to the west.

##### *Aerial photograph of area*



##### *Photographs of subject site*







#### 4.4 Permit/Site History

Relevant permit history includes:

- P05-203 House (ancillary to sheep stud & equestrian)
- P12-048 – Hay shed (retrospective)
- P15-340 – dwelling addition

#### 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 a representations (attached) was received from:

- Naomi Billett of Billett Legal on behalf of Patricia Logan and Judith Cameron, of 674 Cressy Road, Longford



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

***Issue 1:***

The application claims that the proposed building is for an Ancillary Dwelling, but it does not fit the description of "Ancillary Dwelling" in the Planning Scheme, including specifically that:

- the proposed building has a floor area greater than 60m<sup>2</sup>;
- the proposed building is not accessed through the curtilage of the existing dwelling;
- the proposed building is not "appurtenant" to the existing dwelling, as it has independent laundry facilities, a deck, lawn, and parking area.

**Planner's comment:**

The definition of "Ancillary dwelling" in the Planning Scheme is as follows:

an additional dwelling:

(a) with a floor area not greater than 60m<sup>2</sup>;

(b) that is appurtenant to a single dwelling; and

(c) that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters.

Whilst "floor area" is not defined in the Planning Scheme, "Gross floor area" is defined as:

the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

According to the development plans lodged with the application, the proposed building will have a gross floor area of 60.075m<sup>2</sup> (4.45m x 13.5m). Whilst the proposed floor area is technically greater than 60m<sup>2</sup>, it is considered that a condition can be placed on the potential approval of the proposal, which requires that updated plans be lodged and approved by Council's Planning Officer, demonstrating that the building has a floor area no greater than 60m<sup>2</sup>.

The proposed building will share with the existing dwelling, access and parking, and water (on-site collection), sewerage (on-site wastewater), and electricity and telecommunications connections and meters. The site does not have a gas connection. It is noted that the new building will be accessed via a driveway which runs through the curtilage of the established dwelling.



With respect to whether the proposed building is appurtenant to the existing dwelling, the definition of “appurtenant” is considered, and as the word is not defined in the Planning Scheme or Land Use Planning and Approvals Act 1993, the definition of “appurtenance” is taken from the Macquarie Dictionary, as follows:

1. something accessory to another and more important thing; an adjunct.
2. Law a right, privilege, or improvement belonging to and passing with a principal property.

Whilst it is noted that the proposed building will have a separate yard and deck, as the application demonstrates that property access, parking, and all relevant services and meters are shared with the existing dwelling, it is considered that the proposed building is appurtenant to the existing dwelling.

It is considered that if the floor area of the proposed building is reduced to no more than 60m<sup>2</sup>, it will satisfy the definition of “ancillary dwelling”.

#### ***Issue 2:***

The proposed building encroaches upon and impacts agricultural land uses. To this end, the representation refers to the reduction of boundary setbacks for a sensitive use, and the notion that the relevant land has been used for grazing in the past. The representation relates these concerns to the provisions of Clause 26.3.2 P1.1 (b), which address the ability or inability of a site to support an agricultural use, or the ability of a site to be incorporated with other land for agricultural or other primary industry use. The representation also relates these concerns to the provisions of Clause 26.3.3 P1, which address the potential reduction of irrigation potential of the land.

#### **Planner's comment:**

The Land Capability mapping layer on the Tasmanian Government's online mapping tool, ListMap, describes Land Capability Classification as “...an internationally accepted method of ranking the ability of the land to support a range of broadacre agricultural activities on a sustainable basis. In Tasmania the system comprises seven classes ranked in order of agricultural versatility. Class 1 land is the best and Class 7 the poorest”. Classes 1-3 are considered Prime Agricultural Land, and the subject site contains approximately 4,000m<sup>2</sup> of Class 3 land at its north-western corner. The rest of the site (approximately 96.6% of the total area and upon which the proposed development will be located) is Class 4 Non-prime Agricultural Land. It is considered that the development will not impact prime agricultural land.

Topographical features, including established development for sensitive uses on adjacent land, limit the type and intensity of agricultural or other primary industry use and development at the subject site. In order to establish a sufficient separation between sensitive and agricultural/primary industry uses, provision A2 (b) of Clause 26.4.1 requires a minimum boundary setback for a sensitive use of 200m. Whilst the application does not rely on compliance with this specific provision, the 200m setback provides a useful measurement to demonstrate the limitations of the land for agricultural or primary industry use.

As such, no part of the representor's lot, the subject site, nor any lot adjoining either property, is greater than 200m from an established sensitive use. As such, it is considered that the proposed expansion of the curtilage at the subject site and the development of a sensitive use, will not impact upon the potential for agricultural or primary industry use at the site or on any surrounding land.

Further to these limitations, it is considered that the location of the proposed building on land within a proclaimed irrigation district is consistent with the location of established non-agricultural uses on the subject site and adjoining lots.

Considering the above information, and the assessment of the application against the relevant provisions of Clause 26.3.2 and Clause 26.3.3, it is considered that the proposed development does not impact the potential of any land to be used for agricultural or other primary industry uses to a greater extent than the established sensitive uses at the subject site, and adjoining properties.

#### **4.6 Referrals**

The application did not require any referrals.





#### 4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE
ZONE PURPOSE
<i>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>To provide for other use or development that does not constrain or conflict with resource development uses.</i>
<i>To provide for economic development that is compatible with primary industry, environmental and landscape values.</i>
<i>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 by providing for use and development that does not constrain or conflict with resource development uses.

LOCAL AREA OBJECTIVES
<i>a) Primary Industries:</i> <i>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</i> <i>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.</i> <i>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.</i>
<i>b) Tourism</i> <i>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.</i> <i>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.</i>
<i>c) Rural Communities</i> <i>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.</i>
<b>Assessment:</b> The proposal does not conflict with the local area objectives.

DESIRED FUTURE CHARACTER STATEMENTS
<i>The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.</i>
<b>Assessment:</b> The proposal does not conflict with the desired future character statement, as the location of the proposed dwelling will be within the rural residential setting of Longford

USE AND DEVELOPMENT STANDARDS
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## 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.	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 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.
Comment: complies.	
A2 If for permitted or no permit required uses.	P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the: i) amount of land alienated/converted is minimised; and ii) location is reasonably required for operational efficiency; and 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.
Comment: complies.	
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



	<ul style="list-style-type: none"> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry; or</li> <li>c) the location of the use on the site is reasonably required for operational efficiency.</li> </ul>
Comment: complies.	
A4 If for permitted or no permit required uses.	<p>P4 It must be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) emissions are not likely to cause an environmental nuisance; and</li> <li>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</li> <li>c) the capacity of the local road network can accommodate the traffic generated by the use.</li> </ul>
Comment: complies.	
<p>A5 The use must:</p> <ul style="list-style-type: none"> <li>a) be permitted or no permit required; or</li> <li>b) be located in an existing building.</li> </ul>	<p>P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <ul style="list-style-type: none"> <li>a) the impacts on skylines and ridgelines; and</li> <li>b) visibility from public roads; and</li> <li>c) the visual impacts of storage of materials or equipment; and</li> <li>d) the visual impacts of vegetation clearance or retention; and</li> <li>e) the desired future character statements.</li> </ul>
Comment: complies.	

### 26.3.2 Dwellings

<p>Objective: To ensure that dwellings are:</p> <ul style="list-style-type: none"> <li>a) incidental to resource development; or</li> <li>b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.</li> </ul>	
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> </ul> </li> </ul>



	<p>iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and</p> <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:</p> <p>Complies with performance criteria as follows:</p> <p>P1.1 a) N/a</p> <p>b) The site is practically incapable of supporting an agricultural use or being included with other agricultural land as follows:</p> <p>i) The subject site is a relatively small lot of 8.627ha, located within a cluster of smaller sized lots including a number of rural lifestyle uses to the north, south and east. Agricultural pursuits in the immediate vicinity include cropping to the west on land beyond an unmade road reservation. The proposed development will not reduce the setback of a sensitive use to the agricultural land.</p> <p>Further, the subject site is constrained for agricultural or other primary industry uses due to the proximity of established sensitive uses on adjacent sites. The entirety of the subject site is within 200m of an established sensitive use.</p> <p>ii) The rectangular shaped property is presently used for residential purposes. The size of the lot and location of the dwelling makes it unsuitable for grazing or other agricultural activities.</p> <p>iii) The greatest impediments to the land's capability are its size, surrounding land uses, and lack of irrigation infrastructure. The proposed ancillary dwelling will not significantly affect the productive capacity of the land to the west and will not impact the potential agricultural or other primary industry use for any other land.</p> <p>P1.2 The subject site has sufficient area to accommodate an on-site wastewater treatment system and already does so, should any alterations be required to the existing system an application for a plumbing permit will need to be lodged.</p> <p>P1.3 The subject site has frontage to Cressy Road.</p>	

### 26.3.3 Irrigation Districts

Objective: 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.	
Acceptable Solutions	Performance Criteria
A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	<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> <p>a) the location and amount of land to be used; and</p> <p>b) the operational practicalities of irrigation systems as they relate to the land; and</p> <p>c) any management or conservation plans for the land.</p>
<p>Comment:</p> <p>Complies with P1 – the site is already used for residential purposes.</p>	

### 26.4 Development Standards



#### 26.4.1 Building Location and Appearance

Objective: To ensure that the:	
a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and	
b) development of buildings is unobtrusive and complements the character of the landscape.	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: a) 8m for dwellings; or b) 12m for other purposes.	P1 Building height must: a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
Comment: Complies with A1 (a), ancillary dwelling height is maximum 3.636m.	
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: Due to the size of the lot, the proposed development relies on the performance criteria P2 for compliance with the clause. The proposal has one directly adjoining primary industry operation to the west of the site. The ancillary dwelling is to be located between approximately in line with the existing shed from the western boundary at 128.5m setback and 48.5m to the southern boundary with adjoins a property used for rural lifestyle purposes. The proposal complies with P2 as follows: a. The site is relatively level and the topography of the site does not influence the impact the development may have on primary industry operations. b. Physical separation creates a buffer between the subject site and the land to the west. c. Adjacent to the western boundary is a road reservation and then there are paddocks used for grazing and the development is located within the curtilage of the existing residential use in the sense from the western boundary. d. The uses surrounding the site are predominantly residential in nature except for the adjoining land to the west. The residential use on the subject site is well established. e. There is sufficient setback from the road frontages to accommodate any future widening or maintenance works.	

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a



E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	N/a
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – 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
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

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	Complies.
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a

STATE POLICIES
The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES
<b>Strategic Plan 2017-2027</b> <i>Statutory Planning</i>

## 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:

- 26.3.2 Dwellings
- 26.3.3 Irrigation Districts
- 26.4.1 Building Location and Appearance

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

It is recommended that revised plans be required showing the gross floor area of the proposed ancillary dwelling will not exceed 60m<sup>2</sup>.

## **8 ATTACHMENTS**

1. APPLICATION FORM [**15.5.1** - 1 page]
2. Plan [**15.5.2** - 1 page]
3. NEW AUXILIARY BUILDING - PLANNING DA 02 [**15.5.3** - 3 pages]
4. 1. Representation - Billet Legal [**15.5.4** - 3 pages]
5. B Vote and C Jenkins letter to Northern Midlands Council 09262022084520 [**15.5.5** - 1 page]
6. EOT Proforma - PL N 22-0160 - Signed [**15.5.6** - 1 page]





## 15.6 PLN22-0203 - 9 LOT SUBDIVISION: 144 MARLBOROUGH STREET, LONGFORD

*File:* 109300.8; PLN22-0203  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Rebecca Green, Planning Consultant

### MINUTE NO. 22/367

#### DECISION

Deputy Mayor Goss/Cr Goninon

That application PLN-22-0203 to develop and use the land at 144 Marlborough Street for a 9 lot subdivision, including associated works at 153 Marlborough Street, 119 Catherine Street, 344 Cressy Road, Queen Street (unmade), Marlborough Street, Cressy Road, Catherine Street and Cracroft Street road reserves, Longford be approved subject to the following conditions:

#### **1 LAYOUT NOT ALTERED**

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

**P1** Proposed 9 lot subdivision, Woolcott Surveys, Job No. L220612, Edition v1.1, Sheet 1/1, Dated: 21/06/22.

**P2-P14** Servicing Plans as approved by PLN21-0062, 6ty°.

**D1** Planning Supporting Report, Woolcott Surveys, Rev: 5, Dated: 2 September 2022.

**D2** Bushfire Hazard Report, James Stewart BFP-157, Rev: 2, Dated: 25/07/2022.

**D3** Transport Impact Assessment, GHD, Dated: 28 July 2022.

**D4** Noise and Dust Assessment – 144 Marlborough Street Longford, pitt&sherry, Dated: 22 June 2022.

#### **2 TASWATER CONDITIONS**

Water and sewerage services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01524-NMC, dated 28/09/2022) – **Appendix A**.

#### **3 COUNCIL'S WORKS & INFRASTRUCTURE CONDITIONS**

##### **3.1 Stormwater**

Each lot must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.

The existing house must be connected to the piped stormwater system.

##### **3.2 Access (Urban)**

- a) A concrete driveway crossover and must be constructed from the edge of the road to the property boundary of each lot in accordance with Council standard drawing TSD R09.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

##### **3.3 As constructed information**

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

##### **3.4 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.

### 3.5 Works in Council road reserve

- a) 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.
- b) 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.

### 3.5 Works on Council Infrastructure

The applicant must complete a Council Road Opening Permit prior to constructing any infrastructure in the road reserve which will become Council responsibility including kerb and channel, footpaths and stormwater. Works must not commence until the permit has been approved by Council.

### 3.6 Roadworks

- a) Kerb and channel must be constructed along the frontage of all lots.
- b) All road works must be carried out in accordance with The LGAT standard drawings
- c) All seal works must be asphalt
- d) A 1.8m wide concrete footpath to be constructed outside the frontage of all lots.

### 3.7 Detailed engineering plans required

Before the commencement of any works for the subdivision, detailed engineering plans by a certified engineer, to the approval of Council's General Manager, must be lodged with Council.

The plans must include:

- An engineering design of the road including pavement long sections and cross sections
- An engineering design of the drainage system including calculations

### 3.8 Planting of Street Trees

- a) Before the final plan is sealed, a bond or bank guarantee of \$400 per lot (i.e., 9 x \$400) must be provided to the Council.
- b) The developer must plant the street trees in accordance with the landscape plan at the end of the 12-month maintenance period. If the trees are not planted, Council may use the bond/bank guarantee to ensure the plantings occur.
- c) Each tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal

### 3.9 Separation of hydraulic services

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

### 3.10 Easements to be created

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.



### 3.11 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) 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.

### 3.12 Bonds

The subdivision shall be subject to a maintenance period and a bond shall be held by Council until the completion of the maintenance period. The bond shall be calculated based on 5% of the total cost of works based on Council's standard road construction rates.

### 3.13 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.

## 4 SATISFACTORY COMPLETION OF INFRASTRUCTURE UPGRADES PRIOR TO SEALING OF TITLES

Prior to the sealing by Council of the final plan of subdivision, the proposed upgrades to the infrastructure to service the proposed subdivision must be fully completed to the satisfaction of the General Manager and in accordance with the plans that accompany the Development Application and form part of this approval.

## 5 DEPARTMENT OF STATE GROWTH CONDITIONS

Prior to undertaking any service works in the state road reserve a *Service Works Permit* is required from the Department of State Growth in accordance with Section 13 and Section 16 of the *Roads and Jetties Act 1935*.

**Note:** Application for permits and stormwater drainage consent can be found at [http://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](http://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings)

Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

## 6 PUBLIC OPEN SPACE CONTRIBUTION

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

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

OR

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

## 7 DEMOLITION

The developer must obtain relevant building approvals for all demolition work for which approval is sought prior to undertaking any works and prior to the sealing of the final plans, to the satisfaction of the General Manager.



## 8 SEALING OF PLANS

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

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

### RECOMMENDATION

That application PLN-22-0203 to develop and use the land at 144 Marlborough Street for a 9 lot subdivision, including associated works at 153 Marlborough Street, 119 Catherine Street, 344 Cressy Road, Queen Street (unmade), Marlborough Street, Cressy Road, Catherine Street and Cracroft Street road reserves, Longford be approved subject to the following conditions:

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##### 3.1 Stormwater

Each lot must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.

The existing house must be connected to the piped stormwater system.

##### 3.2 Access (Urban)

a) A concrete driveway crossover and must be constructed from the edge of the road to the property boundary of each lot in accordance with Council standard drawing TSD R09.

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

##### 3.3 As constructed information

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



### 3.4 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.

### 3.5 Works in Council road reserve

- a) 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.
- b) 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.

### 3.5 Works on Council Infrastructure

The applicant must complete a Council Road Opening Permit prior to constructing any infrastructure in the road reserve which will become Council responsibility including kerb and channel, footpaths and stormwater. Works must not commence until the permit has been approved by Council.

### 3.6 Roadworks

- a) Kerb and channel must be constructed along the frontage of all lots.
- b) All road works must be carried out in accordance with The LGAT standard drawings
- c) All seal works must be asphalt
- d) A 1.8m wide concrete footpath to be constructed outside the frontage of all lots.

### 3.7 Detailed engineering plans required

Before the commencement of any works for the subdivision, detailed engineering plans by a certified engineer, to the approval of Council's General Manager, must be lodged with Council.

The plans must include:

- An engineering design of the road including pavement long sections and cross sections
- An engineering design of the drainage system including calculations

### 3.8 Planting of Street Trees

- a) Before the final plan is sealed, a bond or bank guarantee of \$400 per lot (i.e., 9 x \$400) must be provided to the Council.
- b) The developer must plant the street trees in accordance with the landscape plan at the end of the 12-month maintenance period. If the trees are not planted, Council may use the bond/bank guarantee to ensure the plantings occur.
- c) Each tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal

### 3.9 Separation of hydraulic services

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



### 3.10 Easements to be created

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

### 3.11 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) 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.

### 3.12 Bonds

The subdivision shall be subject to a maintenance period and a bond shall be held by Council until the completion of the maintenance period. The bond shall be calculated based on 5% of the total cost of works based on Council's standard road construction rates.

### 3.13 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.

## 4 SATISFACTORY COMPLETION OF INFRASTRUCTURE UPGRADES PRIOR TO SEALING OF TITLES

Prior to the sealing by Council of the final plan of subdivision, the proposed upgrades to the infrastructure to service the proposed subdivision must be fully completed to the satisfaction of the General Manager and in accordance with the plans that accompany the Development Application and form part of this approval.

## 5 DEPARTMENT OF STATE GROWTH CONDITIONS

Prior to undertaking any service works in the state road reserve a *Service Works Permit* is required from the Department of State Growth in accordance with Section 13 and Section 16 of the *Roads and Jetties Act 1935*.

**Note:** Application for permits and stormwater drainage consent can be found at [http://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](http://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings)

Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

## 6 PUBLIC OPEN SPACE CONTRIBUTION

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

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

OR

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



## 7 DEMOLITION

The developer must obtain relevant building approvals for all demolition work for which approval is sought prior to undertaking any works and prior to the sealing of the final plans, to the satisfaction of the General Manager.

## 8 SEALING OF PLANS

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

## 1 INTRODUCTION

This report assesses an application for a 9 Lot Subdivision (Vary Lot Sizes, Attenuation) at 144 Marlborough St, works at 153 Marlborough St, 119 Catherine St, 344 Cressy Rd, Queen St (unmade), Marlborough St, Cressy Rd, Catherine St and Cracroft St road reserves, Longford TAS 7301

## 2 BACKGROUND

**Applicant:**

Woolcott Surveys

**Zone:**

Low Density Residential

**Owner:**

Stagar Pty Ltd

**Codes:**

Bushfire Prone Areas Code

Road and Railway Assets Code

Carparking and Sustainable Transport Code

Recreation and Open Space Code

Environmental Impacts and Attenuation Code

**Classification under the Scheme:**

Residential (Subdivision)

**Existing Use:**

Residential

**Deemed Approval Date:**

26 October 2022

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Reliance on the performance criteria 12.4.3.1 P1.1 for lots less than 1ha.
- Reliance on the performance criteria E4.6.1 P2 for traffic generation more than a total of 40 vehicle movements per day and E4.7.2 P2 for new accesses to a road.
- Reliance on the performance criteria E6.7.2 P2 for access to Lots 1, 2, 4, 5 & 8 which extend more than 30m.
- Reliance on the performance criteria E11.6.1 P1 for subdivision for sensitive use within an attenuation area.

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 40, Effective from 12 September 2022.*

**Preliminary Discussion**

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

## 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 seeks approval for demolition of existing structures (two sheds) and a proposed subdivision of 9 lots as well as associated services.

The proposed development where subdivision is proposed to create new lots involves one property. This is 144 Marlborough Street (F.R. 167605/1), this lot comprises a site area of 1.126ha. 144 Marlborough Street contains an existing single dwelling with associated outbuildings.

To ensure the proposed subdivision is fully serviced, the proposal also seeks approval for the extension of services through 153 Marlborough Street, 119 Catherine Street and 344 Cressy Road as well Queen Street (unmade), Marlborough Street road reserve, Cressy Road road reserve, Catherine Street road reserve and Cracroft road reserve. The servicing has previously been approved for an adjacent subdivision approved at 145 Marlborough Street, 153 Marlborough Street and 173 Marlborough Street, approved for 44 lots (PLN21-0062). The servicing must also be considered for this subject application in the event that the works precede that of PLN21-0062.

The proposed subdivision seeks approval for a total of 9 lots that range in size from 1057m<sup>2</sup> to 1563m<sup>2</sup>.

#### **Subdivision Plan (extract)**





#### 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

A Council Officer carried out a site visit on the 16 September 2022. The site is a 11,460m<sup>2</sup> site located on Marlborough Street, between Cracraft and Brickendon Streets. The site contains an existing single dwelling and outbuildings. Residential uses and businesses (horse racing stables) surround the subject site.

##### *Aerial photograph of area*



##### *Photographs of subject site*





#### 4.4 Permit/Site History

Relevant permit history includes:

- PLN22-0141 – 9 Lot Subdivision - withdrawn

#### 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

##### Department of State Growth

The application was referred to the Department of State Growth (DSG) on the 16.09.2022. DSG had provided consent to the making of the application. A response was received on 26.09.2022 and their requested condition and advisory note has been added to the conditions of the Permit.

##### Council's Works and Infrastructure Department

The application was referred to the Works and Infrastructure Department and they provided a response on 15.09.2022. These has been added to the conditions of the Permit.

##### TasWater

Summary:

The application was referred to TasWater and they provided a response in the form of a Submission to Planning Authority Notice. These have been added to the conditions of the Permit, and endorsed as Attachment A.

#### 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.

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

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.

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.

#### 12.1.3 Desired Future Character Statements

There are no desired future character statements

### 12.3.1 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.
Comment: Complies with A1.	
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
Comment: 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.
Comment: Complies with A3.	

#### 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.
Comment: 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.
Comment: 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.
Comment: N/a	

#### 12.4 Development Standards

##### 12.4.2 Subdivision

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

<b>Objective</b> To ensure: a) the area and dimensions of lots are appropriate for the zone; and
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b) the conservation of natural values, vegetation and faunal habitats; and c) the design of subdivision protects adjoining subdivision from adverse impacts; and d) each lot has road, access, and utility services appropriate for the zone.	
Acceptable Solutions	Performance Criteria
A1.1 Each lot must: a) have a minimum area of 1ha; and b) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or c) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or d) be for the provision of public utilities; or e) for the consolidation of a lot with another lot with no additional titles created; or f) to align existing titles with zone boundaries and no additional lots are created. A1.2 Subdivision at Devon Hills will not result in any new lots.	P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for: a) a dwelling to be erected in a convenient and hazard free location; and b) on-site parking and manoeuvrability; and c) adequate private open space; and d) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape. P1.2 Land in Devon Hills must not be further subdivided
<p>Comment: Relies on performance criteria. The application proposes to vary the 1ha minimum lot size required by the acceptable solution.</p> <p>Complies with P1.1 as follows:</p> <ul style="list-style-type: none"> <li>a) Each of the proposed lots will allow sufficient area for a dwelling to be established in a convenient and hazard free location. Lot 3 already contains a dwelling and outbuilding and demonstrated that the lots can be developed similarly to Lot 3. The submitted Bushfire Hazard Report contains a Hazard Management Plan that shows a dwelling could be established within a BAL 12.5/19 area on each of the proposed lots.</li> <li>b) Sufficient space is available for on-site parking and manoeuvrability for a future dwelling on each of the proposed lots and for the existing dwelling.</li> <li>c) Sufficient space is available for private open space for a future dwelling on each of the proposed vacant lots and for the existing dwelling on Lot 3.</li> <li>d) Each lot has direct and unencumbered access with no topographical challenges, the land being flat and even land with no land form hazards.</li> <li>e) The proposed development reflects the subdivision pattern at Cressy Road to an extent with similar sized lots and internal lot pattern of development. While there will be changes to the immediate streetscape as a result of the proposal, it would be in character, with dwellings fronting the street having distance between them. The area is residential and demonstrates a transition area from the General Residential zoned area to the larger farming lots in the surrounding area.</li> </ul>	
A2 Each lot must have a frontage of at least 6m.	P2 No performance criteria.
<p>Comment: The proposal complies with the acceptable solution with each lot to have a frontage of at least 6m.</p>	
A3 Each lot must be connected to a reticulated: a) water supply; and b) sewerage system.	P3 Lots that are not provided with reticulated water and sewerage services must be: a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
<p>Comment: The proposal complies with the acceptable solution with each lot to be provided with reticulated water and sewer connections.</p>	
A4 Each lot must be connected to a reticulated stormwater system.	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: 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 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



	<p>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>Comment: The proposal complies with the acceptable solution with each lot to be provided with reticulated stormwater system connection.</p>	

## **E1.0 Bushfire-Prone Areas Code**

### **E1.1 Purpose of the Bushfire-Prone Areas Code**

E1.1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

### **E1.2 Application of this Code**

E1.2.1 This code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.

E1.2.2 A permit is required for all use and development to which this code applies that is not exempt from this code under clause E1.4.

### **E1.4 Use or development exempt from this Code**

The following use or development is exempt from this code:

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and
- (b) adjustment of a boundary in accordance with clause 9.3 of this planning scheme.

## **E1.6 Development Standards**

E1.6.1 Subdivision: Provision of hazard management areas

<p><b>Objective:</b> Subdivision provides for hazard management areas that:</p> <p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p>



<p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>
<p>Comment: A Bushfire Hazard Management Plan prepared by James Stewart BFP-157 demonstrates compliance with the acceptable solution.</p>	

#### E1.6.2 Subdivision: Public and fire fighting access

<p><b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <p>(a) allow safe access and egress for residents, fire fighters and emergency service personnel;</p> <p>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</p> <p>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(d) provide access to water supplies for fire appliances; and</p> <p>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or accredited person.</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <p>(i) two way traffic;</p> <p>(ii) all weather surfaces;</p> <p>(iii) height and width of any vegetation clearances;</p> <p>(iv) load capacity;</p> <p>(v) provision of passing bays;</p> <p>(vi) traffic control devices;</p> <p>(vii) geometry, alignment and slope of roads, tracks and trails;</p> <p>(viii) use of through roads to provide for connectivity;</p> <p>(ix) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) provision of turning areas;</p> <p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails;</p> <p>(b) the provision of access to:</p>





	<ul style="list-style-type: none"> <li>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</li> <li>(ii) fire fighting water supplies; and</li> <li>(c) any advice from the TFS.</li> </ul>
<b>Comment:</b> A Bushfire Hazard Management Plan prepared by James Stewart BFP-157 demonstrates compliance with the acceptable solution.	

#### E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

<b>Objective:</b> Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
<b>Acceptable solutions</b>	<b>Performance criteria</b>
<b>A1</b> In areas serviced with reticulated water by the water corporation: <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</li> <li>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<b>P1</b> No Performance Criterion.
<b>Comment:</b> A Bushfire Hazard Management Plan prepared by James Stewart BFP-157 demonstrates compliance with the acceptable solution.	
<b>A2</b> In areas that are not serviced by reticulated water by the water corporation: <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</li> <li>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<b>P2</b> No Performance Criterion.
<b>Comment:</b> N/a	

#### **E4 Road and Railway Assets Code**

##### E4.1 Purpose of Code

##### E4.1.1 The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

##### E4.2 Application of Code

##### E4.2.1 This code applies to use or development of land that:

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

##### E4.3 Definition of Terms

##### E4.3.1 In this code, unless the contrary intention appears:

Category 1 – Trunk Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*



Category 2 – Regional Freight Route means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 3 – Regional Access Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 4 – Feeder Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 5 – Other Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Future road or railway means a future road or railway shown on the plans of this planning scheme.

Junction means an intersection of two or more roads at a common level, including intersections of on and off ramps and grade-separated roads.

Limited access road means a road proclaimed as limited access under Section 52A of the *Roads and Jetties Act 1935*.

#### **E4.4 Use or development exempt from this Code**

E4.4.1 There are no exemptions from this Code.

E4.5 Requirements for a Traffic Impact Assessment (TIA)

E4.5.1 A TIA is required to demonstrate compliance with performance criteria.

E4.5.2 A TIA for roads must be undertaken in accordance with *Traffic Impact Assessment Guidelines*, Department of Infrastructure, Energy and Resources September 2007. Australian Guidelines and Australian Standards are to be used as the basis for any required road or junction design.

E4.5.3 A TIA must be accompanied by written advice as to the adequacy of the TIA from the:

- a) road authority in respect of a road; and
- b) rail authority in respect of a railway.

E4.5.4 The Council must consider the written advice of the relevant authority when assessing an application which relies on performance criteria to meet an applicable standard

#### **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.
Comment: 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.
Comment: Relies on performance criteria. A Traffic Impact Assessment accompanied the application, prepared by GHD, demonstrating compliance with the performance criteria. New accesses are proposed only on Marlborough Street which has a speed limit of 50km/h. The proposed density of the access points is considered reasonable and consistent with the function of the street. The trip generating potential is low and there is sufficient sight distance at access points.	
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



	<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 access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
Comment: 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> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
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> <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>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> <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>
Comment: 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</p>	<p>P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses</p>



providing both entry and exit, or two accesses providing separate entry and exit.	and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Comment: Relies on performance criteria. A Traffic Impact Assessment accompanied the application, prepared by GHD, demonstrating compliance with the performance criteria. Each lot will provide a single, separated access providing both entry and exit. New accesses are proposed only on Marlborough Street which has a speed limit of 50 km/h. The proposal is considered consistent with the performance criteria.	
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	<p>P2 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 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>
Comment: 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>
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	<p>P1 Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p> <p>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</p> <p>c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and</p> <p>d) an alternative access or junction is not practicable.</p>
Comment: 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>
A1 Sight distances at	P1 The design, layout and location of an access, junction or rail level crossing must provide

<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>adequate sight distances to ensure the safe movement of vehicles.</p>
<p>Comment: The proposed development complies with the acceptable solution.</p>	

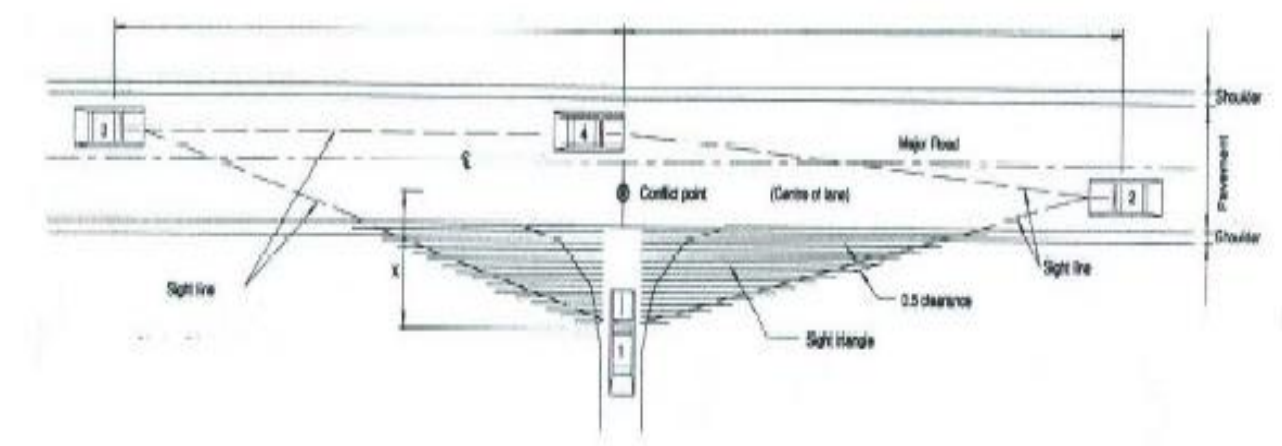


Figure E4.7.4 Sight Lines for Accesses and Junctions

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:

(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.

## **E6 Car Parking and Sustainable Transport Code**

### **E6.1 Purpose of Code**

#### **E6.1.1 The purpose of this provision is to:**

- (a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
- (b) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
- (d) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
- (e) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
- (f) provide for the implementation of parking precinct plans.

### **E6.2 Application of Code**

#### **E6.2.1 This code applies to all use and development of land.**

### **E6.3 Required Application Information**

**E6.3.1** In addition to the normal requirements of development applications and where car parking or sustainable transport facilities are required to be provided, a plan drawn to scale and dimensioned must be provided as part of the application showing:

- (a) all car spaces to be provided on the site (or being relied on as part of the development); and
- (b) access strips and manoeuvring and circulation spaces; and
- (c) all access strips onto the site from roads; and
- (d) details of the existing and proposed surface treatments for all car parking access strips and manoeuvring and circulation spaces; and
- (e) all facilities proposed for cycling or public transport users.

**E6.3.2** Council may also require a Traffic Impact Assessment from a suitably qualified person to accompany a development application where it is assessed as having the potential to adversely impact on the traffic circulation, safety or network efficiency in the surrounding area.

### **E6.4 Definition of Terms**

Category 1 – Trunk Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 2 – Regional Freight Route means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 3 – Regional Access Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 4 – Feeder Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 5 – Other Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Parking Precinct Plan means a strategic plan relating to the parking of cars, bicycles and other vehicles within a defined area which is incorporated into the planning scheme and listed as additional component to this Code. A Parking Precinct Plan must include the following information:

- a) the purpose of the plan; and
- b) the area to which the plan applies; and
- c) the parking outcomes to be achieved by the plan; and
- d) an assessment of car parking demand and supply in the precinct area; and
- e) the locational, financial, landscape and other actions or requirements necessary to implement the parking precinct plan.

Parking Precinct Plans are contained in Table E6.6 to this code.

## **E6.5 Use or Development Exempt from this Code**

### **E6.5.1 There are no exemptions to this code.**

### **E6.6 Use Standards**

#### **E6.6.1 Car Parking Numbers**

Objective
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To ensure that an appropriate level of car parking is provided to service use.	
Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
<p>Comment: Complies with the acceptable solution. Each lot has sufficient area for two car parking spaces on the proposed lots. The existing dwelling has an existing provision for parking.</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 storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p>





	c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: Complies with the acceptable solution. Each lot has sufficient space for existing or future bicycle parking.	

### E6.6.3 Taxi Drop-off and Pickup

Objective To ensure that taxis can adequately access developments.	
Acceptable Solutions	Performance Criteria
A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1 No performance criteria.
Comment: N/a	

### E6.6.4 Motorbike Parking Provisions

Objective To ensure that motorbikes are adequately provided for in parking considerations.	
Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: 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
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: Complies with the acceptable solution for the existing dwelling. To be assessed when Lots 1-2 and 4-9 are developed.	

### 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



	<p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
Comment: Complies with the acceptable solution for the existing dwelling. To be assessed when Lots 1-2 and 4-9 are developed.	
<p>A2.1 Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>P2 Car parking and manoeuvring space must:</p> <p>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</p> <p>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
Comment: Complies with the acceptable solution for the existing dwelling. To be assessed when Lots 1-2 and 4-9 are developed.	

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

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

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

<p>Objective</p> <p>To ensure adequate parking for persons with a disability.</p>	
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> <p>(a) the topography of the site;</p> <p>(b) the location and type of relevant facilities on the site or in the vicinity;</p> <p>(c) the suitability of access pathways from parking spaces, and</p> <p>(d) applicable Australian Standards.</p>
Comment: Not applicable. Dwellings do not require parking for persons with a disability.	



A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2. No performance criteria.
Comment: N/a	

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

<b>Objective</b> To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.	P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
Comment: N/a	

#### 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

<b>Objective</b> To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1.1 Bicycle parking spaces for customers and visitors must: a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i> ; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
Comment: Complies with A1.2 for the existing dwelling. To be assessed when Lots 1-2 and 4-9 are developed.	
A2 Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.



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: Complies with A2 for the existing dwelling. To be assessed when Lots 1-2 and 4-9 are developed.	

#### 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 – no separate access required.	

### E10 Recreation and Open Space Code

#### E10 Purpose of the Code

E10.1.1 The purpose of this provision is to:

- a) consider the requirements of open space and recreation in the assessment of use or development with emphasis upon:
  - i) the acquisition of land and facilities through the subdivision process; and
  - ii) implementation of local open space strategies and plans to create quality open spaces; and
  - iii) the creation of a diverse range of recreational opportunities via an integrated network of public open space commensurate with the needs of urban communities and rural areas; and
  - iv) achieving an integrated open space network which provides for a diversity of experiences; and
  - v) providing for appropriate conservation and natural values within recreation and open space.

#### E10.2 Application of this Code

E10.2.1 This code applies to development of land for subdivision in the general residential, general industrial, light industrial, commercial, local business, general business, low density residential, rural living and village zones.

#### E10.3 Definitions of Terms

E10.3.1 Not applicable.

#### E10.4 Use or Development Exempt from this Code

E10.4.1 There are no exemptions to this code.

#### E10.5 Use Standards

Not used in this Scheme.

### E10.6 Development Standards

#### E10.6.1 Provision of Public Open Space

Objective	
a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and	
b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.	
Acceptable Solutions	Performance Criteria
A1 The application must:	P1 Provision of public open space, unless in accordance with Table E10.1, must:
a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.	a) not pose a risk to health due to contamination; and
	b) not unreasonably restrict public use of the land as a result of:
	i) services, easements or utilities; and
	ii) stormwater detention basins; and



	<ul style="list-style-type: none"> <li>iii) drainage or wetland areas; and</li> <li>iv) vehicular access; and</li> <li>c) be designed to: <ul style="list-style-type: none"> <li>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</li> <li>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</li> <li>iii) be cost effective to maintain; and</li> <li>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</li> <li>v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and</li> <li>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</li> <li>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</li> <li>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</li> </ul> </li> </ul>
<p>Comment: Complies with A1 (a). General Manager consent to Cash Payment in lieu of private open space provided on 06.09.2022.</p>	

#### Table E10.1 Open Space Plans

Not used in this Scheme

### E11 Environmental Impacts and Attenuation Code

#### E11.1 Purpose of the Code

##### E11.1.1 The purpose of this provision is to:

- a) ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of new sensitive uses; or
- b) ensure the environmental impacts of new development are considered to eliminate, reduce or mitigate potential for environmental harm or environmental nuisance.

#### E11.2 Application of the Code

##### E11.2.1 The code applies to use or development of land for:

- a) sensitive use located within the attenuation distance of existing or approved uses with the potential to create environmental harm and environmental nuisance or within a buffer area shown on the planning scheme map; and
- b) uses listed in Table E11.1 or E11.2.

#### E11.3 Definitions

Site specific study means an environmental impact assessment carried out by a suitably qualified person in accordance with s.74 *Environmental Management and Pollution Control Act 1994*.



Attenuation distance means the distance listed in Tables E11.1 and E11.2.

E11.4 Use or Development Exempt from this Code

E11.4.1 The following use or development is exempt from this code:

- a) Level 2 activities assessed by the Environment Protection Authority.

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

A1 No acceptable solution.

##### Performance Criteria

- 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:
- a) degree of encroachment; and
  - b) nature of the emitting operation being protected by the attenuation area; and
  - c) degree of hazard or pollution that may emanate from the emitting operation; and
  - d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.

Comment: The proposal is required to be assessed under the P1 Performance Criteria. The proposed development involving the creation of new lots for a sensitive use (sensitive being residential use as defined by the Planning Scheme) is located within the attenuation of the nearby Brickworks located at 15 Weston Street, Longford. On this basis, the application has provided a Noise and Dust Assessment prepared by Pitt & Sherry dated 22 June 2022. This assessment concluded that there is unlikely to be any adverse impact on the ongoing operation of the Brickworks as a result of the proposed development.

Likewise, the recommendation in this report also states that the Brickworks will not result in any adverse environmental impacts with respect to noise and dust on future residential development of the proposed lots. On this basis, it is considered the proposed development complies with the P1 Performance Criteria.

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:
- a) the degree of encroachment; and
  - b) the nature of the emitting operation being protected by the attenuation area; and
  - c) the degree of hazard or pollution that may emanate from the emitting operation; and



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

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/A
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/A
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/A
9.2 Development for Existing Discretionary Uses	N/A
9.3 Adjustment of a Boundary	N/A
9.4 Demolition	Demolition proposed with this application.
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

## 5 SERVICES

### Sewer & Water

The application was referred to TasWater regarding water and sewer infrastructure. Their certificate of consent dated 28 September 2022 is included as to this report and will be included as an attachment if a permit is issued.

### Stormwater & Access

The application was referred internally to the Council's Works Department, who advised that the subdivision can be serviced by Council infrastructure. Their recommended conditions of approval will be included if a permit is issued.

### Provision of Services

Prior to the sealing of the final plan of subdivision, the applicant would be required to provide water services, sewer and stormwater services to the property boundaries of all lots (as required by TasWater and Council's Works Department Section's conditions).

### Public Open Space

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





The Public Open Space Rate

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

OR

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

**6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993**

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		X
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"?		X
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?		X
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?		X
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?		X
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?		X
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?		X
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		X
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		X
	<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;		X
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		X
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;		X
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;		X
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		X
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		X
85(d)(iii)	public open space;		X
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;		X
85(d)(v)	private roads, ways or open spaces;		X
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;		X
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		X
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		X
85(d)(ix)	provision for the preservation of trees and shrubs;		X
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;		X
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;		X
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;		X
85(g)(ii)	party-wall easements;		X
85(g)(iii)	the state of a party-wall on its boundary.		X
<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		X



	determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		X
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;		X
86(2)(f)	the filling in of ponds and gullies;		X
86(2)(g)	the piping of watercourses.		X
	<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?		X
	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)		X
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		X



## **7 FINANCIAL IMPLICATIONS TO COUNCIL**

Not applicable to this application.

## **8 OPTIONS**

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

## **9 DISCUSSION**

Discretion to refuse the application is limited to:

- Reliance on the performance criteria 12.4.3.1 P1.1 for lots less than 1ha.
- Reliance on the performance criteria E4.6.1 P2 for traffic generation more than a total of 40 vehicle movements per day and E4.7.2 P2 for new accesses to a road.
- Reliance on the performance criteria E6.7.2 P2 for access to Lots 1, 2, 4, 5 & 8 which extend more than 30m.
- Reliance on the performance criteria E11.6.1 P1 for subdivision for sensitive use within an attenuation area.

No representations were made.

The proposed development fails to meet the minimum Acceptable lot size of 1 hectare stated for the zone and therefore is required to be assessed under the applicable P1.1 Performance Criteria, which fail to provide a minimum Discretionary lot size and also a requirement that specifically states that proposed lots must meet development standards (Acceptable Solutions or Performance Criteria) for the zone.

Instead, the test for a lot size less than 1 hectare is that it should be able to 'conveniently' locate a dwelling as well as be in character with the surrounding area.

Given that all of the lots are at least 1057sqm it is considered feasible that a future standard sized single dwelling would be able to be located to as to serve the needs of future occupants.

The subject site is located on the fringe of the urban area of Longford where there is an established pattern of 600-800sqm residential lots in the immediate area.

Land zoned Low Density Residential adjacent to, and surrounding the subject site has a variety of lot sizes with lots varying from 1000sqm in area to in excess of 2 hectares.

On this basis, the lots are considered not to be out of keeping in an area where there are comparable sized lots.

The application has been assessed as compliant with the applicable performance criteria.

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

## **10 ATTACHMENTS**

1. Application documents [15.6.1 - 102 pages]
2. 144 MARLBOROUGH S T, LONGFORD Tas Water Submission to Planning Authority Notice DA 2022-1524- NMC [15.6.2 - 3 pages]



## 15.7 PLN22-0214, GARAGE AND SHEDS, 310 PERTH MILL ROAD, PERTH

*File:* 203800.08; PLN22-0214  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Ryan Robinson, Planner

### MINUTE NO. 22/368

#### DECISION

Cr Goninon/Cr Brooks

That application PLN-22-0214 to develop and use a garage and two sheds at 310 Perth Mill Road, Perth (6m x 4m x 2m Awning) (Road & Railway Assets Code) be approved subject to the following conditions:

#### **1 LAYOUT NOT ALTERED**

The development and use must be in accordance with the endorsed document P1 (Drawing No: SJD 22/75-01, SJD 22/75-02A, SJD 22/75-03A, SJD 22/75-04, SJD 22/75-05, SJD 22/75-06, and SJD 22/75-07, Dated: August 2022, Stamped Received 04.10.2022).

#### **NOTE:**

The conditions of Kennel Licence 98/22/23 for the keeping of not more than 12 dogs at 310 Perth Mill Road, Perth, must be adhered to.

#### **Stormwater and runoff contamination**

In order to inform the stormwater quality conditions on the Kennel Licence, the applicant should be required to provide an onsite wastewater report, and a Council approved waste treatment system must be installed and operating at the site to treat all dog waste (faeces and urine)

.

#### **Odour**

The proposed use of the land for dog kennels must not cause a nuisance odour detectable at the nearest existing sensitive receptor.

#### **Noise**

In order to inform noise management conditions of the Kennel Licence, the applicant should provide a noise assessment report to demonstrate that noise emissions are controlled to the extent necessary to prevent environmental nuisance at the nearest residence. Based on the outcomes of that report, Council will determine what noise mitigation measures are appropriate.

Within three (3) months of these works being completed, an additional noise report must be commissioned to determine the effectiveness of the works and compliance with the limits as stipulated in the Kennel Licence.

If a substantiated noise complaint is received by Council in relation to the dog kennels, a noise study must be undertaken by a suitably qualified person, and the report provided to Council on its completion within a timeframe specified by Council. If noise levels are found to exceed acceptable levels further relevant mitigation measures are to be implemented as directed by Council.

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Cr Davis



## RECOMMENDATION

That application PLN-22-0214 to develop and use a garage and two sheds at 310 Perth Mill Road, Perth (6m x 4m x 2m Awning) (Road & Railway Assets Code) be approved subject to the following conditions:

### 1 LAYOUT NOT ALTERED

The development and use must be in accordance with the endorsed document P1 (Drawing No: SJD 22/75-01, SJD 22/75-02A, SJD 22/75-03A, SJD 22/75-04, SJD 22/75-05, SJD 22/75-06, and SJD 22/75-07, Dated: August 2022, Stamped Received 04.10.2022).

## 1 INTRODUCTION

This report assesses an application for a garage and two sheds.

## 2 BACKGROUND

### Applicant:

Steve Jordan Drafting

### Zone:

Low Density Residential

### Classification under the Scheme:

Residential (Single Dwelling)

### Deemed Approval Date:

27 October 2022

### Owner:

Jeremy Peter and Felicity Anne Cowan

### Codes:

Road and Railway Assets Code

### Existing Use:

Residential (Single Dwelling)

### Recommendation:

Approve

### Discretionary Aspects of the Application:

- Clause E4.7.1 - Development within 50m of a railway.

### Planning Instrument:

*Northern Midlands Interim Planning Scheme 2013, Version 40, Effective from 12 September 2022.*

### Preliminary Discussion:

Prior to the application being placed on exhibition requests for further information were issued to the applicant.

Whilst on public exhibition a Further Information Request was received from TasWater, and in response, the application was modified to remove a proposed deck that was originally advertised.

Whilst on public exhibition TasNetworks advised that due to the proposed sheds being located beneath powerlines/within a TasNetworks wayleave easement, the sheds would have to be relocated. In response, the proposal plans were updated to relocate the sheds outside of the wayleave easement.

As the deletion of the deck from the proposal, and the relocation of the proposed sheds did not rely on a variation to a provision of the planning scheme, it was considered that the application would not require re-advertising.

## 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 a permit.

#### 4 ASSESSMENT

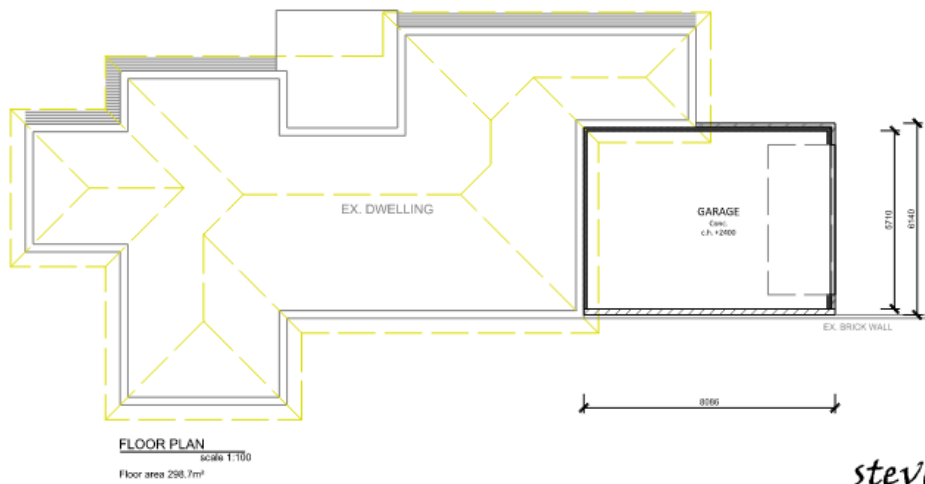
##### 4.1 Proposal

It is proposed to develop a garage and two sheds. The proposed garage will be in the form of an extension to the eastern side of the existing dwelling, and the two sheds will be located approximately 23m to the north (rear) of the existing dwelling. The garage will have a floor area of 49.64m<sup>2</sup>, and each of the two sheds will have a floor area of 24m<sup>2</sup>, with an additional 12m<sup>2</sup> covered by an awning.

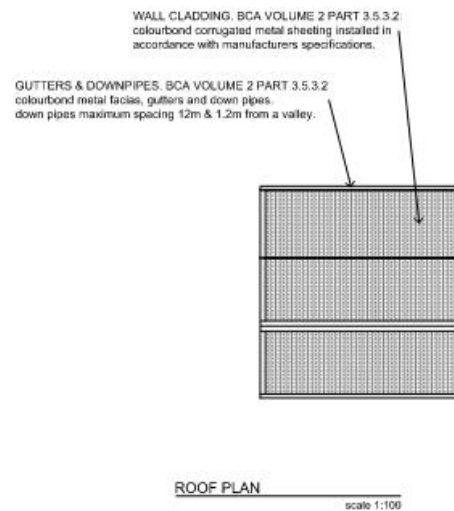
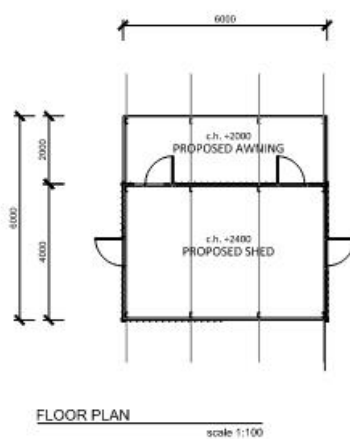
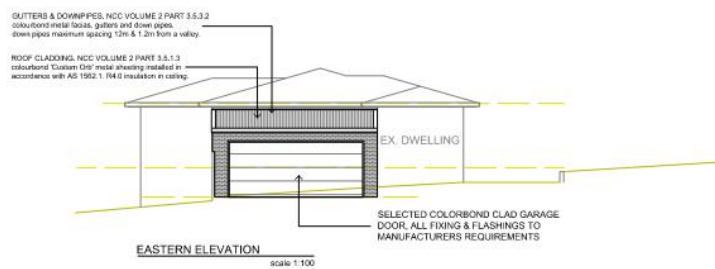
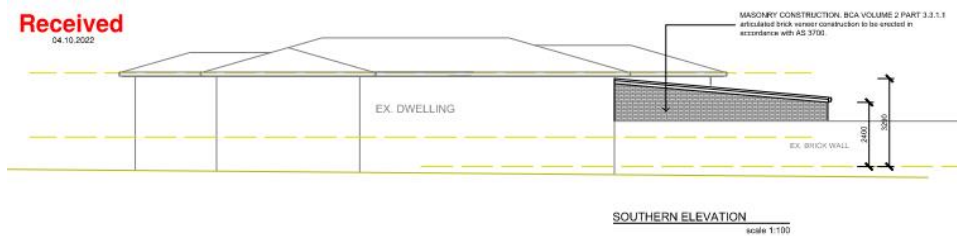
##### *Site Plan (extract)*

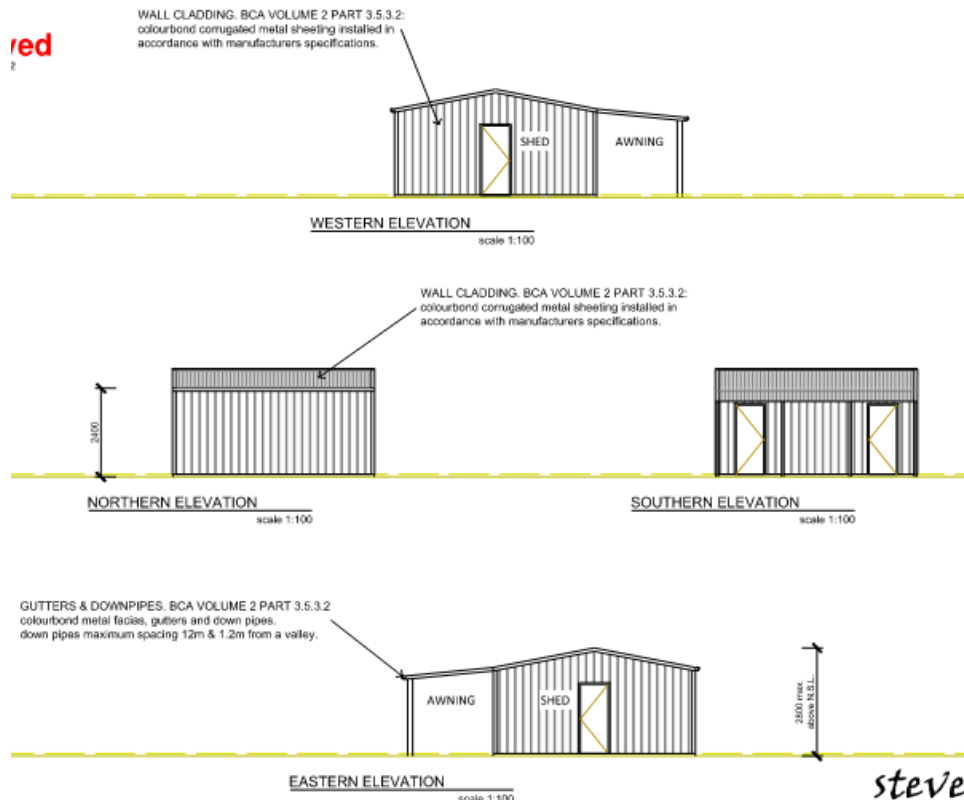






Received  
04.10.2022





## 4.2 Zone and Land Use

The land is zoned Low Density Residential. The relevant Planning Scheme definition is:

<i>Residential</i>	<i>use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.</i>
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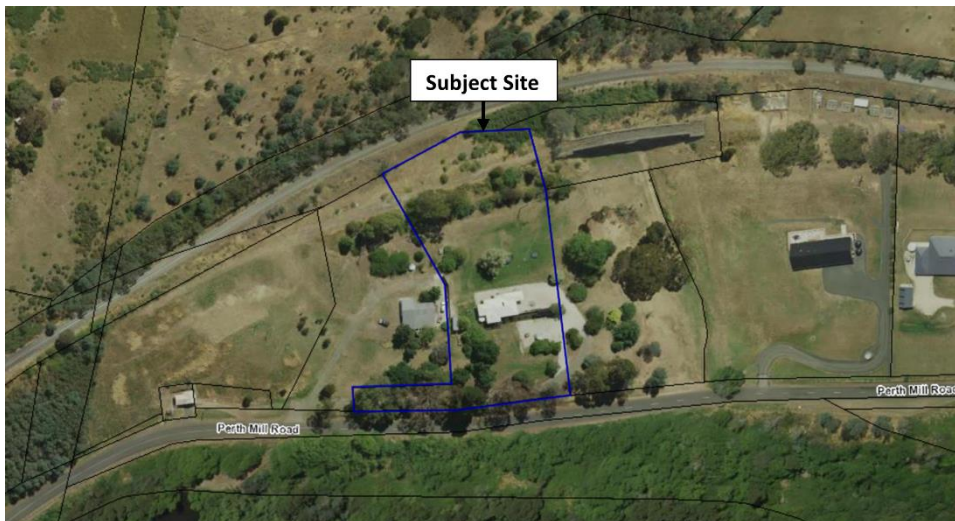
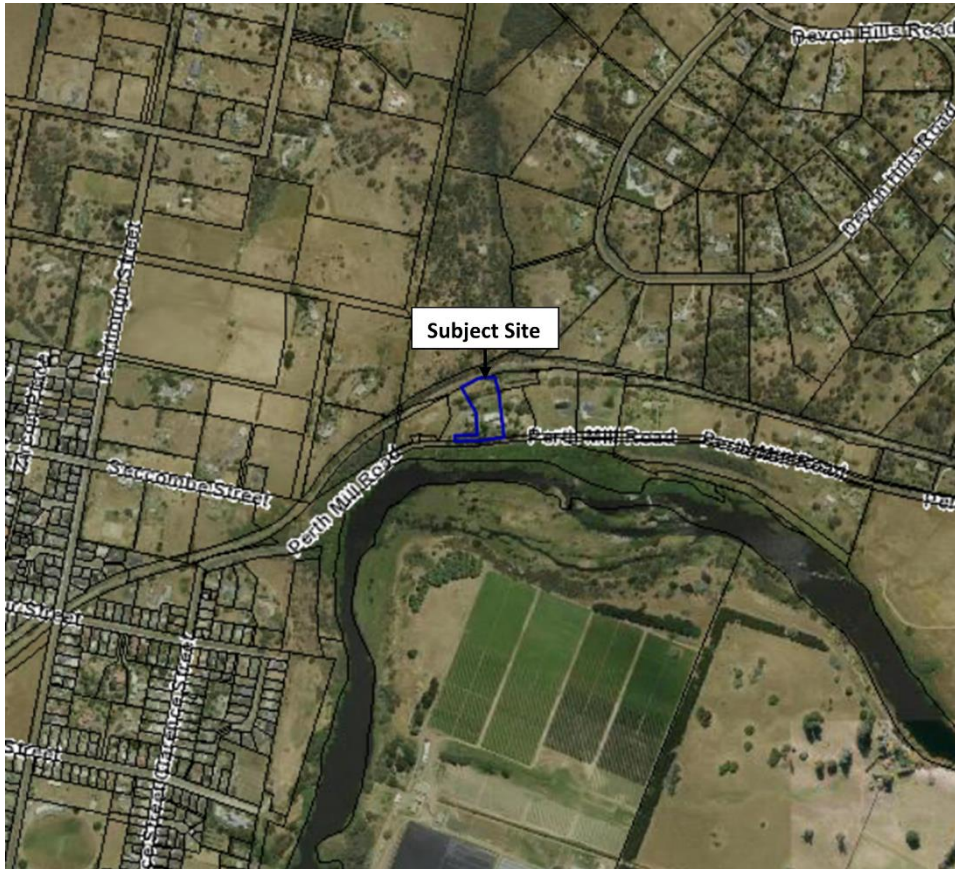
## 4.3 Subject Site and Locality

The author of this report carried out a site visit on the 20/09/2022. The site has an area of 7,376m<sup>2</sup>, and is located between the Western Line Railway and Perth Mill Road, approximately 600m east of the town of Perth. The site adjoins land containing the Flinty Creek Railway Viaduct to the east.

The site contains an existing single dwelling and outbuildings, and is within an area dominated by residential land uses.



*Aerial photograph of area*







**Photographs of subject site**



**4.4 Permit/Site History**

None relevant.

**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 two representations (attached) were received from:

1. Andrew and Patricia Golle, 282 Perth Mill Road, Perth
2. Brett Gray, 296 Perth Mill Road, Perth

The location of each representor in relation to the subject site is shown in the below figure:



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

#### ***Issue 1 Dog breeding and kennel licence***

The objections received referred almost exclusively to a previously approved Kennel Licence application for the subject site.

##### ***Planner's comment:***

It is noted that the proposed two sheds will provide kennel space for the twelve dogs kept at the site, and as the kennel licence does not include the breeding of dogs, it is considered that the kennels are subservient to the primary Residential use of the site. The proposed use and development are assessed accordingly and are considered to comply with all relevant provisions of the Scheme.

Other issues raised in relation to the kennel licence, which are not assessed in this report as the existing kennel licence does not form part of the current planning permit application, include:

- Potential for stormwater to be contaminated by dog faeces;
- Potential for contaminated stormwater to flow into Flinty Creek; and
- Granting a kennel licence to an entity that the representor described as a "commercial entity."

#### ***Issue 2 Works without a permit***

Works had begun on the two sheds prior to a planning permit being issued.

##### ***Planner's comment:***

Council's Building Compliance Officer and Plumbing Inspector attended the site and advised that the removal of sod and some topsoil and the digging of trenches to lay pipes had occurred. The works at the scale that had occurred are not controlled by the Planning Scheme and do not require a planning permit. The owner was advised not to undertake any work that requires a permit without such permit having been granted.



#### 4.6 Referrals

##### TasWater

The application was referred to TasWater on the 20/09/2022. TasWater responded on 11/10/2022 stating that they do not object to the application and no conditions are imposed.

##### TasNetworks

The application was referred to TasNetworks on 20/09/2022. TasNetworks responded on 29/09/2022 stating that the proposed sheds were located directly beneath powerlines and within a wayleave easement. As such, the proposal plans were amended, and the proposed sheds are no longer located within the easement. The updated plans were referred to TasNetworks and as of 13/10/2022 there has been no further response from TasNetworks.

#### 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.

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

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.

###### Planner's Comment

The proposal complies with the Zone Purpose Statements.

###### 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.

###### Planner's Comment

The proposal complies with the Local Area Objectives.

##### 12.3 Use Standards

###### 12.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
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.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) flood lighting 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.





### Planner's Comment

The proposal is for a Permitted use and therefore complies with the provisions of Acceptable Solutions A1 and A3. A2 does not apply.

#### 12.3.2 Low Density Residential Character

Objective To ensure that discretionary uses support the: a) visual character of the area; and b) local area objectives, if any.	
Acceptable Solutions	Performance Criteria
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2 No performance criteria.
A3 Waste material storage for discretionary uses must: a) not be visible from the road to which the lot has frontage; and b) use self-contained receptacles designed to ensure waste does not escape to the environment.	P3 No performance criteria.

### Planner's Comment

Not applicable

#### 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

Objective 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.	
Acceptable Solutions	Performance Criteria
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.

### Planner's Comment

Complies with the provisions of the Acceptable Solutions.

##### 12.4.1.2 Building Height

Objective To ensure that the height of dwellings respects the existing or desired future character statements.
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Acceptable Solutions	Performance Criteria
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.

**Planner's Comment**

Complies with the provisions of the Acceptable Solutions.

**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	Performance Criteria
<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>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>

**Planner's Comment**

Complies with the provisions of the Acceptable Solutions.

**12.4.1.4 Rear and Side Setbacks**

<p>Objective</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>	
Acceptable Solutions	Performance Criteria
A1 Buildings must be set back 5m from the rear boundary.	<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>
A2 Buildings must be set back 7.5m from side boundaries.	<p>P2 Building setback to the side 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; and</p> <p>g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.</p>

#### Planner's Comment

Complies with the provisions of the Acceptable Solutions.

#### 12.4.1.5 Location of Car Parking

Objective	
<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>A1 A 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>P1 Car 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>A2 The 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>P2 The 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>



#### Planner's Comment

Complies with the provisions of the Acceptable Solutions A1. A2 does not apply.

#### 12.4.1.6 Outbuildings and Ancillary Structures

<p>Objective</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>A1 Outbuildings 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>P1 Outbuildings 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 in the neighbourhood.</p>
<p>A2 A swimming pool or tennis court for private use must be located:</p> <p>a) behind the primary frontage setback; or</p> <p>b) in the rear yard.</p>	<p>P2 A swimming pool or tennis court for private use must be designed and located to:</p> <p>a) minimise any visual impact on the streetscape; and</p> <p>b) not unreasonably overlook or overshadow adjoining properties; and</p> <p>c) be compatible with the size and location of approved outbuildings in the neighbourhood.</p>

#### Planner's Comment

Complies with the provisions of the Acceptable Solutions A1. A2 does not apply.

#### E4 Road and Railway Assets Code

##### E4.6 Use Standards

##### E4.6.1 Use and road or rail infrastructure

<p>Objective</p> <p>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>	
Acceptable Solutions	Performance Criteria
<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>
<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</p>



	of safety for all road users, including pedestrians and cyclists.
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>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 access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>

#### Planner's Comment

Complies with the provisions of the Acceptable Solutions A2. A1 and A3 do not apply.

### E4.7 Development Standards

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

<p>Objective</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> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
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> <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>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> <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>



	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.
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#### Planner's Comment

The proposed sheds are located within 50m of the Western Line Railway, and as such the application requires assessment against the provisions of the Performance Criteria.

The proposed sheds will be located lower in the landscape than the railway, and away from the line of sight of the railway.

The sheds are not for a habitable room, and therefore will not be impacted by emissions from the railway, including noise or vibrations. As the sheds are not habitable, it is considered that a report from a suitably qualified person is not required. Further, TasRail was notified of the proposed development as a neighbour during the exhibition period, and they did not make a representation or comment.

It is considered that the proposal complies with the provisions of the Performance Criteria.

#### 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.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
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.

#### Planner's Comment

Complies with the provisions of the Acceptable Solutions for A1. A2 does not apply.

#### 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.
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Acceptable Solutions	Performance Criteria
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	<p>P1 Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p> <p>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</p> <p>c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and</p> <p>d) an alternative access or junction is not practicable.</p>

**Planner's Comment**

Not applicable

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

<p>Objective</p> <p>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.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, 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>

**Planner's Comment**

Not applicable

**E6 Car Parking and Sustainable Transport Code**

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

<p>Objective</p> <p>To ensure that an appropriate level of car parking is provided to service use.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p>	<p>P1 The number of car parking spaces provided must have regard to:</p>



<p>b)a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<ul style="list-style-type: none"> <li>a) the provisions of any relevant location specific car parking plan; and</li> <li>b) the availability of public car parking spaces within reasonable walking distance; and</li> <li>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</li> <li>d) the availability and frequency of public transport within reasonable walking distance of the site; and</li> <li>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</li> <li>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</li> <li>g) an empirical assessment of the car parking demand; and</li> <li>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</li> <li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li> <li>j) any heritage values of the site; and</li> <li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> <li>i) the size of the dwelling and the number of bedrooms; and</li> <li>ii) the pattern of parking in the locality; and</li> <li>iii) any existing structure on the land.</li> </ul> </li> </ul>
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#### Planner's Comment

Complies with the provisions of the Acceptable Solutions for A1 (a).

#### E6.6.2 Bicycle Parking Numbers

<p>Objective</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 storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
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**Planner's Comment**

Complies with the provisions of the Acceptable Solutions.

**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.

**Planner's Comment**

Not applicable

**E6.6.4 Motorbike Parking Provisions**

Objective To ensure that motorbikes are adequately provided for in parking considerations.	
Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.

**Planner's Comment**

Complies with the provisions of the Acceptable Solutions.

**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> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p>	<p>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>



c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	
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**Planner's Comment**

Complies with the provisions of the Acceptable Solutions.

**E6.7.2 Design and Layout of Car Parking**

<b>Objective</b> 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.
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 must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.	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.

**Planner's Comment**

Complies with the provisions of the Acceptable Solutions.

**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.	
Acceptable Solutions	Performance Criteria



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

Not applicable

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

<p>Objective</p> <p>To ensure adequate parking for persons with a disability.</p>	
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> <p>the topography of the site;</p> <p>the location and type of relevant facilities on the site or in the vicinity;</p> <p>the suitability of access pathways from parking spaces, and applicable Australian Standards.</p>
<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>

**Planner's Comment**

Not applicable

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

<p>Objective</p> <p>To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>	
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 Australian Standard AS/NZS 2890.3 2002 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>

**Planner's Comment**

Not applicable



## E6.8 Provisions for Sustainable Transport

### E6.8.2 Bicycle Parking Access, Safety and Security

<p>Objective</p> <p>To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</p>	
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 Australian Standard AS 2890.3 1993; 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 Australian Standard AS/NZS 1158 2005 Lighting Category C2 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>

#### Planner's Comment

Complies with the provisions of the Acceptable Solutions.

### E6.8.5 Pedestrian Walkways

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

#### Planner's Comment

Complies with the provisions of the Acceptable Solutions.

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable



## **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 in Road and Railway Assets Code (E4.7.1 Development within 50m of a railway)

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

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

## **8 ATTACHMENTS**

1. Proposal Page [**15.7.1** - 1 page]
2. Folio Plan-182213-3 [**15.7.2** - 1 page]
3. Schedule Of Easements-182213-3 [**15.7.3** - 3 pages]
4. Advertised Plans [**15.7.4** - 8 pages]
5. Steve Jordan Plans Rev A Received 4 October 2022 Deck Removed [**15.7.5** - 8 pages]
6. NMC Additional Information Request [**15.7.6** - 1 page]
7. Tas Water Request for Additional Information [**15.7.7** - 2 pages]
8. Tas Water Infrastructure Plan [**15.7.8** - 1 page]
9. Tas Water Submission to Planning Authority Notice TWDA 2022 01546- NMC [**15.7.9** - 1 page]
10. Tas Networks Response [**15.7.10** - 4 pages]
11. 1. Representation - Golle [**15.7.11** - 8 pages]
12. 2. Representation - Gray [**15.7.12** - 2 pages]



## 15.8 PLN22-0188, 4 LOT SUBDIVISION, 274 PERTH MILL ROAD, PERTH

*File:* 203800.07; PLN22-0188  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Pau Godier, Senior Planner

### MINUTE NO. 22/369

#### DECISION

Cr Goninon/Cr Davis

That application PLN-22-0188 to develop and use the land at 274 Perth Mill Road, Perth, for a 4 lot subdivision (vary lot sizes, Road and Railway Assets Code) be approved on the following grounds:

#### **1 Layout Not Altered**

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

- P1** Woolcott Surveys Plans Dated 07-09-22 v1.4 Sheets ½ and 2/2
- P2** Woolcott Surveys Planning Report July 2022
- P3** Pitt & Sherry Railway Noise and Vibration Report, 12 July 2022
- P4** Woolcott Surveys Bushfire Hazard Report August 2022
- P5** Midson Traffic Impact Assessment August 2022
- P6** Rare Engineering drawings C401, C501, C601, C701 26-07-22

#### **2 Taswater Conditions**

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01450-NMC).

#### **3 Council's Works and Infrastructure Conditions**

##### **3.1 Stormwater**

Stormwater from each lot shall be directed to the roadside drain to the satisfaction of Council's Works & Infrastructure Department.

##### **3.2 Access (Rural)**

A driveway crossover and hotmix sealed apron must be constructed from the edge of the Road to the property boundary of each Lot in accordance with Council standards.

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

##### **3.3 As constructed information**

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

##### **3.4 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.

##### **3.5 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.

##### **3.6 Separation of stormwater services**

All existing stormwater 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 stormwater services have been separated between the lots.

**3.7 Easements to be created**

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

**3.8 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.

**3.9 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.

**4 Public Open Space Contribution**

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

\$1,400 per additional lot created;

OR

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

**5 Agreement under Part 5 of Land Use Planning Approval Act 1993**

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

The owners of Lots 2, 3 and 4 acknowledge that 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, having regard to:

- 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
  - b) how the additional runoff and intensity of runoff that will be created by the Development 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
  - 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.
  - d) that before any development, a report from a suitably qualified person addressing the above will be provided to council; and
- any measure required by the report will be implemented.

Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time.

Landowners, builders/developers and prospective residents should undertake appropriate due diligence to ensure they are aware of potential exposure to train horn noise and vibration, particularly in relation to building design, material specifications and lifestyle. The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.





This agreement shall be prepared by the applicant and forwarded to the Council (with a cheque for the Recorder of Titles for the fee for the registration of the Agreement – currently \$117.70) and shall be forwarded to the Land Titles Office with the final plan of survey.

## **6 TasRail conditions**

Using or creating an unlicensed railway crossing or stock crossing is unsafe and strictly prohibited. Rail Safety National Law requires all private crossings to be subject to an interface agreement (licence). Where a privately owned property interfaces with a rail crossing and/or State Rail Network land please contact [property@tasrail.com.au](mailto:property@tasrail.com.au) to discuss the necessary authorisations and licencing process.

Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)

Any excavation within 3 metres of the rail boundary line requires a separate TasRail Permit from [property@tasrail.com.au](mailto:property@tasrail.com.au) in accordance with s44 of the Rail Infrastructure Act 2009. A minimum of seven (7) business days notice is required, but earlier engagement is recommended

Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.

No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc. Consideration should also be given to the orientation and siting of above ground structures on adjoining land as well as landscaping to ensure there is no potential to obscure or obstruct the line of sight with respect to a railway crossing.

As per the Rail Infrastructure Act 2007, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.

No persons should enter rail land without formal authorisation from TasRail in the form of a TasRail Permit issued by [property@tasrail.com.au](mailto:property@tasrail.com.au)

Rail Corridors are exempt from the Boundary Fences Act meaning that TasRail is not required to contribute to the cost of boundary fencing.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil



## RECOMMENDATION

That application PLN-22-0188 to develop and use the land at 74 Perth Mill Road, Perth, for a 4 lot subdivision (vary lot sizes, Road and Railway Assets Code) be approved on the following grounds:

### 1 Layout Not Altered

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

- P1** Woolcott Surveys Plans Dated 07-09-22 v1.4 Sheets ½ and 2/2
- P2** Woolcott Surveys Planning Report July 2022
- P3** Pitt & Sherry Railway Noise and Vibration Report, 12 July 2022
- P4** Woolcott Surveys Bushfire Hazard Report August 2022
- P5** Midson Traffic Impact Assessment August 2022
- P6** Rare Engineering drawings C401, C501, C601, C701 26-07-22

### 2 Taswater Conditions

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/01450-NMC).

### 3 Council's Works and Infrastructure Conditions

#### 3.1 Stormwater

Stormwater from each lot shall be directed to the roadside drain to the satisfaction of Council's Works & Infrastructure Department.

#### 3.2 Access (Rural)

A driveway crossover and hotmix sealed apron must be constructed from the edge of the Road to the property boundary of each Lot in accordance with Council standards.

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

#### 3.3 As constructed information

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

#### 3.4 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.

#### 3.5 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.

#### 3.6 Separation of stormwater services

All existing stormwater 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 stormwater services have been separated between the lots.

#### 3.7 Easements to be created

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

#### 3.8 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.

### 3.9 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.

## 4 Public Open Space Contribution

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

\$1,400 per additional lot created;

OR

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

## 5 Agreement under Part 5 of Land Use Planning Approval Act 1993

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

The owners of Lots 2, 3 and 4 acknowledge that 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, having regard to:

- 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
  - b) how the additional runoff and intensity of runoff that will be created by the Development 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
  - 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.
  - d) that before any development, a report from a suitably qualified person addressing the above will be provided to council; and
- any measure required by the report will be implemented.

Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time.

Landowners, builders/developers and prospective residents should undertake appropriate due diligence to ensure they are aware of potential exposure to train horn noise and vibration, particularly in relation to building design, material specifications and lifestyle. The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.

This agreement shall be prepared by the applicant and forwarded to the Council (with a cheque for the Recorder of Titles for the fee for the registration of the Agreement – currently \$117.70) and shall be forwarded to the Land Titles Office with the final plan of survey.



## 6 TasRail conditions

Using or creating an unlicensed railway crossing or stock crossing is unsafe and strictly prohibited. Rail Safety National Law requires all private crossings to be subject to an interface agreement (licence). Where a privately owned property interfaces with a rail crossing and/or State Rail Network land please contact [property@tasrail.com.au](mailto:property@tasrail.com.au) to discuss the necessary authorisations and licencing process.

Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)

Any excavation within 3 metres of the rail boundary line requires a separate TasRail Permit from [property@tasrail.com.au](mailto:property@tasrail.com.au) in accordance with s44 of the Rail Infrastructure Act 2009. A minimum of seven (7) business days notice is required, but earlier engagement is recommended

Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.

No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc. Consideration should also be given to the orientation and siting of above ground structures on adjoining land as well as landscaping to ensure there is no potential to obscure or obstruct the line of sight with respect to a railway crossing.

As per the Rail Infrastructure Act 2007, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.

No persons should enter rail land without formal authorisation from TasRail in the form of a TasRail Permit issued by [property@tasrail.com.au](mailto:property@tasrail.com.au)

Rail Corridors are exempt from the Boundary Fences Act meaning that TasRail is not required to contribute to the cost of boundary fencing.

## 1 INTRODUCTION

This report assesses an application for a 4 lot subdivision at 274 Perth Mill Road, Perth.

## 2 BACKGROUND

**Applicant:**

Woolcott Surveys

**Zone:**

Low Density Residential

**Classification under the Scheme:**

Subdivision

**Owner:**

Trent & Melissa Biffin

**Codes:**

Bushfire Prone Areas Code

Road and Railway Assets Code

Carparking and Sustainable Transport Code

Recreation and Open Space Code

**Existing Use:**

Residential (single dwelling)



**Deemed Approval Date:**

16 November 2022

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Creation of lots less than 1 hectare (clause 12.4.3.1 P1.1)
- Road and Railway assets code (increase in annual average daily traffic movements by more than 10%; Building areas on new lots within 50m of a railway)

**Planning Instrument:**

- *Northern Midlands Interim Planning Scheme 2013, Version 39, Effective from 20 July 2022.*

**Preliminary Discussion:**

- Before the application was placed on public exhibition, additional information (attached) was requested from the applicant.

### **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 states that a person must not commence any use or development where a permit is required without such permit.

### **4 ASSESSMENT**

#### **4.1 Proposal**

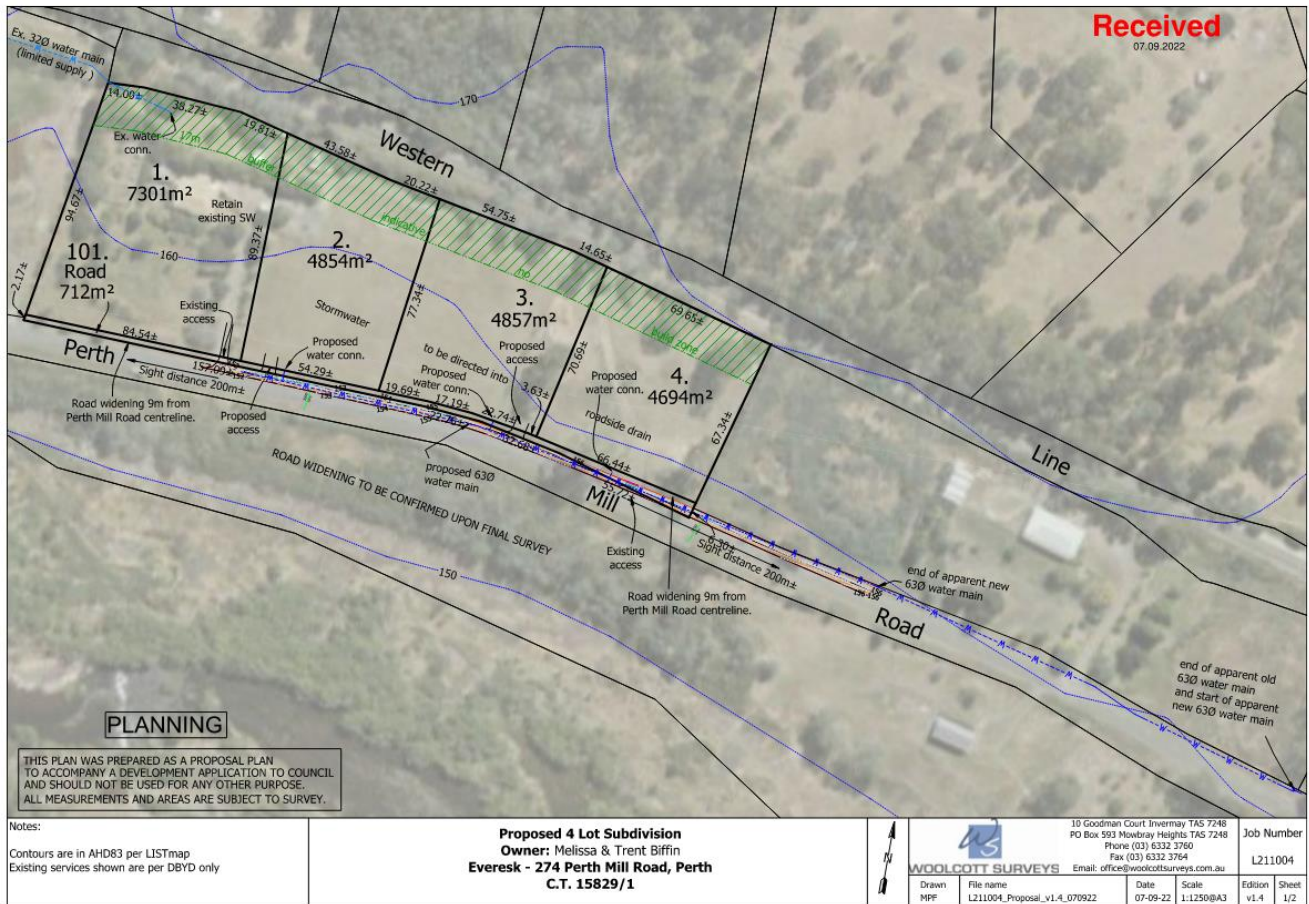
It is proposed to create 4 lots:

- Lot 1 (7,301m<sup>2</sup>)
- Lot 2 (4,854m<sup>2</sup>)
- Lot 3 (4,857m<sup>2</sup>)
- Lot 4 (4,694m<sup>2</sup>)





## Site Plan



## 4.2 Zone and Land Use

The land is zoned Low Density Residential. The relevant Planning Scheme definitions are:

Residential	use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.
Subdivision	means the act of subdividing or the lot subject to an act of subdividing.

## 4.3 Subject Site and Locality

The author of this report conducted a site visit on the 17<sup>th</sup> of October 2022. The site has an area of 2.241 ha. It adjoins Perth Mill Road to the south, the railway to the north, and low density residential land to the east and west.





*Photographs of subject site*



**4.4 Permit/Site History**

- 8/74 – Dwelling and garage





#### 4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's records management system after completion of the public exhibition period revealed that a representation was received from T & B Peters, 235 Perth Mill Road. The matters raised in the representation followed by the planner's comment are below.

**Issue 1:** It is proposed to direct stormwater to the roadside open drain on Perth Mill Road. With the additional dwellings, can the roadside open drain manage the stormwater runoff, or will the overflow affect 23 Perth Mill Road.

Planner's comment:

The amount of stormwater that will be directed to the roadside drain will depend on the size of the houses building and the area of hard surfaces constructed. It is therefore recommended that future developers of the lots be required construct stormwater detention on site if required to meet the planning scheme requirement that:

*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:*

- 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*
- 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*
- 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*
- d) *Overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.*

**Issue 2:** when will road widening 9m from Perth Mill Road centreline occur and will it encroach on 235 Perth Mill Road? As there will be a substantial increase in traffic growth from this and other developments, are there any proposals to widen Perth Mill Road to provide shared pathways for the safety of residents and road users in the near future.

Planner comment:

The road widening will occur on the land that is being subdivided – 274 Perth Mill Road. It will not encroach onto 235 Perth Mill Road. The land for road widening is being taken with this subdivision, as allowed for under the Local Government (Buildings And Miscellaneous Provisions) Act 1993. There are no plans to widen the road in the near future.

#### 4.6 Referrals

**Council's Works & Infrastructure Department**

Council's Engineering Officer recommended conditions which are to be included in the permit.

**TasWater**

TasWater issued a Submission to Planning Authority Notice on 10 October 2022 which is to be included in the permit

**TasRail**

TasRail recommended conditions to be included in the permit.

#### 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.

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

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.

#### 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.

#### 12.1.3 Desired Future Character Statements

There are no desired future character statements

#### 12.3 Use Standards

##### 12.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
Comment: Complies with A1.	
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
Comment: 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.
Comment: Complies with A3.	

##### 12.3.2 Low Density Residential Character

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



## 12.4 Development Standards

### 12.4.2 Subdivision

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

<p><b>Objective</b> To ensure:</p> <ul style="list-style-type: none"> <li>a) the area and dimensions of lots are appropriate for the zone; and</li> <li>b) the conservation of natural values, vegetation and faunal habitats; and</li> <li>c) the design of subdivision protects adjoining subdivision from adverse impacts; and</li> <li>d) each lot has road, access, and utility services appropriate for the zone.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of 1ha; and</li> <li>b) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> <li>c) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>d) be for the provision of public utilities; or</li> <li>e) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>f) to align existing titles with zone boundaries and no additional lots are created.</li> </ul> <p>A1.2 Subdivision at Devon Hills will not result in any new lots.</p>	<p>P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> <li>a) a dwelling to be erected in a convenient and hazard free location; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) adequate private open space; and</li> <li>d) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</li> <li>e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</li> </ul> <p>P1.2 Land in Devon Hills must not be further subdivided</p>
<p>Comment: Relies on performance criteria. The application proposes to vary the 1ha minimum lot size required by the acceptable solution.</p> <p>Complies with P1.1 as follows:</p> <ul style="list-style-type: none"> <li>a) Each of the proposed lots will allow sufficient area for a dwelling to be established in a convenient and hazard free location. Lot 1 already contains a dwelling and the other lots can be developed similarly to Lot 1. The submitted Bushfire Hazard Report contains a Hazard Management Plan that shows a dwelling could be established within a BAL 12.5/19 area on each of the proposed lots.</li> <li>b) Sufficient space is available for on-site parking and manoeuvrability for a future dwelling on each of the proposed lots and for the existing dwelling.</li> <li>c) Sufficient space is available for private open space for a future dwelling on each of the proposed vacant lots and for the existing dwelling on Lot 1.</li> <li>d) Each lot has direct access to Perth Mill Road.</li> <li>e) The proposed development reflects the subdivision pattern at Perth Mill Road with similar sized lots and internal lot pattern of development.</li> </ul>	
A2 Each lot must have a frontage of at least 6m.	P2 No performance criteria.
<p>Comment: The proposal complies with the acceptable solution with each lot to have a frontage of at least 6m.</p>	
<p>A3 Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <ul style="list-style-type: none"> <li>a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>b) capable of accommodating an on-site wastewater management system.</li> </ul>
<p>Complies with a). Does not comply with b) as onsite wastewater disposal is proposed.</p>	<p>Complies with P3.</p>
A4 Each lot must be connected to a reticulated stormwater system.	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



	<p>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>
Does not comply.	Comment: Condition required – Part 5 Agreement for future development of the lots.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	The Bushfire Hazard Management Report demonstrates compliance with the Acceptable Solutions.
E2.0 POTENTIALLY CONTAMINATED LAND	N/A
E3.0 LANDSLIP CODE	N/A
E4.0 ROAD AND RAILWAY ASSETS CODE	The Traffic Impact Assessment demonstrates compliance with the Acceptable Solutions and Performance Criteria.
E5.0 FLOOD PRONE AREAS CODE	N/A
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies. Each lot is large enough to contain on site car parking.
E7.0 SCENIC MANAGEMENT CODE	N/A
E8.0 BIODIVERSITY CODE	N/A
E9.0 WATER QUALITY CODE	N/A
E10.0 RECREATION AND OPEN SPACE CODE	Complies. General Manager's consent to cash in lieu of land for public open space received.
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

## 5 SERVICES

### Sewer & Water

The application was referred to TasWater regarding water and sewer infrastructure. Their certificate of consent is included as to this report and will be included as an attachment if a permit is issued.

### Stormwater & Access

The application was referred internally to the Council's Works Department, who advised that the subdivision can be serviced by Council infrastructure. Their recommended conditions of approval will be included if a permit is issued.



### Provision of Services

Prior to the sealing of the final plan of subdivision, the applicant would be required to provide water services, sewer and stormwater services to the property boundaries of all lots (as required by TasWater/Works Department Section's conditions).

### Public Open Space Contribution

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

### The Public Open Space Rate

\$1,400 per additional lot created;

OR

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

## **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?		X
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"?	X	
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?		X
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?		X
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?		X
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?		X
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?		X
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		X

Section 84	Council not to approve subdivision	Yes	No
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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?		X
	If 'yes,' refuse the subdivision.		

Section 85	Refusal of application for subdivision		
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		X
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		X
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;		X
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;		X
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		X
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		X
85(d)(iii)	public open space;		X
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;		X
85(d)(v)	private roads, ways or open spaces;		X
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;		X
85(d)(vii)	licences to embank highways under the <a href="#">Highways Act 1951</a> ;		X
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		X
85(d)(ix)	provision for the preservation of trees and shrubs;		X
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;		X
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;		X
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;		X
85(g)(ii)	party-wall easements;		X
85(g)(iii)	the state of a party-wall on its boundary.		X

Section 86	Security for payment	Yes	No
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	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;		X
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;		X
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;		X
86(2)(f)	the filling in of ponds and gullies;		X
86(2)(g)	the piping of watercourses.		X
	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		

Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		X
	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)		X
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		X

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable.





## 8 OPTIONS

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

## 9 DISCUSSION

- Road and Railway assets code (increase in annual average daily traffic movements by more than 10%; Building areas on new lots within 50m of a railway).
- Creation of lots less than 1 hectare (clause 12.4.3.1 P1.1)

The proposal complies with the performance criteria as follows:

- a) Each of the proposed lots will allow sufficient area for a dwelling to be established in a convenient and hazard free location. Lot 1 already contains a dwelling and the other lots can be developed similarly to Lot 1. The submitted Bushfire Hazard Report contains a Hazard Management Plan that shows a dwelling could be established within a BAL 12.5/19 area on each of the proposed lots.
- b) Sufficient space is available for on-site parking and manoeuvrability for a future dwelling on each of the proposed lots and for the existing dwelling.
- c) Sufficient space is available for private open space for a future dwelling on each of the proposed vacant lots and for the existing dwelling on Lot 1.
- d) Each lot has direct access to Perth Mill Road.
- e) The proposed development reflects the subdivision pattern at Perth Mill Road with similar sized lots and internal lot pattern of development.

It is recommended that the application be approved.

## 10 ATTACHMENTS

1. Proposal Page [15.8.1 - 1 page]
2. Planning Report - Woolcott Surveys - July 2022 [15.8.2 - 9 pages]
3. Annexure 1 - Folio Plan-15669-4 [15.8.3 - 1 page]
4. Annexure 1 - Folio Plan-15829-1 [15.8.4 - 1 page]
5. Annexure 2 - Proposal Plans v 1.4 - 7 September 2022 [15.8.5 - 2 pages]
6. Annexure 3 - Railway Noise & Vibration Assessment - Pitt & Sherry [15.8.6 - 3 pages]
7. Annexure 4 - Traffic Impact Assessment - Midson Traffic [15.8.7 - 14 pages]
8. Annexure 5 - Bushfire Hazard Report - Woolcott Surveys [15.8.8 - 33 pages]
9. Annexure 6 - Civil Design (Water Mains) - rare engineering [15.8.9 - 6 pages]
10. Additional information request PL N-22-0188 [15.8.10 - 1 page]
11. 274 PERTH MILL RD, PERTH Tas Water SPAN Request for Additional Information DA 2022-1450- NMC [15.8.11 - 2 pages]
12. 231005- C TW SPAN RAI Response [15.8.12 - 6 pages]
13. 274 PERTH MILL RD, PERTH Tas Water Submission to Planning Authority Notice DA 2022-01450- NMC [15.8.13 - 3 pages]
14. TIA Approval [15.8.14 - 1 page]
15. WI referral PL N-22-0188 274 Perth Mill Road and Perth Mill Road road reserve Perth [15.8.15 - 3 pages]
16. Tas Rail [15.8.16 - 2 pages]
17. Representation T & B Peters [15.8.17 - 3 pages]



## 16 COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

### MINUTE NO. 22/370

#### DECISION

Cr Davis/Cr Goninon

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.

Carried Unanimously

#### **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

### MINUTE NO. 22/353

#### DECISION

Cr Goninon/Cr Davis

That Council move into the "Closed Meeting" with the General Manager, Corporate Services Manager, Works Manager, Development Supervisor, Senior Planner and Executive Assistant, Executive and Communications Officer.

Carried Unanimously

#### **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.

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)
Compliance Matter	15(2)(i)
Legal Issues	15(2)(i)
Contract/Tender	15(2)(d)
Land Acquisition/Purchase	15(2)(f)
Request for Assistance/Hardship Request	15(2)(j)

#### *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.*

## 17.1 CLOSED COUNCIL DECISIONS RELEASED

### MINUTE NO. 22/359

#### DECISION

Cr Davis/Cr Lambert  
That Council

- A) Appoint Louis Sauer as a member of the Evandale Advisory Committee for the remainder of the 2021-2023 membership term.
- B) Council, in relation to this matter:
  - i) consider whether any discussion, decision, report, or document is kept confidential or released to the public; and
  - ii) determined to **release the** decision to the public.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Adams, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

### MINUTE NO. 22/360

#### DECISION

Cr Goninon/Deputy Mayor Goss  
That Council move out of the "Closed Meeting".

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil



## 18 CLOSURE

Mayor Knowles closed the meeting at 7.34pm.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_