



**NORTHERN  
MIDLANDS  
COUNCIL**

# **AGENDA**

**ORDINARY MEETING OF COUNCIL**

**MONDAY, 31 JANUARY 2022**

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

Des Jennings  
GENERAL MANAGER



### QUALIFIED PERSONS ADVICE

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

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

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

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

### RECORDING OF COUNCIL MEETINGS

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

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

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

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

Council's Policy includes the following provisions:

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

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

Des Jennings  
GENERAL MANAGER



## GUIDELINES FOR COUNCIL MEETINGS

### PUBLIC ATTENDANCE DURING THE COVID-19 DISEASE EMERGENCY DECLARATION

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

Council is mindful of the need to ensure community safety and compliance with COVID-19 restrictions, along with the need to minimise disruption to the business of Council.

With the reopening of Tasmania's borders and the increasing COVID numbers in the state Council has suspended the attendance of the public at Council Meetings until further notice.

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

Members of the public who 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)

Questions and representations must be received by Council before 12noon 4 days (i.e. **by 12 noon on Friday 28 January 2022**) preceding the Council Meeting. All questions/representations received within the given timeframe will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

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

### PETITIONS

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



NOTICE IS HEREBY GIVEN THAT THE NEXT MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON MONDAY, 31 JANUARY 2022 AT 5.00 PM AT THE COUNCIL CHAMBERS, 13 SMITH STREET, LONGFORD AND VIA ZOOM VIDEO CONFERENCING PLATFORM IN ACCORDANCE WITH THE *COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020, SECTION 18* (AUTHORISATION FOR MEETINGS NOT TO BE HELD IN PERSON)

DES JENNINGS  
GENERAL MANAGER  
25 JANUARY 2022

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

### PRESENT

In Attendance:

### APOLOGIES



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### 3 ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

### 5 PROCEDURAL

#### 5.1 CONFIRMATION OF COUNCIL MEETING MINUTES

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

###### RECOMMENDATION

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 13 December 2021, 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, 21 February 2022 in person and via the Zoom video conferencing platform in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, Section 18 (authorisation for meetings not to be held in person).



## 6 COUNCIL COMMITTEES - CONFIRMATION OF MINUTES

Minutes of meetings of the following Committees are attached:

	Date	Committee	Meeting
i)	24/11/2021	Cressy Local District Committee	Ordinary
ii)	12/12/2021	Devon Hills Neighbourhood Watch and Residents Committee	Ordinary
iii)	7/12/2021	Campbell Town District Forum	Ordinary
iv)	7/12/2021	Ross Local District Committee Meeting	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.

### **RECOMMENDATION**

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





## 7 COUNCIL COMMITTEES - RECOMMENDATIONS

### 7.1 CAMPBELL TOWN DISTRICT FORUM

At the ordinary meeting of the Campbell Town District Forum held on 7 December 2021 the following motion/s were recorded for Council's consideration:

**7.3 – 7.5 Signage:** As a Forum we would like to express our disappointment, despite various requests over the last couple of years, that none of the proposed signage (7.3-7.5) has eventuated in time for the 200 years celebration of the naming of Campbell Town.

**Officer Comment:**

Items 7.3 to 7.5 which are referred to in this motion are as follows:

**7.3 Campbell Town Entrance Statement:** Awaiting completion, and installation. Council staff are finalising other works before progressing, steel lettering for the signs has been made and are at the Depot

**7.4 Historic Information Signs and Tourist Town Entrance Signs:** New signs have been ordered, awaiting delivery and installation. Preparing the historic information metal sign stands is in progress for painting then the new signs will be placed. Further information is to be sought in relation to the reference to Tourist Town Entrance signs.

**7.5 Banners:** Banners ordered, awaiting delivery and installation. The manufacture of the Christmas banners was prioritised, with those banners being installed in early December 2021, the Campbell Town town banners were ordered in late November, delivery is awaited.

**Officer Recommendation:**

That

- i) Councillors note the motion.
- ii) a status update on these matters be provided to the Committee.

**7.9 Membership of the Elizabeth Macquarie Irrigation Trust:** *CTDF has elected Danny Saunders as its representative to the Elizabeth Macquarie Irrigation Trust. The Council advise the Elizabeth Macquarie Irrigation Trust of his election.*

**Officer Comment:**

The Campbell Town District Forum appoints a representative from its membership to serve on the Elizabeth Macquarie Irrigation Trust.

**Officer Recommendation:**

That Council advise the Elizabeth Macquarie Irrigation Trust of Mr Danny Saunders election as the Campbell Town District Forum representative.

**8.2 Swimming Pool:** *The CTDF request that a way be found to reinstitute morning swimming at Campbell Town pool. Suggested time 6.30am-7.30am.*

**Officer Comment:**

Council are finding it extremely hard to cover the afternoon shift every day at Campbell Town pool, due to a very lean lifeguard team this season. This combined with COVID and isolation periods, at this point and with the lifeguard numbers we have, morning swims are just not possible. Further, it would not be possible to open for short periods (i.e. morning swims) without local lifeguards being available.

**Officer Recommendation:**

That

- i) Council note the motion; and
- ii) Council officer's respond to the Committee's request.



## 7.2 CRESSY LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Cressy Local District Committee held on 24 November 2021 the following motion/s were recorded for Council's consideration:

**Town walk map:** That proof of final edit be sent to committee for final approval.

**Officer Comment:**

Proofs were emailed to the Committee and feedback provided. Proof was updated when feedback received. When all requested updates were made, proof was approved for printing. Map pads have been delivered to Cressy IGA for distribution.

**Officer Recommendation:**

That Council note the recommendation and that the pads have been printed.

**Review of 60km speed limit in Cressy:** For the Council to undertake a study to state growth. Reference was given re incident on Friday, November 12 outside IGA shop.

**Officer Comment:**

The Cressy Local District Committee have requested the Department of State Growth undertake a review of the speed limit within the township of Cressy. Enquiry has been made with Department of State Growth Officers who have not supported the request. The Committee are now seeking that Council formally approach the Department of State Growth seeking a review.

It is further noted this request has been made on a number of occasions in the past. The Department of State Growth have previously advised that the volume of traffic and the location means the department identified there isn't a need for the speed reduction.

The Committee have asked Council to take into consideration an incident which occurred on 12 November 2021 where a Cressy District High School student was hit by a passing car when attempting to cross the road just south of the IGA. It is understood the student suffered an injury however details are not known.

**Officer Recommendation:**

That Council note the recommendation and formally write to the Department of State Growth requesting a review of the 60km / hour speed limit in Cressy.



## 8 INFORMATION ITEMS

### 8.1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING

Responsible Officer: Des Jennings, General Manager

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

Date Held	Purpose of Workshop
31/01/2021	<b>Council Workshop</b> Discussion: <ul style="list-style-type: none"> <li>Council Meeting Agenda items</li> </ul>
31/01/2021	<b>Council Meeting</b>

### 8.2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 14 December 2021 to 31 January 2022 are as follows:

Date	Activity
14 December 2021	Attended meeting with Traders in Purple, Longford
16 December 2021	Attended Heritage Highway meeting, Oatlands
18 December 2021	Attended Christmas Parade and Fair, Campbell Town
18 December 2021	Attended Community BBQ and Carols, Perth Tabernacle
20 December 2021	Attended 3 <sup>rd</sup> Family Violence Action Plan meeting via zoom, Gipps Creek
21 December 2021	Attended Liberal Members and Candidate meeting and tour of projects, Longford, Cressy and Perth
23 December 2021	Attended Outdoor Works Christmas lunch, Campbell Town
6 January 2022	Attended Chambers for Australia Day briefing and sign documents, Longford
10 January 2022	Attended Executive Meeting with Kristy Scott via zoom, Gipps Creek
12 January 2022	Attended Family Violence Action Plan meeting via Teams, Gipps Creek
17 January 2022	Attended Executive Meeting with Kristy Scott via zoom, Gipps Creek
18 January 2022	Attended phone meeting with LGAT Officer, Gipps Creek
19 January 2022	Attended Family Violence Action Plan meeting via Teams, Gipps Creek
20 January 2022	Attended TEMT online update meeting with Gary Swain, Gipps Creek
25 January 2022	Attended Australia Day Event, Longford
28 January 2022	Attended statewide Co-Chairs Regional Recovery meeting online, Gipps Creek
31 January 2022	Attended Council Meeting and Workshop, Longford

### 8.3 GENERAL MANAGER'S ACTIVITIES

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

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

- Met with State Manager of Boral Quarries, Mr Gary Chapman
- Attended Southern Local District Committees Christmas function
- Met with proponent re Development at Perth
- Attended general meeting of Local Government Association Tasmania
- Attended meeting with northern General Manager's and the Tasmanian Premier, Launceston
- Met with Mitchell Haigh, Office of the Coordinator General
- Attended Northern Midlands Council Strategic Property Committee meeting
- Attended JLT Public Sector Workshop Session
- Met with Cr Dick Adams
- Attended Northern Tasmania priority projects meeting with Mr Brian Mitchell MP
- Attended Northern Tasmania priority projects meeting with Susie Bower and Senator Chandler
- Met with proponents re Development at Evandale
- Attended Premier's Local Government Council (PLGC) Meeting
- Met with NMBA representatives and others regarding Mobile Blackspot funding request
- Met with developer



- Attended Regional General Manager's meeting
- Attended viewing of new Longford Police Station
- Attended Council hosted tour of Council facilities with Federal Liberal Senators and Candidates
- Attended meeting with Dr Rebecca Kelly isNRM re Northern Councils Climate Change Action Plans
- Met with Ross Latham, State Archivist
- Attended Council's Works Department end of year Christmas Function
- Attended Council's Indoor Staff end of year Christmas Function

## 8.4 PETITIONS

### PURPOSE OF REPORT

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

### OFFICER'S COMMENT

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

#### Section 57. Petitions

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

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

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

- (a) a clear and concise statement identifying the subject matter and the action requested; and
- (b) in the case of a paper petition, a heading on each page indicating the subject matter; and
- (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
- (d) a statement specifying the number of signatories; and
- (e) at the end of the petition –

- (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
- (ii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.

(3) In this section –

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

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

**petition** means a paper petition or electronic petition;

**signatory** means –

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

#### 58. Tabling petition

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

(a) . . . . .

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

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

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

- (a) it does not comply with section 57; or
- (b) it is defamatory; or
- (c) any action it proposes is unlawful.

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

### PETITIONS

No petitions received.

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

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



## 8.6 132 & 337 CERTIFICATES ISSUED

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

### **S132. Certificate of liabilities**

- (1) A person referred to in [subsection \(2\)](#) may apply to the general manager for a certificate stating–
- (a) the amount of any liability for rates, whether due or not on the land and outstanding interest or penalty payable in relation to the land;
  - (b) any amount received on account of rates that is held in credit against future liabilities for rates in relation to the land; and
  - (c) the amount of any charge on the land recoverable by the council.

### **S337. Council land information certificate**

- (1) A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.
- (2) The general manager, on receipt of an application made in accordance with [subsection \(1\)](#), is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate.
- (3) A certificate under [subsection \(2\)](#) relates only to information that the council has on record as at the date of issue of the certificate.
- (4) A prescribed fee is payable in respect of the issue of a certificate.
- (5) The general manager, on request, may provide in or with the certificate any other information or document relating to the land that the general manager considers relevant.
- (6) A council does not incur any liability in respect of any information provided in good faith from sources external to the council.
- (7) A person, with the consent of the occupier or owner of specified land, may request in writing to the general manager that an inspection be carried out of that land to obtain supplementary information relevant to that land.
- (8) If the general manager agrees to a request under [subsection \(5\)](#) or [\(7\)](#), the general manager may impose any reasonable charges and costs incurred.
- (9) In this section –
- land** includes –
- (a) any buildings and other structures permanently fixed to land; and
  - (b) land covered with water; and
  - (c) water covering land; and
  - (d) any estate, interest, easement, privilege or right in or over land.

	No. of Certificates Issued 2021/2022 year												Total 2021/2022 YTD	Total 2020/2021
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
<b>132</b>	95	74	98	111	75	95							<b>453</b>	<b>1,004</b>
<b>337</b>	34	54	29	59	63	30							<b>239</b>	<b>499</b>

## 8.7 ANIMAL CONTROL

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

Item	Income/Issues 2020/2021		Income/Issues for December 2021		Income/Issues 2021/2022	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,240	100,776	25	894	4,128	105,113
Dogs Impounded	27	2,212	3	302	18	3,487
Euthanised	-	-	-	-	1	-
Re-claimed	24	-	3	-	16	-
Re-homed/Dogs Home	2	-	-	-	2	-
New Kennel Licences	16	1,152	1	72	6	432
Renewed Kennel Licences	72	3,168	-	-	83	3,652
Infringement Notices (paid in full)	36	6,785	1	94	18	3,447
Legal Action	-	-	-	-	-	-
Livestock Impounded	1	65	-	-	-	-
<b>TOTAL</b>		<b>114,159</b>		<b>1,362</b>		<b>116,132</b>

Analysis of kennel licences issued:



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

#### Registration Audit of the Municipality:

Ongoing

#### Kennel Licence/s

1 kennel licence/s applied for.

#### Microchips:

0 dogs microchipped.

#### Infringements:

1 infringement issued.

#### Attacks:

0 attacks.

#### Impounded Dogs:

3 dogs impounded – 3 reclaimed by owner.

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

Actions	2021/2022											
	YTD	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Routine Fixed Food Inspections	103/ 180	3	32	34	34	27						
Routine Mobile/Market stall Food Inspections	0	0	0	0	0	0						
Preliminary Site Visits – Licensed Premises	13	4	4	2	3	0						
On-site wastewater Assessments	11	3	4	2	2	0						
Complaints/Enquiries – All Types	31	8	8	4	6	3						
Place of Assembly approvals	4	0	1	0	2	1						
Notifiable Diseases	0	0	0	0	0	0						

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

Inspections are conducted according to a risk-based assessment and cover all aspects of food storage, handling and preparation.

A total of 35 criteria are assessed for either compliance, non-compliance or serious non-compliance.

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

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

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



The following is applicable regarding food business registrations:

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

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

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

Notifiable Disease investigations are carried out by Council's Environmental Health Officer at the request of the Department of Health. Investigations typically relate to cases of food borne illness. While some investigations are inconclusive others can be linked to other cases and outbreaks within Tasmania and across Australia. Under the Public Health Act 1997, investigations are confidential.

## 8.9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Animal Control	7	-	4	3	3	2						
Building & Planning	16	17	4	18	2	1						
Community Services	4	7	5	5	5	5						
Corporate Services	28	4	6	6	3	-						
Governance	9	-	-	-	1	1						
Waste	-	3	-	4	1	-						
Works	38	39	43	41	33	30						

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

Date	Recipient	Purpose	Amount
			\$
21-Jul-21	Reptile Rescue	Donation to service	\$1,000.00
28-Jul-21	Campbell Town District High School	Inspiring Positive Futures Program	\$7,272.73
28-Jul-21	Campbell Town District High School	Chaplaincy	\$1,363.64
28-Jul-21	Evandale Primary School	Chaplaincy	\$800.00
8-Sep-21	Cressy District High School	Inspiring Positive Futures Program	\$8,000.00
12-Oct-21	C'Town, Cressy, Evandale, Longford	End of Year School Presentations 2021	\$450.00
20-Oct-21	Longford & Perth Fire Brigades	Christmas Lolly runs 2021	\$200.00
20-Oct-21	Campbell Town SES Highway Rescue	Wages and Plant hire	\$181.95
21-Oct-21	Celeste Nicholson (returned donation)	U12 Nth Tas Junior Soccer Assoc Oceania Cup NSW	-\$100.00
29-Sep-21	Connor Perri	Bursary Program 2020 - Instalment 2	\$1,000.00
18-Oct-21	Jemma Walters	Bursary Program 2020 - Instalment 2	\$1,000.00
		TOTAL	\$21,168.32

## 8.11 ACTION ITEMS: COUNCIL MINUTES

Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	9.3	Morven Park Ground Drainage Project: Grant Application	Awaiting external response	That i) Council approve the allocation of \$29,240.10 (GST inclusive) in the 2022-2023 Council budget towards the Morven Park Ground Drainage Project, and ii)	Lorraine Green	20/12/2021 Project Officer - Grant application submitted and outcome awaited





Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
					if the Improving the Playing Field funding is approved, Council requests a comprehensive review of the project costs before the grant agreement is signed, in order to ensure the project can be achieved within the budgeted \$274,934.		
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	9.1	Local Roads and Community Infrastructure Program Phase Three Funding	Awaiting internal response	That i) Council nominates the following projects for funding through Phase Three of the Local Roads and Community Infrastructure Program: Perth Early Learning Centre: \$931,333 Cressy Pool concourse and carpark: \$400,000 Cressy Recreation Ground BBQ and carpark: \$100,000 Pioneer Park, Evandale, playground upgrade: \$100,000 ii) considers alternative projects to nominate for funding through Phase Three of the Local Roads and Community Infrastructure Program.	Lorraine Green	21/12/2021 Project Officer - The four projects approved by Council have been submitted on the Work Schedule to the LRCI Program, requesting their consideration for approval as eligible projects. Further projects will be submitted once Council has selected such.
	Cressy Local District Committee - Carried Over Actions (Old Resolutions Register)	1.1	17/02/2020 - 039/20 - Bartholomew Park Sign	In progress	Committee Recommendation That the Bartholomew Park sign be removed from the top of the history board and a new sign (redesign) be installed at the corner of the park facing Main and Church Streets. RESOLUTION That Council officers investigate and design a new park sign and explanation plinth (providing background on the park name) to be located at the corner of Main and Church Streets, Cressy near the trout sculpture, and it be brought back to the Committee for comment.	Amanda Bond	8/10/2021 System Support - Committee has chosen sign design. Seeking advice on planning approval requirements. Once advice received will progress. 9/11/2021 Executive Assistant - Planning application submitted. 3/12/2021 Executive Officer - Awaiting planning approval 12/01/2022 Executive Officer - Planning approval received, awaiting production.
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.4	17/09/2021 - 289/21 - LGAT Motions	In progress	That Council A) submit two motions to the next LGAT General Meeting on the lack of response provided by the following government agencies: Environment Protection Agency, and Department of State Growth.	Amanda Bond	29/09/2021 System Support - Motions to be prepared and workshopped. 25/01/2022 Advice sought.
15/11/2021	2021-11-15 Ordinary Meeting of Council	9.4	Community Action Plan	In progress	That Council accepts the opportunity to receive a \$5,000 grant and develop a Community Action Plan on Suicide Prevention for the Northern Midlands with the focus of the plan to be to offer Mental Health First Aid training to members of Council staff and members of the Northern Midlands municipality.	Amanda Bond	7/12/2021 Executive Officer - Meeting with Relationships Australia representative on 9/12/2021 13/01/2022 Executive Officer - Officers to compile list of relevant community members / groups to work on the plan.
18/10/2021	2021-10-18 Ordinary Meeting of Council	9.1	Proposed Sale of Campbell Town Hall	In progress	That Council: a) Notes the objections received from Mr Peart, Mr McCullagh and Dr Bolton; b) Determines not to take any action regarding the objections and proceed with the sale of the Town Hall in Campbell Town; and c) Directs the General Manager to give notice to the three objectors of this decision, and the right to appeal this decision, within 7 days of the date of this decision.	Amanda Bond	3/12/2021 Executive Officer - Appeal lodged. Awaiting advice and determination. 13/01/2022 Executive Officer - Expected determination February / March 2022.
	Ross Local	1.1	21/10/2019 - 313/19	In progress	Committee Recommendation The	Amanda	8/10/2021 System Support -





Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
	District Committee - Carried Over Actions (Old Resolutions Register)		- Macquarie River		Ross Local District Committee requests that the Northern Midlands Council progress the dual naming of the Macquarie River to Tinamirakuna which includes community consultation and investigation. RESOLUTION That Council support the proposal and progress the request.	Bond, Gail Eacher	Information provided to DPIPWE, awaiting decision. 7/12/2021 Executive Assistant - The proposals went to the Place Names Advisory Panel on 2/12/21, recommendations are being prepared for the Minister.
18/10/2021	2021-10-18 Ordinary Meeting of Council	7.1.2	Recreation area - Macquarie Street, Cressy	In progress	That Council officers progress a survey of the land in question and bring a report back to Council.	Amanda Bond, Jonathan Galbraith	9/11/2021 Executive Officer - Council Engineering Officer undertaking survey of area 3/12/2021 Executive Officer - Plan prepared, property owner in agreement. Referred to property committee for review. 13/01/2022 Executive Officer - Plan of area completed and agreed to by property owner. Awaiting survey for report to Council.
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	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 Eacher	29/09/2021 System Support - No further action to be taken at this time. To be workshopped and report to be relisted. Discussion held with property owner, formal advice requested. Correspondence to be forwarded to property owner. 25/01/2022 Executive Assistant - Correspondence forwarded to property owner, awaiting response.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	8.9.2	Resolution for Information Items	In progress	That the matter of councillor conduct be taken to a workshop for discussion.	Des Jennings, Gail Eacher	25/01/2022 Executive Assistant - listed for discussion at 7 February 2022 Council workshop.
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	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 Eacher	29/09/2021 System Support - Historic photos to be catalogued and collated. 5/10/2021 Executive Assistant - Framed photographs installed - action complete. Resources not available to undertake archiving of historic photographs and production of photo book. Additional resource to be sought. 6/12/2021 Executive Assistant - Cataloguing and collation of historical photographs has commenced.
18/10/2021	2021-10-18 Ordinary Meeting of Council	7.3.2	Perth Bicentenary Sub Committee	In progress	That Council officer's progress the request and seek comment from the Committee. - That Council officer's progress the Committee's request and identify a suitable location to erect/relocate the plaques, with comment to be sought from the Committee on design and location.	Gail Eacher	8/11/2021 Executive Assistant - Request sent to PLDC for details re wording and the placement of the proposed plaque to celebrate the 200 years anniversary of Perth 3/12/2021 Executive Assistant - Brass plaque on order.
	Ordinary Meeting of Council - Carried Over	1.15	18/05/2020 - 146/20 - Northern Midlands Youth Voice Forum	In progress	That Council endorse the progression of the Northern Midlands Youth Voice Forum.	Holly Preece	29/09/2021 System Support - To be investigated and progressed.



Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
	Actions (Old Resolutions Register)						
	Ross Local District Committee - Carried Over Actions (Old Resolutions Register)	1.3	28/06/2021 - 207/21 - Rail Crossing	In progress	Committee Recommendation The Ross Local District Committee requests that NMC contact TasRail to determine the extent of Tas Rail ownership of the Badajos Street rail crossing, for the purpose of future widening of the road to ensure the safety of road users. RESOLUTION That Council note the information and request Council Officers action the request.	Jonathan Galbraith	8/10/2021 System Support - Email sent to Tas Rail on 9 August 2021. 8/11/2021 Executive & Communications Officer - TasRail provided advice, advised that Jonathan Gailbraith is TasRail's key contact at NMC for matters associated with rail crossings, as per the Safety Interface Agreement between NMC and TasRail. Jonathan to further investigate. 8/11/2021 Engineering Officer - For any major works within the rail corridor (between the two property boundaries) we would need to talk to Tasrail first and get their permission. At this location it is about 9m either side of the rail line. We can do minor works (usually only maintenance) up to 3m from the rail line but once we get past that we need to have Tasrail staff on site while we're working and this can be a fairly difficult and expensive process to coordinate. 6/12/2021 Executive Assistant - Early in 2022 Council Officer to arrange site meeting with TasRail and RLDC representative. 20/01/2022 Engineering Officer - Council Officer met with representative of Ross Local District Committee, agreed that this issue can be addressed with signage. Sign has been ordered and will be installed once received.
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.6	17/05/2021 - 190/21 - Bridge Across Liffey River to Former Baptist Church Grounds	In progress	That a decision be deferred to the next meeting to establish Council's responsibilities and alternative solutions (including timber).	Leigh McCullagh	29/09/2021 System Support - Discussed at Workshop. Report to future Council Meeting. 8/10/2021 Executive Assistant - Letter sent to landowner. Comment being sought from Emergency/Government Services and Bush Heritage . 8/11/2021 Executive Assistant - Further report to December Council Meeting. 6/12/2021 Executive Assistant - Land owner to be invited to present to future Council Workshop.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	9.2	Longford Memorial Hall Community Consultation	In progress	That Council progresses with option 1, reviews the external building materials and makes development application upon redesign. Carried Unanimously	Lorraine Green, Trent Atkinson	20/12/2021 Project Officer - Council's Project Manager to submit the development application once the design is revised as requested.



Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
18/10/2021	2021-10-18 Ordinary Meeting of Council	5.3.1	Naming of the Perth Dog Park	In progress	That the Perth Dog Park be named the Perth Bicentenary Dog Park.	Natalie Horne	8/11/2021 Administration / Records Management Officer - Submitted request to Place names Tasmania, waiting on confirmation 2/12/2021 Administration / Records Management Officer - Request has been advertised, waiting on any objections then approval from nomenclature board
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.11	17/09/2018 - 258/18 - Initiation of Draft Planning Scheme Amendment 04/2018 include Flood Risk Mapping in the Planning Scheme for Land along Sheepwash Creek from Arthur Street to Cemetery Road, Perth	In progress	That Council, acting as the Planning Authority, pursuant to section 34 of the former provisions of the Land Use Planning and Approvals Act 1993 resolve to initiate draft Planning Scheme Amendment 04/2018 to the Northern Midlands Interim Planning Scheme 2013 to include the flood risk mapping for land zoned General Residential and Future Residential, based on the mapping shown in the attachment, in the planning scheme maps.	Paul Godier	29/09/2021 System Support - Consultant is validating the modelling. 24/01/2022 Senior Planner - Consultant provided updated modelling on 10 January 2022.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	12.1	Traffic Concerns: Intersection - Wellington and Marlborough Streets, Longford	Not yet started	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 Engineering Officer - Revised design plan has been sent to DSG for approval. Contractor to be engaged to carry out works once approval is received
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.1	17/05/2021 - 180/21 - Restrictions on Keeping Roosters	On hold	That Council consider restricting the keeping of roosters in urban areas, and consider the need for a by-law with penalties for offences and non-compliance.	Maria Ortiz Rodriguez	29/09/2021 System Support - Report to future Council Meeting. 8/11/2021 Executive Assistant - Matter to be referred to future Council workshop for further advice.

Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	7.3.1	Evandale Community Centre & Memorial Hall Management Committee	Completed	RV Dump Point Evandale: That Council provide a response to the request; and advise - reasons for the closure; - that alternative sites are under investigation; and - that the matter is to be listed for discussion at a future workshop.	Amanda Bond	13/01/2022 Executive Officer - Response provided to the Evandale Community Centre Committee on 13 January 2022. Matter listed for future workshop discussion.
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.5	16/08/2021 - 328/21 - Ross Swimming Pool	Completed	That Council procure a health and safety report (existing or newly commissioned report) to ascertain whether the Ross pool is safe to be used.	Des Jennings, Gail Eacher	29/09/2021 System Support - Report to be presented to October Council Meeting. 8/10/2021 Executive Assistant - Report to 18 October 2021 Council meeting.
13/12/2021	2021-12-13 Ordinary Meeting of	7.2.2	Budget Priorities 2021/2022	Completed	The PLDC request Council provide a schedule of works and commitment for commencement of works on the	Gail Eacher	25/01/2022 Executive Assistant - Advice to be provided to Committee at 1



Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
	Council - Open Council				following critical projects: (1) Train Park (2) Seccombe/Talisker Toilet blocks (3) Perth Riverbank Reserve Officer Comment: Council officers will determine the allocation of resources depending upon weather, design, approval process and availability of contractors, and staff and equipment at that time. Officer Recommendation: That the committee be advised that when works are programmed the advice will be provided		February 2022 meeting.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	7.2.3	Highway Maintenance	Completed	4.10 Highway Maintenance: PLDC request an update on this matter from Council. Officer Comment: The following request of the Committee was referred to the October 2021 Council meeting: That, due to the current poor state of the entrances to Perth, Council undertakes, or request the Dept of State Growth undertake, maintenance of the verges including removal of waste and rubbish where works have been carried out. October 2021 Council decision: That Council Officer's contact the Department of State Growth and request maintenance, including the removal of waste/debris, be undertaken at the entrances to Perth. Council officers have contacted the Department of State Growth who have agreed to undertake the maintenance of the verges. Update to be provided to the Committee. Officer Recommendation: That Council note the request and action taken	Gail Eacher	25/01/2022 Executive Assistant - Advice to be provided to Committee at 1 February 2022 meeting.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	7.2.4	Old United Service Station Site	Completed	4.11 Old United Service Station Site: PLDC request an update on this matter from Council. Officer Comment: The matter has been referred to the Northern Midlands Property Committee (NMPC). The NMPC is to prepare a report re acquisitions/disposals for consideration by Council in due course. Deliberations of the Committee are in held in confidence. Officer Recommendation: That Council note the request and advice to be provided to the Committee. MINUTE NO. 21/478 4.11 Old United Service Station Site: - That Council note the request and advice to be provided to the Committee.	Gail Eacher	25/01/2022 Executive Assistant - Advice to be provided to Committee at 1 February 2022 meeting.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	11.3	Policy Review - Investments, Business Credit Cards, Financial Assistance Hardship, Assistance to Community Sporting	Completed	Please action as per resolution. MINUTE NO. 21/490 DECISION Deputy Mayor Goss/Cr Polley That Council adopt the amended Investment Policy, Business Card Policy, Financial Assistance Hardship Policy, Assistance to Community Sporting and Non-Profit	Gail Eacher, Maree Bricknell	17/12/2021 Executive Assistant - Policy manual and policies updated.



Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
			and Non-Profit		Organisation Policy and Cemeteries Policy. Carried Unanimously		
18/10/2021	2021-10-18 Ordinary Meeting of Council	12.2	Review of Wildlife Signage on Deddington Rd	Completed	Please action as per resolution. That this information be noted and that Council consider installing further signage on other parts of Deddington Rd or Bryants Lane at a future date if data is available on Wombat deaths on those roads. That Council review the need to install signage on other roads within the municipal area based on survey data that identifies risk of deaths of protected animal species.	Jonathan Galbraith	9/11/2021 Executive Assistant - To be progressed. 7/12/2021 Executive Assistant - Assessment in progress.
18/10/2021	2021-10-18 Ordinary Meeting of Council	7.2.3	Safety issues at Woolmers Lane/Panshangar Road intersection	Completed	Please action as per resolution. That Council officer's progress the Committee's request and pass on the information to the Department of State Growth, regarding Woolmer's Lane.	Jonathan Galbraith	8/11/2021 Executive & Communications Officer - Advice provided to DSG for consideration.
18/10/2021	2021-10-18 Ordinary Meeting of Council	7.2.2	Wellington Street Safety Concerns	Completed	Please action as per resolution. That Council officer's provide the information and request to conduct a new traffic survey to the Department of State Growth for their consideration.	Jonathan Galbraith	8/11/2021 Executive & Communications Officer - Advice provided to DSG for consideration. 7/12/2021 Executive Assistant - Traffic survey complete, sent to Dept of State Growth - awaiting response.
	Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.7	15/02/2021 - 059/21 - Traffic Concerns: Wellington & Marlborough Streets Intersection at Longford	Completed	That Council vigorously pursue Option 4 and the possibility of raised intersection treatment or roundabout with the Department of State Growth; and that barrier protection be installed as required to protect pedestrians and the adjacent heritage properties (on both sides of the road).	Leigh McCullagh	29/09/2021 System Support - Discussed at Workshop. Further options to be investigated. 8/10/2021 Executive Assistant - Further report from Traffic Engineer re alternate solutions awaited. 8/11/2021 Executive Assistant - Traffic Engineer scheduled to attend 29 November Councillor workshop. 6/12/2021 Executive Assistant - Report to December Council meeting.
13/12/2021	2021-12-13 Annual General Meeting	4.1	Welcome and Introduction	Completed	Mr Stephen Dodd, Longford - Consultation on Projects Mr Dodd suggested that Council had not held sufficient consultation with the community on Council's larger projects; and referred in particular to the upgrade of the Longford Recreation Ground Complex (Footy Club) and more recently the Longford Memorial Hall. Mr Dodd queried whether that was going to continue or is Council going to get better at consulting the community. Report on consultation.	Lorraine Green, Trent Atkinson	17/01/2022 Project Officer - Report submitted to 31 January 2022 Council Meeting
15/11/2021	2021-11-15 Ordinary Meeting of Council	9.1	Council Calendar: 2022 Schedule of Council Meeting & Workshop Dates	Completed	Please action as per resolution. iii) Council bus tour be conducted on Thursday 21 April 2022	Maree Bricknell	6/12/2021 Executive Assistant - Noted.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	11.2	Longford New Years Day Cup Day - Financial Support	Completed	Please action as per resolution. MINUTE NO. 21/489 DECISION Cr Polley/Cr Brooks That Council provide the financial support of \$6,100.00 to the Covid safe plan for	Maree Bricknell	20/01/2022 Corporate Services Manager - Funding provided as requested.



Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
					Longford New Year's Day Cup event, if there is no State Government funding is available.. Carried Unanimously		
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	10.2	Amend Part 5 Agreement, 50 Logan Road, Evandale	Completed	Please action as per resolution. MINUTE NO. 21/485 DECISION Deputy Mayor Goss/Cr Goninon That Council agree to amend the Part 5 Agreement as requested, in accordance with clause 19.1 of the agreement. Carried Unanimously	Paul Godier	24/01/2022 Senior Planner - Applicant advised that Council agreed to amend the Part 5 Agreement.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	10.3	Consultation on Draft Amendment 01/2021 to the State Planning Provisions	Completed	Please action as per resolution. MINUTE NO. 21/486 DECISION Cr Davis/Cr Goninon That Council provide the following comment on the draft amendment: The Northern Midlands Council supports the draft amendment and in particular amendment No. 15 to include 'grain storage' as a Discretionary qualification for the Storage Use Class in the Agriculture Zone. Carried Unanimously	Paul Godier	24/01/2022 Senior Planner - Response provided as per resolution.
15/11/2021	2021-11-15 Ordinary Meeting of Council	5.3.1	Motions on Notice - Cr Davis: Subdivision Applications	Completed	Please action as per resolution: That any application for a subdivision in a residential zone which would result in blocks below the minimum lot size for the zone (i.e. 450m <sup>2</sup> ) be referred for consideration to Council and not be dealt with under delegated authority.	Paul Godier	7/12/2021 Senior Planner - Resolution has been implemented with planning officers.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	10.4	Northern Perth zoning review	Completed	Please action as per resolution. MINUTE NO. 21/487 DECISION Cr Goninon/Deputy Mayor Goss That Council request ERA Planning & Environment to prepare a representation for Council in support of its draft Local Provisions Schedule which proposes to zone the area Rural Living A (a minimum lot size of 1ha (Acceptable Solution standard) and an absolute minimum of 8000 m <sup>2</sup> (20% smaller than the Acceptable Solution standard)). Carried Unanimously	Paul Godier	24/01/2022 Senior Planner - Representation to draft LPS lodged as per resolution.
13/12/2021	2021-12-13 Annual General Meeting	4.1	Welcome and Introduction	Completed	Mr John Izzard, Longford - Section 13 Historical Precinct Mr Izzard requested confirmation that the Historical Precinct in Section 13 had not been altered in the new planning scheme; and if it has been altered the nature of those amendments. Council's General Manager advised that a response would be provided. Report to be prepared	Paul Godier	24/01/2022 Senior Planner - Written response provided to Mr Izzard.
13/12/2021	2021-12-13 Annual General Meeting	4.1	Welcome and Introduction	Complete	QUESTIONS WITHOUT NOTICE Mr Neil Tubb, Longford - Longford Recreation Ground Complex Mr Tubb referred to the statement relating to the successful completion of the Longford Recreation Ground Complex. Mr Tubb queried the reason why a report had not been circulated advising the reasons for the overspend on the project. Mr Tubb referred to the proposal to	Maree Bricknell, Trent Atkinson	25/01/2022 Report to Council





Meeting Date	Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
					procure the services of quantity surveyor to undertake an independent assessment and report to Council. Council's General Manager advised that a report would be provided to Council.		
18/10/2021	2021-10-18 Ordinary Meeting of Council	12.1	Relocation of Waste Dump Point to TRANSLink, Western Junction	Complete	That Council progress plans to relocate the Morven Park dump site to the TRANSLink precinct at Western Junction and undertake consultation with the landowner/s as appropriate. That Council close the Morven Park dump site in 1 months' time due to safety reasons, and for appropriate signage to be installed.	Leigh McCullagh	8/11/2021 Executive Assistant - Morven Park dump site to be decommissioned 15 November. Suitable site for new dump site being sought at TRANSLink. 6/12/2021 Executive Assistant - Report to February 2022 Council Workshop. 25/01/2022 – Dump site closed, January 2022 report to Council.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	7.1.2	Appointment of Secretary	Complete	7.2 Secretary: Tim Flanagan be appointed Secretary. Officer Comment: It is noted that Bronwyn Baker relinquished the position which she took on temporarily. Officer Recommendation: That Council note the appointment	Lorraine Wyatt	25/01/2022 - Noted
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	7.1.4	Longford Town Hall Arts Committee	Completed	8.3 Longford Town Hall Arts Committee: That LLDC supports contract between Longford Town Hall Arts Committee and council. Officer Comment: The Committee noted that the contract for lease of the Town Hall has been forwarded to Council. Officer Recommendation: That Council note the recommendation	Lorraine Wyatt	25/01/2022 - Noted.
13/12/2021	2021-12-13 Ordinary Meeting of Council - Open Council	7.1.3	Marlborough Street Traffic Islands	Not yet started	7.4 Marlborough Street Traffic Islands: Traffic islands along Marlborough St need be made more visible for safety reasons, as there is fading of the edges around them. Maybe more visible with a coat of paint. (Please see attached photos). Officer Comment: Customer request to be generated and request forwarded to Dept of State Growth. Officer Recommendation: That Council note the recommendation.	Lorraine Wyatt	25/01/2022 Noted

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

Resource Sharing Summary 1/7/21 to 30/6/22 Year to date	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	163.00	6,989.59
Street Sweeper - Plant Hire Hours	163.00	11,193.29
<b>Total Services Provided by NMC to Meander Valley Council</b>		<b>18,182.88</b>
<b>Service Provided by Meander Valley Council to NMC</b>		
<b>Wages and Oncosts</b>		
Plumbing Inspector Services	251.8	19,092.10



Engineering Services	-	-
<b>Total Service Provided by MVC to NMC</b>		<u>19,092.10</u>
<b>Net Income Flow</b>		<u>- 909.22</u>
<b>Total Net</b>		<u>- 909.22</u>
<b>Private Works and Council Funded Works for External Organisations</b>		
	<b>Hours</b>	
<b>Works Department Private Works Carried Out</b>	178	
	<u>178</u>	

### 8.13 VANDALISM

Prepared by: Jonathan Galbraith, Engineering Officer

Incident	Location	Estimated Cost of Damages			
		Dec 2021	Total 2021/22	Dec 2020	Total 2020/21
None to report	-	0			
<b>TOTAL COST VANDALISM</b>		<b>\$0</b>	<b>\$4,200</b>	<b>\$300</b>	<b>\$10,200</b>

### 8.14 YOUTH PROGRAM UPDATE

Prepared by: Holly Preece, Youth Officer

#### PCYC Program

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

	Date of Session	Attendance
Sessions not held during school holidays		
Perth		
	2/12	6
	9/12	10
	16/12	5

#### 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 December as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town		
	1/12	4
	8/12	4
	15/12	8
Longford		
	2/12	9
	9/12	8
	16/12	12





### 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 December as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town		
	PCYC is unable to run in CT in term 4	
Cressy		
	2/12	25
	9/12	13
	16/12	5 (swimming fun day on)

### Meetings

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

## 8.15 STRATEGIC PLANS UPDATE

Prepared by: Lorraine Green, Project Officer

### CURRENT AS OF 31 DECEMBER 2021

Progress Report:

Not Started (obstacles)
On Hold
On Track
Completed

Strategic Plans	Dept.	Status	Current Status
<b>Lead:</b>			
<i>Serve with honesty, integrity, innovation and pride</i>			
Annual Budget and Quarterly Reviews	Corp	On Track	Long Term Financial Plan updated and annual budget adopted at 28 June 2021 meeting.
Asset Management Plan Annual Review	Corp	On Track	Asset Management Plan review complete for Roads and Buildings adopted by Council, September 2021.
Best Business Practice, Governance & Compliance	Gov	On Track	Legislative Audit, Delegations Review and Policy Manual update ongoing.
Customer Service Standards	Corp	On Track	Risk Management Policy reviewed July 2021 and Risk Register review scheduled March 2022.
Elected Members Development & Annual Plans	Gov	Not Started (obstacles)	Policy and Annual Plan to be prepared.
Emergency Management )	Corp	On Track	Municipal emergency meetings held and regularly attended regional meetings during COVID-19 via zoom. Updated Emergency Recovery Plan adopted May 2017 by Council. Revision of Emergency Management Plan adopted by Council 16 November 2020.
Information Technology Upgrade Program	Corp	On Track	Council decided to upgrade Open Office Enterprise Suite during 2021/2022 and keep a watching brief on northern shared services project.
Local Government Reform	Gov	On Track	Completed – Legal Services project. In progress – Joint IT platform review. Future of Local Government in Tasmania – in preparation for the review (commencing January 2022) the Government will work with LGAT and relevant experts to: develop detailed Terms of Reference for review; identify and appoint the Local Government Board in accordance with the Act; and develop an engagement and communications plan to ensure that key stakeholders and the community are kept informed about and participate in the review.
People & Culture Plan	Gov	On Track	Framework utilised for recruitment is best practice. Wage subsidy for apprentice wages continues to be claimed quarterly. Employee Satisfaction Survey - summary to be provided in the new year. Mandating COVID-19 vaccinations process has commenced.



Strategic Plans	Dept.	Status	Current Status
			Policy and Procedures updated as required. Learning and Development opportunity confirmed as needed.
Workplace Health & Safety Action Plan Annual Review	Corp		WHS audit assessment reviewed ongoing basis.
<b>Progress:</b>			
<i>Economic health and wealth – grow and prosper</i>			
<i>Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania</i>	Gov		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.
<i>Campbell Town CBD Urban Design &amp; Traffic Management Strategy</i>	Gov		Construction of midland highway underpass at Campbell Town commenced.
Campbell Town (King Street) Short Term Accommodation Master Plan & Business Case	Gov		Project underway.
<i>Campbell Town – Town Hall Sale/Lease</i>	Gov		Sale/lease to be advertised.
Economic Development Master Plan Strategy Delivery	Gov		Economic development framework adopted by Council at May 2020 meeting. Implementation underway.
Tourism Strategy Implementation	Corp		Augmented Reality Project – Ross experience being trialled. Northern Midlands Business and Volunteer Expo – postponed due to pandemic. REASSIGN project – tender awarded October 2021. Work underway.
Lake Leake Amenities Upgrade Project	Gov		Recreational Fishing and Camping Facilities Program grant secured towards the upgrading of the toilet and shower facilities. Onsite assessment completed. Work being scoped.
Tooms Lake Camping Area Infrastructure Upgrade Project	Gov		Application submitted to Recreational Fishing and Camping Facilities Program for funding to upgrade camping area infrastructure.
<i>Longford Motor Sport Museum</i>	Gov		Proposal discussed at Council workshop. Traffic Impact Assessment to be prepared.
Longford Racecourse Master Plan & Area Review	Gov		April 2021: Consultancy Agreement signed. Draft master plan being progressed. Community and industry consultation phase closed 21 December 2021.
<i>Longford CBD Urban Design Strategy</i>	Gov		Commitment of \$4m from National Party prior to federal election. Memorial hall plans being revised prior to submitting DA
Stormwater Management Plans	Works		Model build for all Towns in progress, nearing completion.
<i>Municipal Subdivisions Infrastructure Upgrade Program (including Ridgeside Lane)</i>	C&D		Council to identify opportunities to provide infrastructure and secure funding.
Nile Road Upgrade	Works		Included in NMC Priority Projects document
<i>Perth Early Learning Centre</i>	Gov		Tender awarded: construction to commence early 2022.
<i>Perth Sports Precinct Concept Master Plan</i>	Gov		Concept master plan developed October 2020. Included in NMC Priority Projects document.
Perth Town Structure Plan	C&D		Council has endorsed the plan and draft amendments to planning scheme to be prepared.
<i>TRANSLink Precinct Renewal - Stormwater</i>	Gov		Included in NMC Priority Projects document.
<i>Underground Power – Evandale, Longford &amp; Perth</i>	Works		Identified as an election opportunity and awaiting funding streams to come available.
<b>People:</b>			
<i>Cultural and society – a vibrant future that respects the past</i>			
Cohesive Communities & Communities at Risk Plan	Gov		Not yet commenced.
Discrimination Strategy	Gov		Officers investigating development of strategy
Family Violence Strategy	Gov		Council continues to support <i>End Men's Violence Against Women</i> campaign. Officers investigating development of strategy
Longford Road Safety Park	Works		Funding agreement being finalised.
<i>Municipal Shared Pathways Program (including pathways within &amp; between towns)</i>	Gov		Committee established and program to be prepared.
Northern Midlands Community House	Gov		Possible site identified. Seeking State and Federal Election funding support.
Ross Recreation Ground Master Plan	Gov		Development of Master Plan underway. October 2021: application submitted for Improving the Playing Field Grant to assist with the cost of constructing



Strategic Plans	Dept.	Status	Current Status
			inclusive changerooms.
Supporting Employment Programs	Gov		Participating in LGAT special interest groups on a quarterly basis. Support Inspiring Futures program. Host work experience and UTAS placements.
Supporting Health & Education Programs	Gov		Participating in the Northern Health Providers Networks meetings. 2021 Further Education Bursaries awarded.
Supporting Sport & Recreation Programs	Gov		Participation in quarterly northern Sport & Recreation meetings. Planning and implementation of upgrade to Council owned sporting facilities underway. Support provided to participants in sporting activities on a state and national level. Development of Northern Tasmania Sports Facility Plan underway.
<i>Covering of Campbell Town &amp; Cressy Swimming Pools</i>	Gov		Included in NMC Priority Projects document.
<i>Ross Swimming Pool</i>	Gov		Pool operation continued (as per the current funding model) whilst structurally/operationally safe to do so.
Youth and Ageing Strategy	Gov		Youth programs and services being pursued. Grant funding received for 2020 programs. Programs recommenced October 2020.
<b>Implementation of Final Stages</b>			
• <i>Campbell Town War Memorial Oval Precinct Development Plan</i>	Gov		New public toilet facility, irrigation system and tennis hit-up walls being finalised.. November 2021: AFL Tas funding (\$20,000) secured towards the oval irrigation upgrade.
• <i>Cressy Recreation Ground Master Plan</i>	Gov		Council accepted Cressy Recreation Ground 2030 Master Plan at April 2018 Council meeting. Levelling the Playing Field funding received. Work nearing completion. Final report and acquittal to be prepared.
• <i>Cressy Swimming Pool Master Plan</i>	Gov		State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to federal election. Works substantially completed concourse and carpark to be completed in 2022.
• <i>Evandale Morven Park Master Plan</i>	Gov		Grant acquittal report submitted. Relocation of cricket nets to commence mid January 2022..
• <i>Northern Midlands Community Sports Centre</i>	Gov		First floor fit-out to be progressed in 2022.
<b>Place:</b>			
<i>Nurture our heritage environment</i>			
<i>Conara Park Upgrade</i>	Gov		Concept prepared: awaiting funding opportunities.
<i>Cressy Park Redevelopment</i>	Gov		Liaising with Local District Committee to establish/prepare plans for upgrade.
Honeysuckle Banks, Evandale, Master Plan	Works		Included in NMC Priority Projects document. To be progressed as RV site all year round.
Land Use & Development Strategy (includes Rural Processing Centre)	C&D		Endorsed 21 October 2019. Released for public consultation.
Launceston Gateway Precinct Master Planning	Gov		Listed as a component of the Municipal Land Use and Development Strategy.
Longford Expansion Strategy	C&D		Underway: awaiting final report.
<i>Municipal Tree Planting Program</i>			Annual program being implemented.
Natural Resource Management Program Collaboration	Gov		Collaborating with NRM North on the WSUD Master Plan for Sheepwash Creek and Climate Change Strategy/Action Plan.
North Perth Low Density Land Strategy	C&D		Consultants engaged to undertake study. Preparing background documents.
Sense of Place Planning – All Villages & Towns	Gov		Master planning for townships underway.
<i>Sheepwash Creek WSUD Open Space Corridor &amp; Associated Open Space Plan</i>	Gov		Grants to be sought for major new/improved infrastructure.
<i>South Esk River Parklands Master Plan</i>	Gov		March 2021: Application submitted to Building Better Regions Fund for grant to extend the walkway and installation of footbridge. Funding secured October 2021: Grant deed awaited.
Tasmanian Planning Scheme Integration	C&D		Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. For feedback in 2021.
Waste Management	Works		Member of the Northern Waste Management Committee. WTS improvements to be programmed for 2021/2022.
Weed Managements Strategy & Action Plan – Council Assets	Works		2021/22 Budget allocation provided for weed officer/strategy.

*\*Items included in Integrated Priority Projects Plan*



**Completed:**

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

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

Prepared by: *Fiona Dewar, Tourism Officer*

**Tourism update:**

- Events:
  - o Assist local event organisers to fulfil Council compliance requirements.
  - o Coordinate event equipment for event organisers.
  - o Keep event list updated and distribute. Update NMC website calendar and ATDW.
- Liaise with various groups re interpretation signage options in the region, including Avoca, Evandale, Bishopsbourne, Campbell Town.
- Respond to general enquiries from visitors and tourism operators.
- Organise brochures for the local Northern Midlands visitor centres.

**HHTRA update:**

- Current marketing activities continue and include website blog posts and social media.
- Provide content and feedback on the new HHTRA landing page on the DST website in development.
- General meeting held 16 December 2021.

## 8.17 BICENTENARY PLANNING UPDATES

Prepared by: *Fiona Dewar, Tourism Officer*

**Ross**

The Ross Bicentenary Committee:

- Completed: 21 Feb: Bike Ride with Picnic Lunch
- Completed: 13 March: If These Halls Could Talk – Ten Days on the Island.
- Completed: 18 April: Bicentenary Ramble
- Completed: 8 May: Bush Feast
- Completed: 27 May – 10 June: Dressing the Trees Installation
- Completed: 2 June: formal ceremony at the Town Hall. Quilt unveiling. Visitors Book.
- Completed: 3 June: Ross Bridge presentation by Dr Jennie Jackson.
- Completed: 4 June: Bicentenary Quilt exhibition open to public.
- Completed: 17 July: Bicentenary Dinner at the Ross Sports Club
- Completed: 3 – 26 Sept: Ross Tin Can Sculpture Show at the Thistle Inn.
- Completed: 26 Sept: Ross Running Festival.



- Completed: 10 Oct: Bicentenary Concert Camerata Obscura, at the Ross Town Hall.
- Completed: 17 Oct: Ross Remembered at the Ross Community Sports Club.
- 6 Nov – 5 Dec: Set In Stone | The Daniel Herbert Sculpture Prize.
- Completed: 13 Nov: Remembrance Day Dance. 50s Swing Band and Period Dress.
- Completed: 27 Nov: Open Houses and Gardens
- Completed: 5 Dec: Bicentenary Gala Day of Cricket.
- Cancelled: 31 Dec: New Year's Eve on the Green Village Fair. Unlikely to proceed due to Village Green works incomplete.
- Current: Education exhibition at the Tasmanian Wool Centre Museum called: It Takes a Village.

#### **Campbell Town**

The Campbell Town Bicentenary Committee:

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

#### **Perth**

The Perth Bicentenary Committee:

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

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## **8.18 NORTHERN MIDLANDS BUSINESS ASSOCIATION - UPDATE**

The attached Northern Midlands Business Association (NMBA) update is provided for information.

#### **ATTACHMENT**

1. NMBA Council funding program 6 status December 2021 [**8.18.1** - 2 pages]

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#### **RECOMMENDATION**

That the information items be received.



## 9 GOVERNANCE REPORTS

### 9.1 ADOPTION OF COAT OF ARMS

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Amanda Bond, Executive Officer

#### 1 PURPOSE OF REPORT

For Council to adopt the Northern Midlands Council logo as its Council arms in accordance with section 336 of the *Local Government Act 1993*.

#### 2 INTRODUCTION/BACKGROUND

The Northern Midlands Council logo has been used by Council since its amalgamation in 1993, with Council formally adopting the logo on 11 October 1993 (Minute Reference 499/93).

Council, in accordance with section 336 of the *Local Government Act 1993* may adopt arms in the form of a badge, crest or flag or a combination of these.

The purpose of this report is for Council to adopt the Northern Midlands Council logo as its Council arms, and to update its Use of the Northern Midlands Council Logo policy to reflect the adoption of Council arms.

#### 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:**

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

#### 4 POLICY IMPLICATIONS

Adopting the Northern Midlands Council logo as a Council arms will impact the Use of Northern Midlands Council Logo Policy. A draft update to the Use of Northern Midlands Council logo policy to reflect the adoption of the Council arms is attached to this report.

#### 5 STATUTORY REQUIREMENTS

##### 336. Council arms

- (1) A council may adopt arms in the form of a badge, crest or flag or a combination of these.
- (2) A council may display and use the arms in any manner it thinks fit.
- (3) A person must not use or display the arms of a council without its approval.

Penalty: Fine not exceeding 10 penalty units.



**6 FINANCIAL IMPLICATIONS**

There are no financial implications for adopting Council arms.

**7 RISK ISSUES**

No risks have been identified for Council adopting its logo as its Council arms.

**8 CONSULTATION WITH STATE GOVERNMENT**

Not applicable.

**9 COMMUNITY CONSULTATION**

Not applicable.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

To adopt the Northern Midlands Council Logo as its Council arms, or not.

**11 OFFICER'S COMMENTS/CONCLUSION**

By adopting the Northern Midlands Council logo as the Council arms, Council can rely on relevant provisions within the *Local Government Act 1993* which refer to the display and use of the arms of the Council.

**12 ATTACHMENTS**

1. Revised Use of Northern Midlands Council Logo Policy [9.1.1 - 6 pages]

**RECOMMENDATION**

That Council

- a) adopts the Northern Midlands Council logo as its Council arms in accordance with section 336 (1) of the *Local Government Act 1993*; and
- b) endorses the amendments to its Use of Northern Midlands Council Logo Policy.





## 9.2 AGM QUESTION WITHOUT NOTICE: CONSULTATION ON PROJECTS

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

### 1 PURPOSE OF REPORT

The purpose of the report is to provide a response to the Question without Notice at Council's 2021 AGM with regard to Consultation on Projects.

### 2 INTRODUCTION/BACKGROUND

At Council's 2021 AGM Mr Stephen Dodd, Longford raised the following Question without Notice:

*Mr Dodd suggested that Council had not held sufficient consultation with the community on Council's larger projects; and referred in particular to the upgrade of the Longford Recreation Ground Complex (Footy Club) and more recently the Longford Memorial Hall. Mr Dodd queried whether that was going to continue or is Council getting better at consulting the community.*

The vast majority of Council projects require planning approval and therefore at a minimum involve community consultation comprising:

- Being advertised in the Examiner newspaper
- Neighbouring properties being notified in writing
- Site notices displayed at the address
- Hard copies displayed at the Council Chambers
- Copies displayed on Council's website.

Representations can be made by community members within 14 days of the advertisement.

Council also undertakes community consultation as part of the development of master plans for Council facilities and sites. The extent of community consultation undertaken regarding a specific facility or site varies dependent on the complexity of the project and the number of community members/groups impacted by the project. Council generally contracts independent contractors to undertake consultation for larger, more complex projects.

Since July 2019 Council has employed a Project Manager to manage Council projects including consulting with the relevant stake holders (in particular, the Committees of Management for the facilities/sites) and the general community as required. The Project Manager's role includes:

- Ensuring that as part of the project brief, the project's architect meets at least twice with the relevant Committee (unless deemed not required by the Project Manager and the Committee)
- Meeting and liaising with the relevant Committee, face-to-face or online, regularly throughout the project
- Updating and forwarding relevant documents to the Committee President or nominated contact person, for comment, providing the Committee 7-14 days to pass comment as required
- Reviews the feedback received from the Committees and includes the feedback as part of Council's Project Working Group feedback to the architect.

With regard to the Longford Recreation ground redevelopment, Lange Design as part of the development of the Longford Recreation Ground 2030 Master Plan in 2016-2017, undertook extensive consultation with the ground user groups and the general community. The Development Application for the stadium and grandstand redevelopments was advertised and community representation required taken into account during the finalisation of the design plans. Representatives of the ground user groups were involved during the construction phase in the finetuning of the plans to ensure the end result best met their requirements – now and in forthcoming years.





Since 1994 Council has commissioned a number of studies to provide future direction for the revitalisation of Longford to enable the town to live up to its potential to provide for resident amenity, and attract new residents and tourists. One study, the 2015 Longford Visitor Appeal Study by Bill Fox and Associates articulated the potential contribution of the memorial hall. The study report, underpinned by extensive community consultation, stated:

*"In considering the future purpose of this well situated public facility, it is clear Council will not only have to take into account the needs of the community, but also the commercial potential of the asset. The building's prime location suggests many more opportunities beyond its present use."*

In 2020 Council secured \$4M through the Australian Government Community Development Grants Program for the revitalisation of the town's CBD, including the redevelopment of the memorial hall. Plans for the redevelopment were prepared by Loop Architecture and following community consultation, are currently being revised prior to the submission of a Development Application.

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

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

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

**Leaders with Impact**

**Strategic outcomes:**

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

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

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

**Strategic outcomes:**

- 2.1 Strategic, sustainable, infrastructure is progressive

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

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

**Strategic outcomes:**

- 3.1 Sympathetic design respects historical architecture
- 3.2 Developments enhance existing cultural amenity
- 3.4 Towns are enviable places to visit, live and work

### **4 POLICY IMPLICATIONS**

N/A

### **5 STATUTORY REQUIREMENTS**

N/A

### **6 FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.



**7 RISK ISSUES**

There are no risk issues associated with this report.

**8 CONSULTATION WITH STATE GOVERNMENT**

N/A

**9 COMMUNITY CONSULTATION**

N/A.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can either accept or not accept the report.

**11 OFFICER'S COMMENTS/CONCLUSION**

Council is committed to continuous improvement and uses learnings to underpin ongoing efforts to improve the efficiency and quality of Council's services, practices and processes.

**12 ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council note the report regarding the Question without Notice raised at Council's 2021 AGM with regard to Consultation on Projects.



### 9.3 AGM QUESTION WITHOUT NOTICE: LONGFORD RECREATION GROUND

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Gail Eacher, Executive Assistant

#### 1 PURPOSE OF REPORT

The purpose of the report is to provide a response to the Question without Notice at Council's 2021 AGM with regarding procurement of services of a quantity surveyor to undertake an independent assessment and report.

#### 2 INTRODUCTION/BACKGROUND

At Council's 2021 AGM Mr Neil Tubb, Longford raised the following Question without Notice:

Mr Tubb referred to the statement relating to the successful completion of the Longford Recreation Ground Complex.

Mr Tubb queried the reason why a report had not been circulated advising the reasons for the overspend on the project.

Mr Tubb referred to the proposal to procure the services of quantity surveyor to undertake an independent assessment and report to Council.

The report circulated to Council on 19<sup>th</sup> August 2019 covered most of the matters raised by Mr Tubb and is copied below for reference.

#### 1 PURPOSE OF REPORT

This report is in relation to the replacement of the Longford Recreation Ground clubrooms, home and visitors changerooms, new umpires, public disabled toilet facility, upgraded public toilet (exterior), new storage shed, upgraded infrastructure services, and formalised dual entrance/carpark.

#### 2 INTRODUCTION/BACKGROUND

With the announcement of State Government Stimulus funding in 2017 Council sort to bring forward some major building improvement works largely in accordance with adopted facility Master Plans.

A stimulus loan of \$1m was approved for improvements at the Longford Recreation Ground. Artas Architects Pty Ltd was engaged to provide an upgrade concept and design to redevelop the Longford Recreation Ground building complex to incorporate a ground facing function room and two new changerooms to meet regional country football standards.

The plans were developed with input from user groups at the ground, and Council approved the project to proceed at its meeting on 21 August 2018.

A decision was to use Council's internal building construction team to undertake the works, and the cost estimation for the project supplied by Core Construction Management was used to develop the budget detailed as follows:

Function	\$ 616,935
Changerooms	\$ 462,266
Civil Works	<u>\$ 543,244</u>
Stage 1 total	\$ 1,622,445
Stage 2 & 3	\$ 793,742

This estimation excluded design, statutory fees, contingencies, wall tiling, floor tiling, acoustic linings, infrastructure upgrades and ducted heating.



A budget for \$110,000 was allocated for preliminary design, and a further \$100,000 for final design and supervision.

In addition, Council allocated a budget of \$40,000 towards a 5 bay storage shed, and \$195,000 towards an upgraded formal carpark and a two way entrance to the ground.

An application was successful in the State Government Levelling of the Playing Field Grant Program towards the cost of the changerooms as well as an application to the Tasmanian Community Fund.

Total budget was allocated as follows:

Loan	\$	1,000,000
Interest on loan funds	\$	20,000
Grant funding	\$	233,409
Tas Community Fund	\$	80,000
Design & Supervision	\$	210,000
Carpark/Entrance	\$	195,000
Storage Shed	\$	<u>40,000</u>
	\$	1,778,409

Whilst this budget included design and supervision, it was believed at that time with Council's building construction team savings could be recognised throughout the build.

A separate issue was the maintenance required to ensure the waterproofing / integrity of the grandstand and a budget allocation was provided of \$120,000 towards this expense item, actual cost being \$168,398 or \$48,398 over budget due mainly to the relocation of the stairway to the side of the building so it did not obstruct the viewing from the function room.

Building approval was provided on the basis calculated by the Building Surveyor Greg Green that the project cost would be \$2,500,000 (Stage 2 and 3 included).

Using the Rawlinsons Construction Cost Guide rates for Hobart for this class of building construction the estimations would have been:

Shed	\$	75,600
Club rooms	\$	2,111,530
Umpires/Public Toilets	\$	164,957
2.5% CPI and out of area allowance	\$	<u>105,843</u>
TOTAL Stage 1 only no carpark	\$	2,457,930

The actual costs in comparison are expected to be:

Shed	\$	53,739
Club rooms & umpires/public toilets	\$	<u>2,248,294</u>
	\$	2,302,033
Or with design, supervision and statutory fees	\$	2,494,444

The project commenced in September 2018, and fortnightly project meetings were held throughout the project.

It became evident that the budget allocation would not be sufficient as the project progressed, however given the timeframe to have the complex ready for user groups the project was not stalled.

The expected overruns were reported to Council to allow it to make necessary adjustments to the 2019/20 Budget forecasts so that the overruns could be funded.

In hindsight it is evident that Council need to learn from this experience and in future projects of this scale ensure the following be check points:

- full independent costings / estimation be undertaken prior to approval to proceed
- industry standard unit rates per building size be applied for comparison with estimates
- building surveyor estimation be checked against estimates



- building supervisors be provided with detailed costings and project timing chart to use as a guide to construction and to seek variation approvals if necessary
- appointment of a building project manager.

### 3 STRATEGIC/OPERATIONAL PLAN

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

- Lead –
  - Money Matters
  - Core Strategies:
    - ♦ Improve community assets responsibly and sustainably
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
  - Core Strategies:
    - ♦ Attract healthy, wealth-producing business & industry
  - Economic Development – Supporting Growth & Changes
    - ♦ Support new businesses to grow capacity & service
- People –
  - Sense of Place – Sustain, Protect, Progress
  - Core Strategies:
    - ♦ Public assets meet future lifestyle challenges

### 4 POLICY IMPLICATIONS

Council is guided by its procurement and tendering policy for sourcing materials and contractors.

### 5 STATUTORY REQUIREMENTS

All building projects must meet the Building Regulations, and any new recreation ground/building regulations.

### 6 FINANCIAL IMPLICATIONS

Detailed financial summary is attached but in summary the project includes:

Original Budget	\$ 1,778,409
Approved variations	\$ 209,000
Additional Budget	<u>\$ 650,000</u>
Total Budget	\$ 2,637,409
<u>Project costs</u>	
Storage Shed 5 bays	\$ 53,739
Design & supervision	\$ 192,411
Clubrooms & umpires/public toilets	<u>\$ 2,248,294</u>
	\$ 2,494,444
Carpark & dual entrance	<u>\$ 195,000</u> (not yet complete)
	\$ 2,689,444

### 7 RISK ISSUES

There is a risk that Council estimates are not realistic causing project cost overruns. Tendering of major projects can transfer the estimate cost risk to a third party building construction contractor.

### 8 CONSULTATION WITH STATE GOVERNMENT

No consultation required.

### 9 COMMUNITY CONSULTATION

No consultation required.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council can endorse the changes to procedure for Council Building Construction team, or Tender all future major



building projects.

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

The works undertaken by the Council workforce is very good workmanship, quality finished, and provided the opportunity to make some changes to ensure long term operational savings for Council or user groups.

#### **12 ATTACHMENTS**

- 12.1 Cost breakdown for Longford Recreation Ground Complex improvements 2018-19
- 12.2 Core Construction Management estimation

#### **RECOMMENDATION**

That Council note the report and endorse procedural changes to Council's Building Construction process.

#### DECISION

Cr Goss/Cr Goninon

That the matter be discussed.

Carried unanimously

Cr Polley/Cr Goss

That Council note the report and endorse procedural changes to Council's Building Construction process.

Carried unanimously

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

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

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

**Leaders with Impact**

**Strategic outcomes:**

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

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

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

**Strategic outcomes:**

- 2.1 Strategic, sustainable, infrastructure is progressive

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

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

**Strategic outcomes:**

- 3.1 Sympathetic design respects historical architecture
- 3.2 Developments enhance existing cultural amenity
- 3.4 Towns are enviable places to visit, live and work

### **4 POLICY IMPLICATIONS**

Procurement and Tendering Policy.



**5 STATUTORY REQUIREMENTS**

Not applicable.

**6 FINANCIAL IMPLICATIONS**

To engage a further consultant for further independent assessment of cost would be in the range of \$3,000 to \$6,000.

**7 RISK ISSUES**

Recommendations of the 2019 report were implemented to ensure that Council has a robust building project assessment procedure to lower risk of under / over estimation of major projects.

**8 CONSULTATION WITH STATE GOVERNMENT**

Not applicable.

**9 COMMUNITY CONSULTATION**

The project was overseen with regular meeting by a Project Team comprising of all user groups.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can either engage or not engage a further independent quantity surveyor to undertake an assessment of the Longford Recreation Ground improvements in 2019.

**11 OFFICER'S COMMENTS/CONCLUSION**

Council has over recent years upgraded numerous recreation and sporting facilities across the municipal area and the costs associated with the Longford Recreation improvements are consistent with other construction unit rates as follows:

Campbell Town Recreation Ground redevelopment	\$3,063m <sup>2</sup>
Longford Recreation Ground	\$3,173m <sup>2</sup>
Morven Park	\$2,564m <sup>2</sup>
Cressy Recreation Ground	\$3,037m <sup>2</sup> (Including storage shed)

**12 ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council note the report regarding the Question without Notice raised at Council's 2021 AGM with regard to Longford Recreation Ground.



## 9.4 USE OF JUMPING CASTLES ON COUNCIL OWNED LAND

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Amanda Bond, Executive Officer

### 1 PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council regarding the use of “jumping castles”, “zorb balls” or “similar” activities on Council owned land.

### 2 INTRODUCTION/BACKGROUND

The entire state was shaken in December 2021 with the tragedy that occurred at Hillcrest Primary School in Devonport. Following that event the Department of Education immediately prohibited the use of “jumping castles”, “zorb balls” or “similar” on Department of Education land. On 13 January 2022 the Premier wrote to the President of the Local Government Association of Tasmania (attached) advising that effective immediately no new approvals will be issued for the use of “jumping castles”, “zorb balls” or “similar” on Crown Land. The Premier strongly recommends local governments take the same position. This minimises the likelihood of any similar incidents occurring until such time as recommendations can be considered and specific responses implemented.

### 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

### 4 POLICY IMPLICATIONS

Not applicable.

### 5 STATUTORY REQUIREMENTS

Not applicable.

### 6 FINANCIAL IMPLICATIONS

No financial implications have been identified.

### 7 RISK ISSUES

The incident at Hillcrest Primary School shows there is serious risk in the use of “jumping castles”, “zorb balls” or “similar” in outdoor settings.

Council's insurer advised to review processes around jumping castles used on Council land (in both Council and non-Council events). To assist they provided an updated guidance document (attached) to use and work into Councils existing procedures and processes.





## **8 CONSULTATION WITH STATE GOVERNMENT**

This report has been prepared as a result of a recommendation by the Premier of Tasmania.

## **9 COMMUNITY CONSULTATION**

Community consultation has not occurred.

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

To prohibit the use of “jumping castles”, “zorb balls” or “similar” on Council owned or controlled land, effective immediately, or not.

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

Nil.

## **12 ATTACHMENTS**

1. 2022-01-13 Premier's Correspondence to LGAT President Holmdahl re Hillcrest School tragedy [9.4.1 - 1 page]
2. Inflatable land-borne devices risk management circular, Dec 2021 [9.4.2 - 8 pages]

## **RECOMMENDATION**

That Council determines to prohibit the use of “jumping castles”, “zorb balls” or “similar” on Council owned or controlled land, effective immediately.



## 9.5 REVIEW OF LOCAL GOVERNMENT LEGISLATIVE FRAMEWORK

Responsible Officer: Des Jennings, General Manager  
Report prepared by: Des Jennings, General Manager

### 1 PURPOSE OF REPORT

The purpose of the report is to assess the approved reforms relating to the review of the Local Government Legislative Framework and identify the top three sector priority amendments to be progressed by the government in 2022.

### 2 INTRODUCTION/BACKGROUND

The Government has indicated that while the review of the *Local Government Act 1993* is on hold, pending the broader reforms process, it will consider priority amendments. This will include:

- a) Amendments to improve the Code of Conduct Framework; and
- b) Implementation of the changes to rating for Independent Living Units (ILU's) owned by not for profits.

LGAT is seeking feedback by the 31 January 2022. The Government have indicated it will receive informal feedback from Mayor and General Managers on this matter. This report is presented to endorse comments already submitted and provide additional comment as appropriate.

### 3 STRATEGIC PLAN 2021-2027

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

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

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty

### 4 POLICY IMPLICATIONS

Amendments to improve the Code of Conduct Framework will impact Council's Code of Conduct.

Changes to rating for independent living Units (ILU's) owned by Not for Profits will impact Council Rates and Charges Policy.

### 5 STATUTORY REQUIREMENTS

The amendments will necessitate changes to the *Local Government Act 1993*.

### 6 FINANCIAL IMPLICATIONS

Not applicable.

### 7 RISK ISSUES

Council will be impacted by the changes to be made to the Code of Conduct Framework. Councillors need to be aware of the transfer of the Code of Conduct Framework, or elements of it, to the jurisdictions of the Tasmanian Civil and Administrative Tribunal.

Council should be familiar with the recommended amendment regarding issues of legal representation, appeal rights,



and the need for further sanctions.

If Council does not respond to the opportunity to provide advice on priority amendments, Council risks an opportunity to participate in significant changes to Local Government legislation.

## **8 CONSULTATION WITH STATE GOVERNMENT**

The State Government has consulted with Local Government and the community in reaching a position on the approved reforms associated with the review of the Local Government Legislative Framework.

## **9 COMMUNITY CONSULTATION**

The State Government consulted the community prior to establishing the approved reforms.

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

Council can either agree or not agree to provide a top three priority amendments to the State Government for consideration.

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

A detailed list of the approved reforms from the review of the Local Government Legislative Framework is attached.

Suggested amendments for consideration have been provided by:

*Mayor Knowles:*

Under the proposed reforms Part B (eligibility for the General Manager's Roll), Criteria 1 – A person must be an Australian citizen to be eligible to be enrolled to vote in local government elections.

*Councillor Andrew Calvert:*

To stand for Mayor, you must have served a minimum of one term as a Councillor previously.

## **12 ATTACHMENTS**

1. Review of Local Government Legislative Framework - Approved Reforms [9.5.1 - 10 pages]

## **RECOMMENDATION**

That the listed reforms suggestions be approved by Council:

1. Under the proposed reforms Part B (eligibility for the General Manager's Roll), Criteria 1 – A person must be an Australian citizen to be eligible to be enrolled to vote in local government elections.
2. To stand for Mayor, you must have served a minimum of one term as a Councillor previously
3. \_\_\_\_\_



## 9.6 DOMESTIC AND SEXUAL VIOLENCE FRAMEWORK - MOTION TO MARCH LGAT MEETING

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

### 1 PURPOSE OF REPORT

The purpose of the report is to provide Council with the opportunity to support the development of a “Domestic and Sexual Violence Framework” (DSVF) for local Governments across Tasmania.

### 2 INTRODUCTION/BACKGROUND

In 2020, 13 Councils, including George Town Council, proposed a motion to develop a “Family and Sexual Violence Strategy”. The focus of this work aligned with the commitment by the Tasmanian Government under the “Safe Homes, Families and Communities” action plan for family and sexual violence (2019 – 2022).

A Schedule of Strategic Projects and the development of a Domestic Violence Strategy is one of the items listed for development.

To support the development of a “Domestic and Sexual Violence Framework”, does not commit Northern Midlands Council to any strategic objectives but rather, it provides the opportunity for Council to identify and develop their own objectives (with qualified guidance being provided within the framework), should it choose to do so

### 3 STRATEGIC PLAN 2021-2027

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

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

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty

**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

**People**

*Culture and society – a vibrant future that respects the past*

- *Cohesive Communities & Communities at Risk Plan*
- *Family Violence Strategy*

### 4 POLICY IMPLICATIONS

Not applicable.

### 5 STATUTORY REQUIREMENTS

There are no statutory requirements for Local Government however, terminology throughout literature and within various government plans, is often used interchangeably i.e.: “domestic” violence and “family” violence. It is therefore



important to understand the statutory definition of Family Violence in accordance with section 4AB of the *Family Law Act 1975* is:

**4AB Definition of family violence etc.**

1. For the purposes of this Act, **family violence** means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the **family member**) or causes the family member to be fearful.
2. Examples of behaviour that may constitute family violence include (but are not limited to):
  - a. an assault; or
  - b. a sexual assault or other sexually abusive behaviour; or
  - c. stalking; or
  - d. repeated derogatory taunts; or
  - e. intentionally damaging or destroying property; or
  - f. intentionally causing death or injury to an animal; or
  - g. unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or
  - h. unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
  - i. preventing the family member from making or keeping connections with his or her family, friends or culture; or
  - j. unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.

**Employment Law**

Family and Domestic Violence leave provisions are covered under the *Fair Work Act 2009* however Council recognises that within the workplace, there may be victims of Family and Domestic Violence (FDV) and has made provision for Family and Domestic Violence Leave (found at Item 29 of the Northern Midlands Council Enterprise Agreement 2019 – 2022).

Employees are granted an additional 5 days of unpaid FDV leave each year (which do not accumulate and do not break an employee's continuous service) to deal with matters such as:

- making arrangements for their safety, or safety of a close relative (including relocation)
- attending court hearings, or
- accessing police services.

Employees also need to tell their employer how long they expect the leave to last. An employer can ask for evidence, which can include:

- documents issued by the police
- documents issued by a court
- family violence support service documents, or
- a statutory declaration.

Family and Domestic Violence is about the repeated coercion and control of victims and the extent of the issue is demonstrated below.

**6 FINANCIAL IMPLICATIONS**

Supporting the LGAT Motion does not commit council to any financial implications in addition to the subscriptions already budgeted.

Additional financial implications will only apply if, or when, Council develops its own "Family Violence Strategy" in



accordance with the Strategic Plan 2021-2027.

## **7 RISK ISSUES**

Local Governments play a vital role bringing together different organisations with regards to the health and wellbeing of their communities. The greatest risk to Council in regard to making a decision to support this motion, is reputational risk. The risk needs to be considered in context with this and any future decisions which council reaches, and the extent of involvement Council wishes to have:

- a) Council could be proactive in committing to develop its own strategy;
- b) Council may assist other organisations in accordance with the provisions of the Framework once developed.

To do nothing, creates the greatest risk to reputation.

## **8 CONSULTATION WITH STATE GOVERNMENT**

The Australian Government developed the National Plan to Reduce Violence Against Women and their Children which is a long term (12 year) plan (2010 – 2022). The Tasmanian Department of Premier and Cabinet, Community Development Division developed a complementary strategy, “Safe Homes, Families, Communities: Tasmania’s action plan for family and sexual violence 2019-2022”. Both strategies have now reached the end of their timeframe and are due to be reviewed and updated with the Draft National Plan to End Violence Against Women and Children 2022 – 2032, being released for comment on 14 January 2022.

Council has an ideal opportunity, through LGAT and the development of a Local Government Framework, to bring fresh perspective at a local level.

## **9 COMMUNITY CONSULTATION**

Community consultation has not occurred at this time and is not required to support the LGAT motion however, in accordance with the priorities outlined within the Strategic Plan 2021–2027, community consultation will need to occur if Council chooses to develop its own framework and goals, to establish a baseline from which to work and develop priorities. Community consultation should be undertaken to establish

- a) Community interest or apathy
- b) Community understanding
- c) Community expectations and direction

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

Council can do nothing. This option sends a message to the broader community that Council is disinterested in the subject or does not fully understand the prevalence and effects of domestic and family violence.

Council can participate proactively. Primary prevention encompasses a diverse range of work at all levels of society, including with individuals, organisations, and institutions. Violence against women is an area of work that focuses on stopping violence before it starts by addressing the drivers that promote gender inequality enabling coercion and control to flourish.

Preventative actions are often undertaken in isolation and there are differences in priorities and progress across jurisdictions. Council would need to determine its own direction and priorities in accordance with informed (evidence based) guidance and community needs.

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

*Given the statutory definition of Family Violence, section 4AB of the Family Law Act 1975, the author has chosen to use*



*the word “domestic” to acknowledge that violence and sexual assault occurs within all forms of intimate relationships which may not otherwise be acknowledged.*

Statistically speaking, women are overwhelmingly the victims of FDV however, it is acknowledged that several men are also victims of domestic violence in Australia each year.

In 2020, there were 3,414 victims of assault recorded in Tasmania (631 victims per 100,000) persons. Most assaults:

- occurred at a residential location (57% or 1,946 victims)

Most assault victims:

- knew the offender (73% or 2,496 victims)
- were female (53% or 1,819 victims)

Around half of all assaults were Family and Domestic Violence (FDV) related. That’s 47% or, 1,600 victims of FDV.

There were 267 victims of sexual assault recorded in Tasmania in 2020, an increase of 27% (56 victims per 100,000) from the previous year (49 victims per 100,000 persons).

In 2020, most sexual assaults occurred at a residential location (71% or 190 victims). Most victims of sexual assault:

- knew the offender (86% or 229 victims)
- were female (83% or 221 victims)

Around two in five victims of sexual assault were FDV-related (41% or 110 victims).

Domestic and family violence refers to a wide range of behaviours designed to create dependency, isolate, and control, or monitor another person’s activities. Control and power can be enacted through words as well as actions, and it is important to recognise that these behaviours, while not physically violent, are still serious types of domestic abuse. These actions occur when a person tries to deny another person their freedom of action, as well as trying to frighten, humiliate, or degrade them.

Appreciably, the experience of domestic violence doesn’t affect all women equally. Women with disabilities, young women, pregnant women, Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women (CALD), and women experiencing financial hardship, are most at risk of experiencing domestic violence. Further, the impact it has on the lives of our families, friends, and the wider community include long term social, health, psychological, financial, and economic damage.

Every year, millions of Australians from all socio-economic backgrounds, religions, education level, age, gender, or sexual orientation, experience Family and/or Domestic Violence, and while men are also victims, it is women who are the overwhelming victims, describing living with violence as, *“like being on a roller-coaster, never knowing what will happen next”* and *“living in constant fear”*.

People who are experiencing domestic and family violence can often feel incredibly scared and unsure of themselves. This kind of abuse is often intergenerational with victims often becoming exposed to violence as a child. Combined with social and financial pressures, drug and alcohol misuse and mental illness, the risk of an individual’s perpetrating family violence or becoming a victim, is high when appropriate support structures are not in place.

## 12 ATTACHMENTS

Nil



## **RECOMMENDATION**

That Council presents the following motions to the LGAT meeting:

1. That LGAT Members support the development of a domestic and sexual violence prevention framework for local government across the state.
2. That LGAT lobby the State Government to initiate and fund the development and implementation of a family and sexual violence prevention framework for local government across the state.





## 9.7 MOBILE BLACKSPOT PROJECT - FUNDING REQUEST

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

### 1 PURPOSE OF REPORT

The purpose of the report is to consider a request from Northern Midlands Business Association (NMBA) to provide funding of up to ten percent of a total project of \$4.035m, to improve mobile telecommunications to a number of areas throughout the municipality.

### 2 INTRODUCTION/BACKGROUND

Due to increasing feedback from member businesses of the NMBA, on the impacts of mobile, voice, and data blackspots across the Northern Midlands Regions. NMBA conducted a consultation project to identify gaps and black spots where mobile phone and data coverage in the Northern Midlands is unacceptable.

The consultation included:

- More than 60% local businesses
- Emergency services organisations
- Community members

NMBA mapped these areas and crosschecked them against the greatest negative impact on economic development, implementation to business, and safety.

NMBA, in consultation with stakeholders prepared a plan which includes:

- Defining the priority areas for black-spot projects.
- Full costed solution for each priority area.
- Planning within Telstra's works schedule for most projects to be undertaken in the 2022 financial year.
- Preparation of submission in anticipation of the next round of the Australian Governments "Regional Connectivity Program".

### 3 STRATEGIC PLAN 2021-2027

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

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

**Leaders with Impact**

**Strategic outcomes:**

1.1 Council is connected to the community

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

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

**Strategic outcomes:**

- 2.1 Strategic, sustainable, infrastructure is progressive
- 2.2 Proactive engagement drives new enterprise
- 2.3 Collaborative partnerships attract key industries
- 2.4 Support and attract wealth-producing business and industry

**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

**4 POLICY IMPLICATIONS**

Not applicable.

**5 STATUTORY REQUIREMENTS**

Not applicable.

**6 FINANCIAL IMPLICATIONS**

The four NMBA priority projects are:

**1) Deddington - \$1.65m**

**Key economic Priority.** Major agricultural and forestry plantation activity. Lack of mobile coverage is a serious impediment to current and planned projects and innovations such as farm automation, remote operation of pumps and valves via the Northern Midlands irrigation scheme, micro-weather climate reporting, livestock movements and online sale, and field condition reporting systems.

**2) Royal George - \$1.4m**

**Safety and Agriculture Priority.** Although not to the extent of Deddington, there are large numbers of smaller, diverse farms across this extended area and major native and lesser plantation forestry industry activity that is, and is increasingly, dependent on communications to remain competitive and continually boost production. As there is no NBN, farmers and the general community will need to fall back on mobile phone data for the foreseeable future, which is currently intermittent and unreliable.

**3) Delmont Exchange - \$720k**

**High Impact cost v's benefit on business and community.** The relatively low-cost upgrade to the Delmont exchange will dramatically improve the farming, community and business coverage for a wide area and diverse communities. It includes both the new plus two additional existing irrigation schemes that are dependent on mobile data for control systems.

**4) Lake Leake community - \$265k**

**Community and Safety Priority.** Extended farming and residential community with virtually no current mobile phone or data access. Impacts safety, working from home, education from home, and access to remote services. High profile media and other lobbying by this community has highlighted their issue.

**7 RISK ISSUES**

The risk issues include, but not limited to:

- Accuracy of the costed projects.
- The success of the funding application and the preparedness of the State Government and Northern Midlands Council to make a sizeable financial contribution.
- If Northern Midlands Council does not contribute financially, the mobile phone and data coverage in the Northern Midlands will continue to have gaps and black spots.

**8 CONSULTATION WITH STATE GOVERNMENT**

NMBA consulted widely with Australian Government, Tasmanian Government, Northern Midlands Council, Telstra Management, and local businesses.



## **9 COMMUNITY CONSULTATION**

As described above, NMBA consulted widely over several months including more than 600 local business owners, as well as emergency services, organisations, and community members.

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

Council can either approve or not approve a financial contribution toward the NMBA Mobile Black Spot Project.

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

Attached is a copy of the NMBA, Tasmanian Government Briefing Paper, "Mobile Blackspot Project".

The brief document is self-explanatory, well researched, and supported by a high level of consultation along with numerous supporting letters.

The funding request is significant, and the identified outcomes are also significant including increased economic development and removal of impediments to business and safety.

Council would need to fund any contribution from its operating budget as there would be no asset created in Council's control.

A letter of support was prepared and forwarded to the NMBA prior to Council consideration at its meeting on 31 January 2022.

## **12 ATTACHMENTS**

1. NMBA Mobile Black Spot Funding Briefing Paper updated 21 December 2021 [9.7.1 - 6 pages]
2. Crisp and Pentland NMBA letter [9.7.2 - 2 pages]
3. Crisp Family Trust NMBA letter [9.7.3 - 1 page]
4. Northern Midlands Council NMBA Letter [9.7.4 - 1 page]
5. Macquarie Settlement Pipeline Partnership NMBA letter [9.7.5 - 2 pages]
6. Damian Gee NMBA letter [9.7.6 - 1 page]
7. Ormley Trust NMBA letter [9.7.7 - 1 page]
8. Private Forests Tasmania NMBA letter [9.7.8 - 1 page]
9. Tanya Rattray MLC NMBA letter [9.7.9 - 1 page]
10. Tas Famers & Graziers Assoc NMBA letter [9.7.10 - 1 page]
11. NMBA - NMC letter of Support [9.7.11 - 1 page]
12. Cressy District High School NMBA letter [9.7.12 - 1 page]
13. Richard Duncan Support Letter ( Black Spots) TFGA [9.7.13 - 1 page]
14. Resident Concerns - Reception in the Kalangadoo, Lake Leake Area [9.7.14 - 2 pages]
15. Resident Concerns - Mobile Phone Coverage at Lake Leake [9.7.15 - 1 page]
16. Hotspot Mobile Reception at Deddington [9.7.16 - 1 page]
17. Rod Davey - No Mobile Phone Coverage [9.7.17 - 1 page]

## **RECOMMENDATION**

That Council agree to fund the Northern Midlands Business Association (NMBA) Mobile Black Spot Project to an amount no greater than \$\_\_\_\_\_



## 9.8 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) - 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT: CALL FOR MOTIONS AND CONFERENCE ATTENDANCE

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

### 1 PURPOSE OF REPORT

The purpose of this report is to determine:

- a) any notices of motion to be submitted for consideration; and
- b) seek expressions of interest from Councillors who may wish to register to attend the 2022 National General Assembly of Local Government Conference to be held at the National Convention Centre in Canberra from 19 to 22 June 2022.

### 2 INTRODUCTION/BACKGROUND

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, the event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and our communities.

The theme for the 2022 Annual event is *Partners in Progress*, focusing on how partnerships, particularly between the Australian Government and local governments, can tackle the immediate challenges facing communities and help us confidently prepare for the future.

Each year, the Australian Local Government Association (ALGA) writes to Councils inviting them to participate in that year's National General Assembly (NGA) by submitting a notice of motion.

#### a) Submission of Motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

- be relevant to the work of local government nationally;
- be consistent with the themes of the NGA;
- complement or build on the policy objectives of your state and territory local government association;
- be submitted by a council which is a financial member of their state or territory local government association;
- propose a clear action and outcome, i.e. call on the Australian Government to do something; and
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs.

All motions should have a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council.

Motions are to be submitted before Friday 25 March 2022.

The attached discussion paper provides guidance to councils developing Motions for Debate at the National General Assembly.

#### b) The Conference



This year, the National General Assembly of Local Government is to be held in Canberra from 19 to 22 June, as the expressions of interest are sought from Councillors who wish to attend either in person or as a virtual delegate.

**c) Federal Election Priorities**

In correspondence received from ALGA's president, Cr Linda Scott, reference is made to ALGA's 2022 Federal Election Priorities, as follows:

*I've also attached a copy of ALGA's 2022 Federal Election Priorities.*

*The 17 national priorities outlined in this document have been informed by motions passed at last year's NGA, and unanimously endorsed by ALGA's Board in conjunction with our member state and territory local government associations.*

*They cover our key priority portfolios of economic recovery, transport, and community infrastructure, building resilience, circular economy and intergovernmental relations, and outline what local government could achieve, if formally recognised and adequately funded.*

*They have been assessed by independent economists, and if implemented by the next Federal Government they would create at least 42,975 new jobs and add \$6.39 billion per annum to Australia's GDP.*

*In the lead up to next year's election, ALGA and your state and territory local government associations will be calling on all parties and candidates to support these national priorities, empowering local government to play a meaningful role in Australia's recovery.*

*Your council can support this national campaign by endorsing ALGA's priority asks, identifying local projects and programs that could be delivered with better funding partnerships, writing to local members and candidates, and highlighting the value strong funding partnerships can deliver for your local community.*

*Will you join ALGA at the 2022 National General Assembly in Canberra from 19-22 June, and will you work with us to advocate for these key national priorities and help ensure no community is left behind in Australia's COVID-19 recovery?*

**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:**

1.2 Councillors serve with integrity and honesty

1.3 Management is efficient, proactive and responsible

**4 POLICY IMPLICATIONS**

Attendance at the conference is in accordance with Council's *Councillors Allowances, Travelling & Other Expenses Policy*, as follows:

**6. CONFERENCES & SEMINARS**

*The budget will be allocated to the following conferences*

*LGAT & LGMA conference to be attended by up to 6 councillors*

*ALGA conference attended by Mayor & Deputy Mayor*

*Australian Roads conference attended by 1 councillor*

*'Other' conferences and seminar sessions as approved.*

*Attendance to all conferences, seminars and training sessions with a cost in excess of \$150 are to be in compliance with a resolution of the Council, except on emergency situations, where approval must be given by a unanimous*



*approval from Council Executive.*

*Following attendance of a conference by any councillor, a report must be submitted to Council setting out the relevance to local government, and the benefits that can be further investigated by Council. Where two or more councillors attend a conference, a joint report may be submitted.*

## **5 STATUTORY REQUIREMENTS**

N/a.

## **6 FINANCIAL IMPLICATIONS**

There is no fee to submit a motion.

Council each year allocates a budget for elected members to attend conferences and professional development, the 2021/2022 budget allocation is \$19,370. An amount of \$5,631 has been expended to end December 2021, with \$13,396 still available of the allocation.

Registration costs are as follows:

- Registration per attendee Early Bird \$989 before 6 May 2022;
- Registration per attendee for Virtual Delegates \$689;
- Registration for the Regional forum is \$425
- Accommodation prices at approximately \$345 to \$390 per night.
- Return flights to Canberra are approximately \$500 to \$1,200;

Historically, Council has sent two elected members and the General Manager to the NGA Conference.

## **7 RISK ISSUES**

There is no risk in submitting a motion to the NGA.

There are risks associated with the physical attendance of delegates at the conference:

- Council's delegates may not be able to physically attend due to Government restrictions relating to the ongoing COVID-19 pandemic;
- Delegates who physically attend the conference may be required to quarantine in Canberra on arrival;
- Delegates may be required to quarantine/self-isolate on returning to Tasmania;
- Council delegate/s may be exposed to the COVID-19 virus.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/a.

## **9 COMMUNITY CONSULTATION**

N/a.

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

Council is to consider

- whether or not to submit a motion or motions to the 2022 National General Assembly of Local Government conference; and
- the attendance of Councillors at the conference.



## 11 OFFICER'S COMMENTS/CONCLUSION

The report provides the necessary background to the conference.

Advice on Council's nominated representatives (**or expressions of interest from Councillors**) is sought along with notice of motions.

It should be noted the ALGA Program has not yet been made available and will be circulated on receipt thereof, and registration is online.

## 12 ATTACHMENTS

1. 2021-12-17 ALGA Correspondence [**9.8.1** - 2 pages]
2. ALGA Federal Election Priorities document [**9.8.2** - 16 pages]
3. Cal for Motions Discussion Paper [**9.8.3** - 16 pages]

## RECOMMENDATION

That Council

- i) note the report;
- ii) authorise
  - a) the physical attendance of :
    - ...
    - ...
  - b) the virtual attendance of:
    - ...
    - ...at the 2022 National General Assembly of Local Government to be held in Canberra from 19 to 22 June 2022.
- iii) **support or not support** the campaign by endorsing ALGA's priority asks which identifies local projects and programs that could be delivered with better funding partnerships by writing to local members and candidates, and highlighting the value strong funding partnerships can deliver for local communities;
- iv) submit the following motions for consideration at the ALGA conference:
  - ...



## 10 COMMUNITY & DEVELOPMENT REPORTS

### 10.1 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

#### 1 PURPOSE OF REPORT

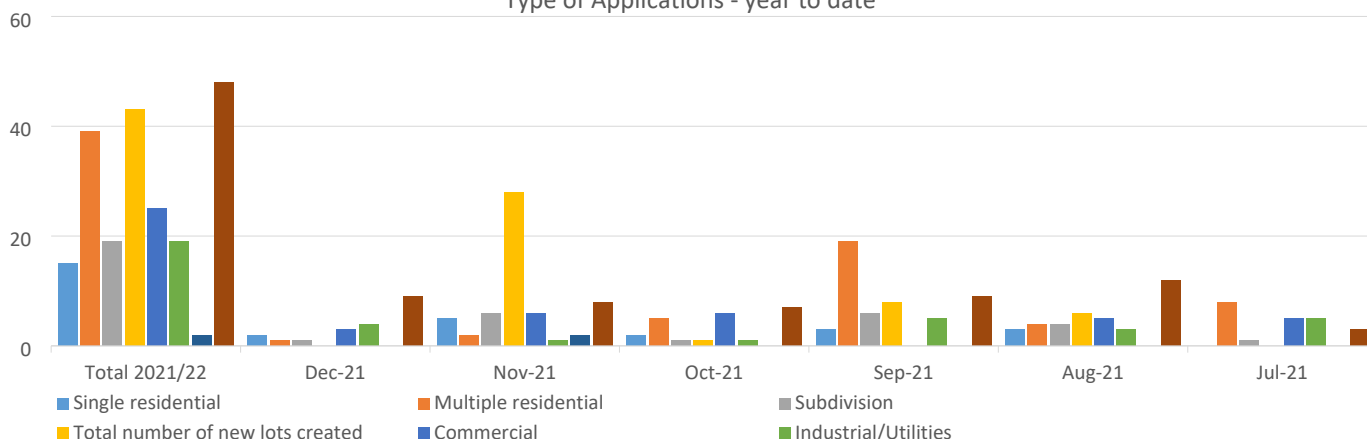
The purpose of this report is to present the Development Services activities as at the month end.

#### 2 DEVELOPMENT SERVICES REPORTING

##### 2.1 Planning Decisions

	Total YTD	July	Aug1	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Number of valid applications	161	14	34	35	21	37	20						
Applications on STOP for further information							50						
Single residential	15	0	3	3	2	5	2						
Multiple residential	39	8	4	19	5	2	1						
Subdivision	19	1	4	6	1	6	1						
Total number of new lots created	43	0	6	8	1	28	0						
Commercial	25	5	5	0	6	6	3						
Industrial/Utilities	19	5	3	5	1	1	4						
Visitor Accommodation	2	0	0	0	0	2	0						
Total permitted	0	0	0	0	0	0	0						
Total discretionary	2	0	0	0	0	2	0						
Other (includes all residential development on existing dwellings [alterations/additions, sheds, solar, fences, pools etc])	48	3	12	9	7	8	9						
Total No. Applications Approved:	143	16	30	29	17	29	22						
Total Permitted:	21	4	3	4	3	4	3						
Average Days for Permitted	16.67	23	14	18	13	16	16						
Days allowed for approval by LUPAA	28	28	28	28	28	28	28						
Total Exempt under IPS:	50	8	9	5	4	14	10						
Total Refused:	10	3	2	2	1	0	2						
Total Discretionary:	124	12	27	27	14	25	19						
Average Days for Discretionary:	36.83	42	35	36	37	38	33						
Days allowed for approval under LUPAA:	42	42	42	42	42	42	42						
Total Withdrawn:	14	0	2	2	1	2	7						
Council Decisions	24	3	4	5	3	4	5						
Appeals lodged by the Applicant	7	1	1	3	0	0	2						
Appeals lodged by third party	1	1	0	0	0	0	0						

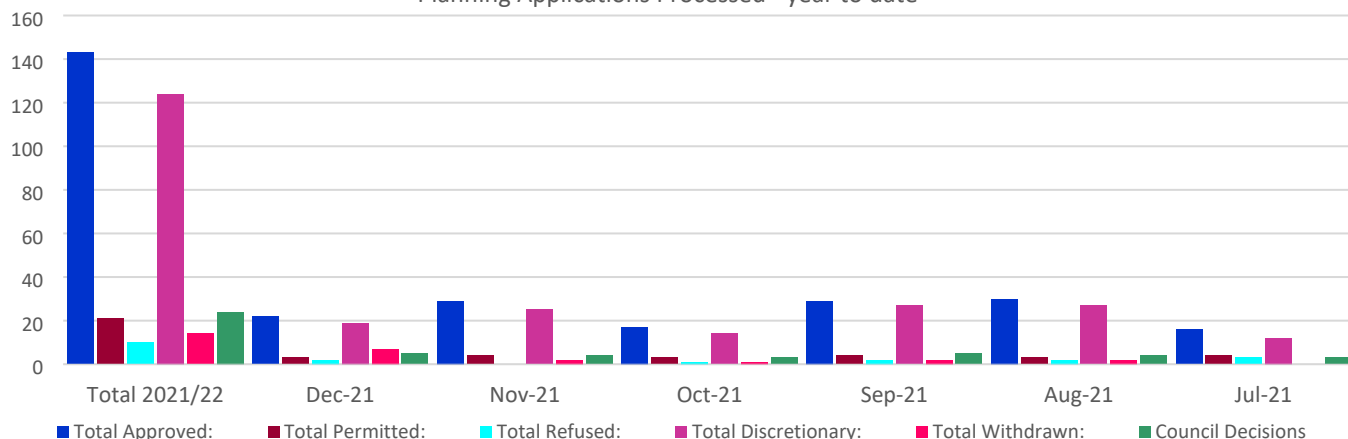
Type of Applications - year to date



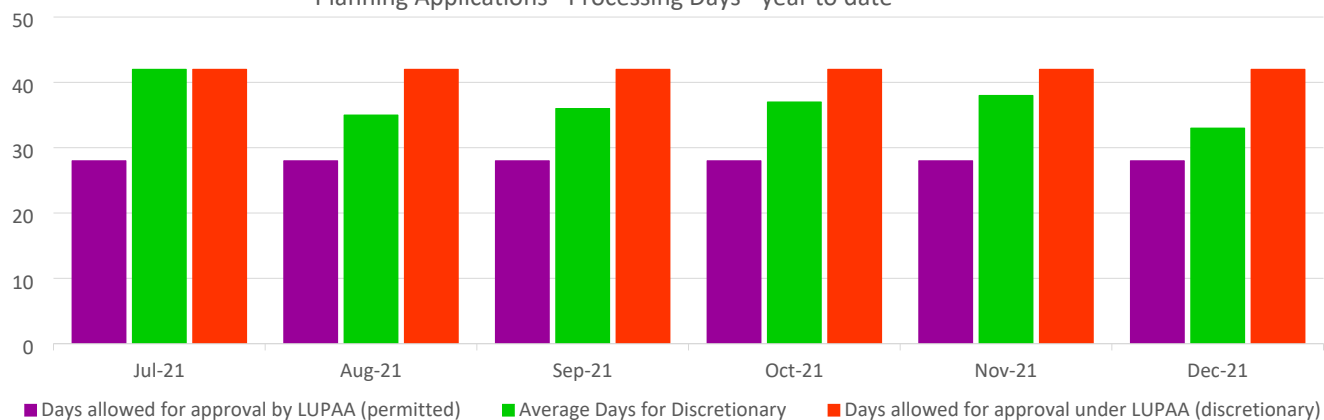




Planning Applications Processed - year to date



Planning Applications - Processing Days - year to date



Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-21-0314	Demolition of two sheds.	Perth Cricket Ground, PERTH TAS 7300	Northern Midlands Council	21	P
PLN-21-0319	Shed (9m x 6m x 3m)	2 Torlesse Street, Campbell Town TAS 7210	Flood Rural	19	P
PLN-21-0343	Shed (21m x 45m x 8.25m)	216 Woodburn Lane, Cressy TAS 7302	Lauchlan & Sara Cole t/as Elansco Pty Ltd	7	P
PLN-21-0273	Multiple Dwellings & Shed (1 Existing, 1 New) (Heritage Listed, Heritage Precinct)	18 Russell Street, Evandale TAS 7212	Robert & Miranda Gracie	42	D
PLN-21-0279	Alterations & Additions to Existing Building (Heritage Listed, Heritage Precinct, Road & Railways Assets Code)	27 High Street, Evandale TAS 7212	Tony Powell	41	D
PLN-21-0282	Upgrade existing telecommunications infrastructure (vary height, vary northern setback)	Truelands Road, access over 133300/3, 133300/4, 209856/1, 107335/1, 212393/1, 177949/2, Campbell Town TAS 7210	Telstra Corporation Ltd	34	D
PLN-21-0285	Alterations & Additions to Existing Dwelling, Demolition of Existing Shed, New Shed (vary side building envelope, attenuation)	7 Lyttleton Street, Longford TAS 7301	Jeff Carins	34	D
PLN-21-0287	Shed & Slab (13.5m x 7m x 3.4m) (vary rear setback)	80 Marlborough Street, Longford TAS 7301	The Shed Company	30	D
PLN-21-0289	Dwelling (Attenuation, Site Coverage, Side Setbacks, Design and Layout of Car Parking)	301 Cressy Road, Longford TAS 7301	Wilson Homes	40	D
PLN-21-0293	Outbuilding (Combined gross floor area of outbuildings greater than 80m2, vary side [NE])	95 Devon Hills Road, Devon Hills TAS 7300	Wilkin Design	28	D



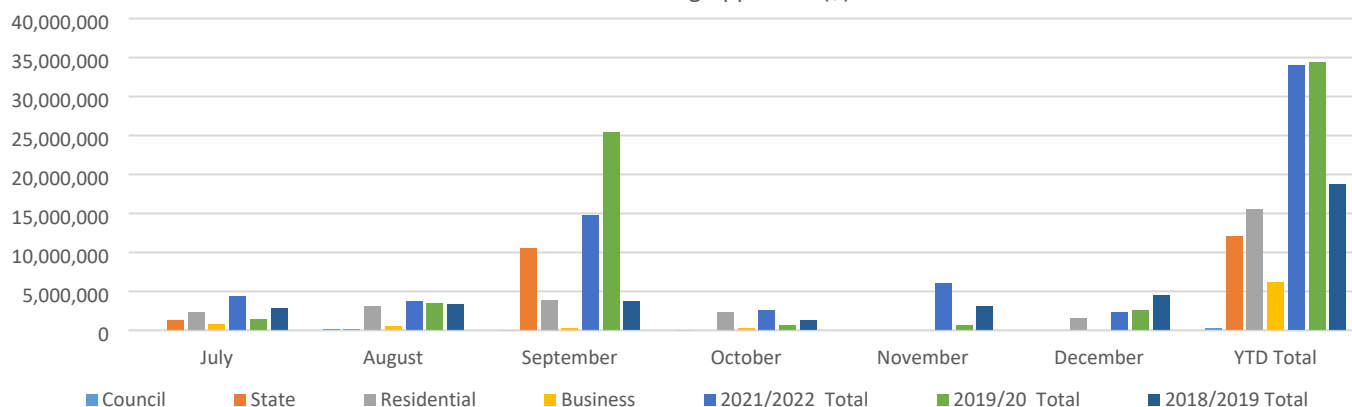
Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
	setback)				
PLN-21-0294	Ramp for Wheelchair Access	18 Drummond Street, Perth TAS 7300	Mr Brian & Margaret Morey	35	D
PLN-21-0295	Shed (6m x 6m) (Vary Secondary Frontage)	66 Pakenham Street, Longford TAS 7301	Theresa Hatton Building Design	36	D
PLN-21-0299	Carport (Vary stormwater management)	3 Gatty Street, Western Junction TAS 7212	Design to Live	43	D
PLN-21-0310	Graded Entry Porch, Pathway & Accessible Toilet Block (Heritage Listed Place, Heritage Precinct)	St Andrews Uniting Church, 9 High Street, Evandale TAS 7212	Evandale Uniting Church	32	D
PLN-21-0311	Carport (Vary Front Setback, Heritage Precinct)	14 Macquarie Street, Evandale TAS 7212	Nicolas Evans	36	D
PLN-21-0318	Ancillary Dwelling (vary side & rear setbacks, scenic management area)	10 Franklin Avenue, Poatina TAS 7302	Homes4You	23	D
PLN-21-0329	Access Ramp (vary side setback)	Longford Sports Centre, Smith Street (Access Via Burghley St), Longford TAS 7301	Northern Midlands Council	23	D
<b>COUNCIL DECISIONS</b>					
PLN-21-0147	Change of Use to Service Industry (mechanical repairs)	861 Hobart Road, Breadalbane TAS 7258	G Mech Tas Pty Ltd	42	C
PLN-21-0153	Re-subdivision of 2 lots, change of use of ancillary dwelling to single dwelling (residential and rural resource zones, flood prone area)	20 Longford Close and 123A Wellington Street, Longford TAS 7301	Commercial Project Delivery	42	C
PLN-21-0254	Shed (15m x 20m x 5.74m high) (outbuildings with a combined floor area of more than 80m2 on the lot, vary side setback)	18 Range Road, Western Junction TAS 7212	The Shed Company	42	C
<b>COUNCIL DECISIONS - REFUSAL</b>					
PLN-21-0223	Multiple Dwellings (7), filling of land, retaining wall on boundaries (Road and Railway Assets Code)	102 and 104 Marlborough Street, Longford TAS 7301	Wilson Homes	42	CR
PLN-21-0271	3 Lot Subdivision (Vary Lot Sizes, Vary Side [E] Setback (Lot 2), Vary Frontage [N] Setback (Lot 2), Vary Water Supply, Vary Sewerage System, Vary Stormwater System, Bushfire-Prone Areas Code, Scenic Management Code)	42-48 Fairtlough Street, Perth TAS 7300	Mr Carlton Dixon	42	CR
<b>DELEGATED DECISIONS - REFUSAL</b>					

## 2.2 Value of Planning Approvals

	2021/2022					2020/21	2019/20	2018/2019
	Council	State	Residential	Business	Total	Total	Total	Total
July	0	1,327,500	2,310,000	743,247	4,380,747	3,377,500	1,429,000	2,863,500
August	106,000	120,000	3,070,274	485,000	3,781,274	3,709,500	3,503,000	3,369,300
September	27,000	10,605,000	3,910,000	275,000	14,817,000	6,189,000	25,457,550	3,704,400
October	86,000	0	2,322,500	230,295	2,638,795	9,987,000	717,900	1,282,500
November	1,800	0	2,365,619	3,684,800	6,052,219	3,281,226	648,500	3,079,000
December	30,000	0	1,534,458	755,000	2,319,458	2,617,240	2,636,000	4,499,500
<b>YTD Total</b>	<b>250,800</b>	<b>12,052,500</b>	<b>15,512,851</b>	<b>6,173,342</b>	<b>33,989,493</b>	<b>29,161,466</b>	<b>34,391,950</b>	<b>18,798,200</b>
<b>Annual Total</b>						<b>59,101,247</b>	<b>55,891,900</b>	<b>36,482,950</b>



Value of Planning Approvals (\$)



### 2.3 Matters Awaiting Decision by TASCAT & TPC

TASCAT	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLN21-0183	Appeal 118/21P. Illawarra Road upgrades. Appeal against conditions of the permit approved by Council. Preliminary conference held 08/10/2021. Mediation undertaken. Hearing held 2 December 2021. Awaiting decision.
PLN21-0199	Appeal 126/21P. 7 Bedford Street, Campbell Town. Appeal against conditions of the permit approved by Council. Preliminary conference held 13/10/2021. Mediation undertaken. Hearing held 13 December 2021. Awaiting decision.
PLN21-0194	Appeal 128/21S. 2A Elizabeth Street, Perth. Consent agreement sent to TASCAT. Awaiting decision.
PLN21-0062	Appeal 150/21P. Marlborough Street 44 lot subdivision. Preliminary conference held 14 January 2022. Hearing set for 2 March 2022.
PLN-21-0260	Appeal 151/21S. 7 Laycock Street, Longford. Preliminary conference held 20 December 2021. Mediation being undertaken. Hearing set for 16 February 2022.
PLN-21-0223	Appeal 152/21S. 102 & 104 Marlborough Street, Longford. Preliminary conference held 17 January 2022. Mediation being undertaken. Hearing set for 17 March 2022.
PLN21-0271	Appeal 156/21P. 42-48 Fairtlough Street, Perth. Preliminary conference held 17 January 2022. Mediation being undertake. Hearing set for 23 March 2022.
<b>Decisions received</b>	
PLN21-0125	Appeal 119/21S. 2 Sinclair Street, Perth. Appeal against Council's refusal of permit for 3 lot subdivision. Preliminary conference held 12/10/2021. Mediaton undertaken. Decision received 17 December 2021 replacing refusal with a permit in accordance with consent agreement. Permit issued.

TPC	TASMANIAN PLANNING COMMISSION
LPS-NOR-TPS	Tasmanian Planning Scheme. The State Planning Provisions (SPPs) came into effect on 2/3/2017. They will have no practical effect until the Local Provisions Schedule (LPS) is in effect in a municipal area. Northern Midlands Council's Draft Local Provisions Schedule submitted to the Commission 19/12/2019. Post lodgement meeting held 5/5/2020. Matters raised by the Commission and recommended response tabled at the 29/6/2020 Council meeting. Remaining responses to post lodgement enquiries provided 28/08/2020. Submission of response to post lodgement enquiries made by TPC due 5/2/2021. Meeting held between Council and Commission staff to discuss these matters held 20/1/2021. Response provided to TPC 12/2/2021. TPC requested further clarifications 16/3/2021. Response provided 8/4/2021. Section 32(4) responses to final TPC queries provided 6/5/2021. Minister's declarations issued 31 May 2021 – included in 28 June Council agenda. GIS consultant made map changes required by the Minister. Provided to TPC 19/7/2021. TPC advised 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 January 2022 Council meeting.
PLN21-0301	Draft Amendment 04-2021 for new collocated Emergency Services Facility for the Tasmania Fire Service and State Emergency Service at 17 Church Street, Campbell Town. Report to initiate the draft amendment to be presented to January 2022 meeting.
<b>Decisions received</b>	
PLN21-0189	Draft Amendment 02-2021 to insert: In Clause F1.3.6 the 'storage' use class with the qualification 'If not a liquid fuel depot or solid fuel depot, and, If only on Certificate of Title Volume 150770 Folio 1, Volume 150770 Folio 2, and Volume 150770 Folio 3'. A new clause F1.4.3 A6 & P6; and A new clause F1.4.7 A9 & P9.



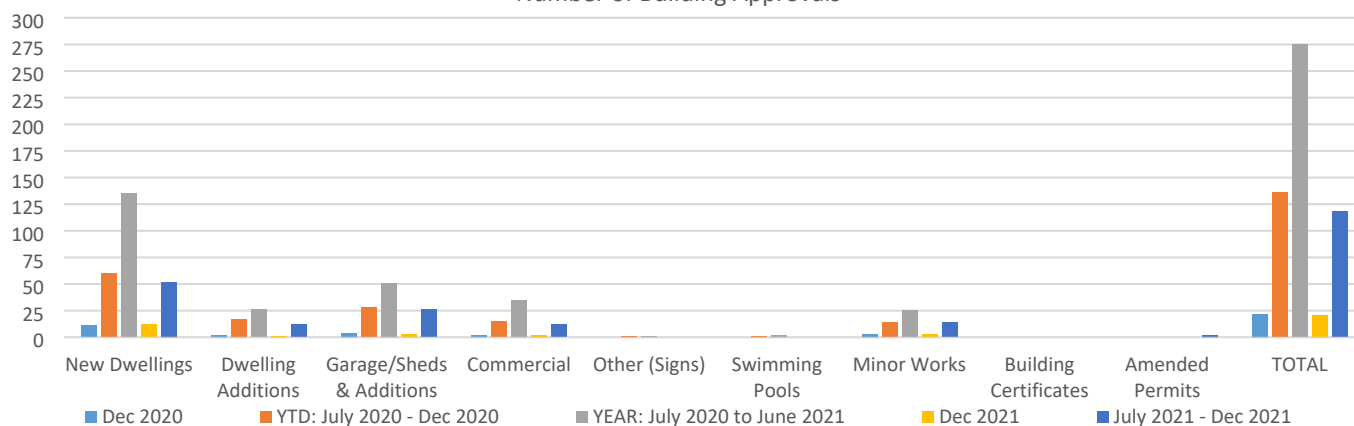
TPC	TASMANIAN PLANNING COMMISSION
	Report on representations considered at October 2021 Council meeting and sent to TPC. TPC dispensed with a hearing as only representation was from the applicant. Decision received. Amendment effective 5 January 2022.

## 2.4 Building Approvals

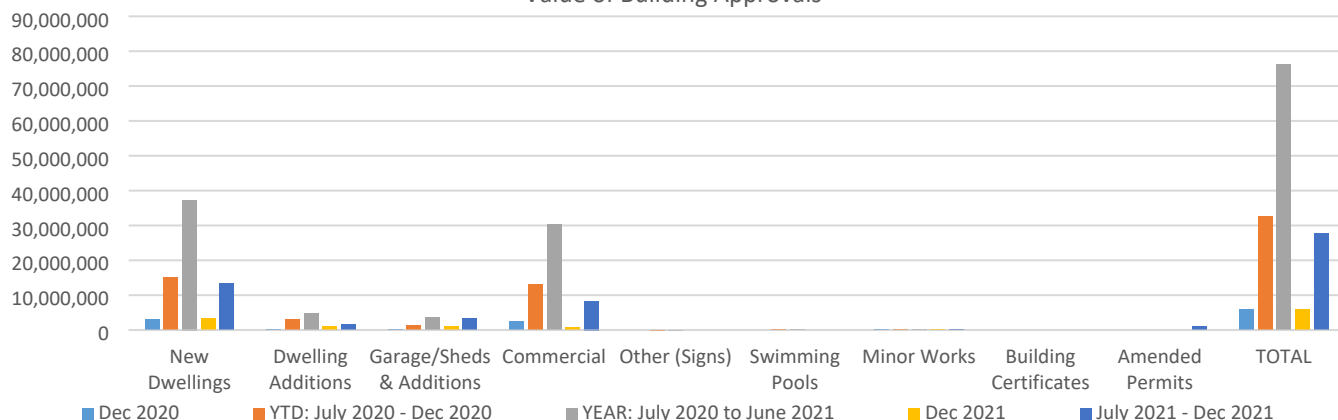
The following table provides a comparison of the number and total value of building works for 2020/2021 – 2021/2022 (figures do not include Building Approvals processed under Resource Sharing Agreements).

	YEAR: 2020-2021				YEAR: 2021-2022					
	Dec 2020		YTD 2020-2021		July 2020 - June 2021		Dec-2021		YTD 2021-2022	
	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value
		\$		\$		\$		\$		\$
New Dwellings	11	3,046,735	60	15,003,168	135	37,308,797	12	3,279,683	52	13,349,913
Dwelling Additions	2	185,000	17	2,928,970	26	4,678,970	1	900,000	12	1,615,000
Garage/Sheds & Additions	4	81,000	28	1,331,700	51	3,494,830	3	1,026,000	26	3,294,150
Commercial	2	2,490,000	15	13,165,650	35	30,391,057	2	647,000	12	8,335,930
Other (Signs)	0	0	1	12,000	1	12,000	0	0	0	0
Swimming Pools	0	0	1	49,000	2	104,000	0	0	0	0
Minor Works	3	40,970	14	156,058	25	266,844	3	39,070	14	191,896
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	0	0	0	0	0	0	2	1,035,000
<b>TOTAL</b>	<b>22</b>	<b>5,843,705</b>	<b>136</b>	<b>32,646,546</b>	<b>275</b>	<b>76,256,498</b>	<b>21</b>	<b>5,891,753</b>	<b>118</b>	<b>27,821,889</b>
<b>Inspections</b>										
Building	12		27		30		12		27	
Plumbing	14		161		299		14		161	

Number of Building Approvals



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

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

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

	This Month	2021/2022	Total 2020/2021
Number of Inspections	1	29	81
Commitment provided to submit required documentation		3	9
Re-inspection required	1	21	48
Enforcement Notices issued			1
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			6
No Further Action Required		5	24

### 3 STRATEGIC PLAN 2021-2027

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

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

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

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

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

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

**Strategic outcomes:**

3.1 Sympathetic design respects historical architecture

3.2 Developments enhance existing cultural amenity

3.4 Towns are enviable places to visit, live and work

**Place: Nurture our heritage environment**

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

**Strategic outcomes:**

4.1 Cherish and sustain our landscape



4.2 Meet environmental challenges

4.4 Our heritage villages and towns are high value assets

#### **4 STATUTORY REQUIREMENTS**

##### **4.1 Land Use Planning & Approvals Act 1993**

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

##### **4.2 Building Act 2016**

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

#### **5 RISK ISSUES**

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

#### **6 COMMUNITY CONSULTATION**

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

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

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

There have been 12 commercial building approvals valued at \$8,335,930 for 2021/22 (year to date), compared to 15 commercial building approval valued at \$13,165,650 (year to date) for 2020/2021.

In total, there were 118 building approvals valued at \$27,821,889 (year to date) for 2021/2022, compared to 136 building approvals valued at \$32,646,546 (year to date) for 2020/21.

#### **RECOMMENDATION**

That the report be noted.



## 10.2 MUNICIPAL BOUNDARY ADJUSTMENT: 101 PATEENA ROAD

File: 122299/6  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Paul Godier, Senior Planner

### 1 PURPOSE OF REPORT

This report asks Council to request the Director of Local Government to initiate a minor municipal boundary adjustment for 101 Pateena Road in accordance with Section 16 (4A) of the *Local Government Act 1993*.

### 2 INTRODUCTION/BACKGROUND

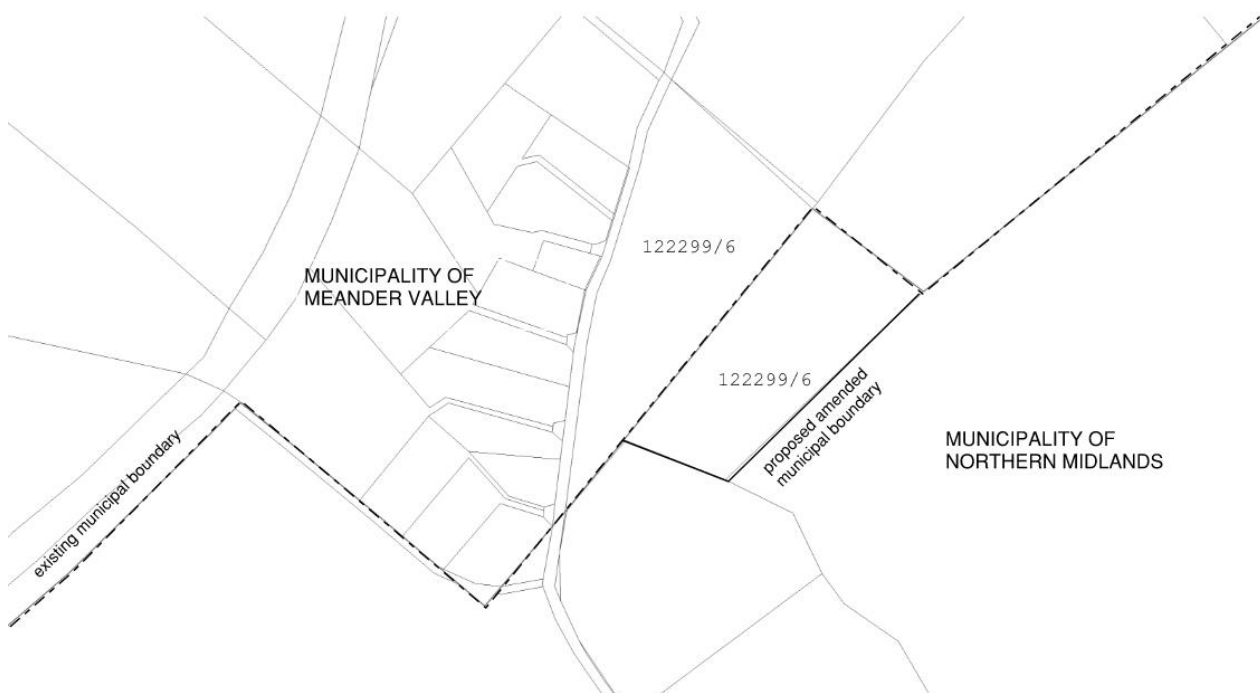
101 Pateena Road is divided by the municipal boundaries of Northern Midlands and Meander Valley. The owners have asked that both Councils:

- Consider a minor municipal boundary adjustment which would place the property entirely within Meander Valley; and
- Request the Director of Local Government to initiate the minor municipal boundary adjustment process as contemplated in Section 16 (4A) of the *Local Government Act 1993*.

The owners advise that:

- All improvements (other than rural fencing) on the property are within the Municipality of Meander Valley.
- The property is assessed for rates by Meander Valley Council.
- At present, the two parts of the property fall under different municipal planning provisions and are zoned differently.
- They think it is both logical and desirable that the municipal boundary is adjusted so that the whole of the property is within the one municipality, namely the Municipality of Meander Valley.

**Image 1** – indicative plan showing proposed municipal boundary adjustment





Before approaching the Director of Local Government, the council/s initiating the proposed adjustment should consider:

***Are there historical reasons for the boundary being the way it is?***

A search of Council's records and discussion with staff at Meander Valley Council does not indicate that there are historical reasons for the boundary being the way it is.

***Are there natural boundaries that would be superseded by the proposed adjustments?***

The municipal boundary does not run along a natural boundary, so natural boundaries would not be superseded by the proposed adjustment.

***Are there access issues from one or other municipal area?***

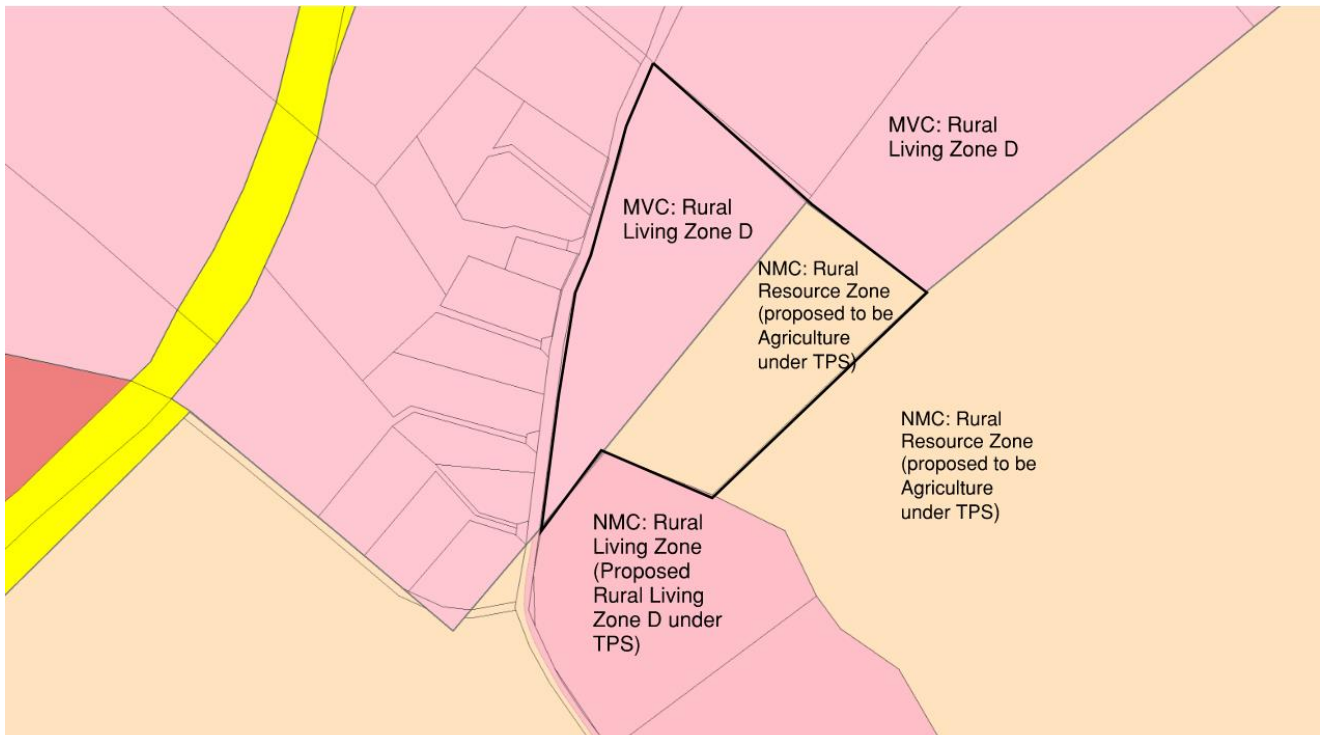
The land is accessed from Pateena Road in Meander Valley. The boundary adjustment will not affect access.

***How is the property currently zoned, and what would be the new zoning of the property?***

The Northern Midlands Council section is zoned Rural Resource under *the Northern Midlands Interim Planning Scheme 2013* and is proposed to be zoned Agriculture under the *Tasmanian Planning Scheme*.

The Meander Valley Council section is zoned Rural Living D under the *Tasmanian Planning Scheme*.

**Image 2 – zone map**



***Would the proposed amendment affect State and Federal boundaries?***

Both sections of land are in the legislative council division of Launceston. Both sections of land are in the electoral division of Lyons.

***What are the rate impacts of the adjustment for the relevant councils?***





Council's Corporate Services Manager advises that the title is not on the valuation list for Northern Midlands, so Council has not been receiving rates on it. Therefore, there is no rate impact to the Northern Midlands Council of the boundary adjustment.

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

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

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

**Leaders with Impact**

**Strategic outcomes:**

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

### **4 POLICY IMPLICATIONS**

There are no policy implications.

### **5 STATUTORY REQUIREMENTS**

#### **5.1 Local Government Act 1993**

Section 16(4A) of the *Local Government Act 1993* provides that a minor municipal boundary adjustment may be recommended by the Director of Local Government, if the owners of the land affected by the adjustment have been consulted by the relevant councils, and have given written consent to the adjustment.

### **6 FINANCIAL IMPLICATIONS**

Council's Corporate Services Manager advises that the property is not on the valuation list for Northern Midlands, and so rates are not paid to Northern Midlands Council.

Section 16(4A) of the *Local Government Act 1993* states, 'a council affected by an adjustment is to pay the costs associated with that adjustment'.

The Spatial Information Specialist, Department of Natural Resources and Environment Tasmania advises that councils can get plans prepared by a private firm, or Land Tasmania can prepare the plans. They normally charge a flat fee of \$697 per plan. This was a cost recovery figure based on the average time taken for a range of plans. There would be four plans involved in this proposed boundary adjustment - the proposal plan, the two full municipal Central Plan Register plans to be quoted by the Local Government Act and one enlargement plan to replace CPR2526 which defines the exact boundary description for the section of the boundary between Liffey River and Launceston. This would give a total fee including plan registration of \$3,066.80 (incl. GST).

Shared between Meander Valley Council this would result in a cost to Northern Midlands Council of \$1,533.40 (incl. GST).

### **7 RISK ISSUES**

No risk issues are identified.

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

Discussions have been held with the Spatial Information Specialist, Department of Natural Resources and Environment Tasmania.



## **9 COMMUNITY CONSULTATION**

The *Local Government Act 1993* requires the relevant councils to consult with all landowners affected by the proposed adjustment, seeking written consent to the adjustment.

In this case the relevant landowners have requested the adjustment.

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

Council can resolve:

- To request the Director of Local Government to initiate a minor municipal boundary adjustment for 101 Pateena Road in accordance with Section 16 (4A) of the *Local Government Act 1993*.
- Not to request the Director of Local Government to initiate a minor municipal boundary adjustment for 101 Pateena Road in accordance with Section 16 (4A) of the *Local Government Act 1993*.

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

The requested municipal boundary adjustment satisfies the requirements for a minor municipal boundary adjustment under the *Local Government Act 1993*. It is recommended that Council 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 as requested.

## **12 ATTACHMENTS**

1. Information Sheet - Minor Municipal Boundary Adjustment - APRIL 2021 [**10.2.1** - 2 pages]

## **RECOMMENDATION**

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 Road to be entirely in the Municipality of Meander Valley.



## 11 CORPORATE SERVICES REPORTS

### 11.1 MONTHLY REPORT: FINANCIAL STATEMENT

Responsible Officer: Maree Bricknell, Corporate Services Manager

Report prepared by: {author-name}, {position}

#### 1 PURPOSE OF REPORT

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

#### 2 INTRODUCTION/BACKGROUND

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

#### 3 STRATEGIC PLAN 2021-2027

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

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

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

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

#### 4 ALTERATIONS TO 2021-22 BUDGET

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

##### SUMMARY FINANCIAL REPORT

For Month Ending: 31-Dec-21 6

A. Operating Income and Expenditure						
	Budget	Year to Date Budget 42%	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$12,271,834	-\$12,271,834	-\$12,282,159	\$10	100.1%	
Recurrent Grant Revenue	-\$4,723,956	-\$2,361,978	-\$1,767,697	-\$594	74.8%	
Fees and Charges Revenue	-\$2,387,167	-\$1,193,584	-\$1,581,284	\$388	132.5%	* Fee income above budget
Interest Revenue	-\$741,548	-\$370,775	-\$309,351	-\$61	83.4%	* Interest penalty on rates raised Feb'22
Reimbursements Revenue	-\$53,978	-\$26,989	-\$58,444	\$31	216.5%	
Other Revenue	-\$1,786,968	-\$893,484	-\$439,764	-\$454	49.2%	* TasWater Dividends not yet received
	-\$21,965,451	-\$17,118,644	-\$16,438,699	-\$680	96.0%	
Employee costs	\$6,028,712	\$3,014,356	\$2,973,364	\$41	98.6%	
Material & Services Expenditure	\$5,612,165	\$2,806,083	\$2,891,524	-\$85	103.0%	* Reassign Project budget required
Depreciation Expenditure	\$6,519,158	\$3,259,579	\$3,259,538	\$0	100.0%	
Government Levies & Charges	\$961,484	\$480,742	\$287,254	\$193	59.8%	* Quarterly State Fire Commission paid Jan'22
Councillors Expenditure	\$205,180	\$102,590	\$94,843	\$8	92.4%	* Allowances paid Dec'21 not costed until Jan'22
Interest on Borrowings	\$272,007	\$136,004	\$223,220	-\$87	164.1%	* Paid Jan'22 account in Dec'21
Other Expenditure	\$1,315,204	\$657,602	\$762,003	-\$104	115.9%	* Pension rebates received for full year
Plant Expenditure Paid	\$538,650	\$269,325	\$329,047	-\$60	122.2%	
	\$21,452,560	\$10,726,280	\$10,820,793	-\$95	100.9%	
	-\$512,891	-\$6,392,364	-\$5,617,906			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$505,860	\$252,930	\$292	\$253	0.1%	* Asset recognition not yet
Underlying (Surplus) / Deficit	-\$7,031	-\$6,139,434	-\$5,617,614		1*	
	\$0		-			
Capital Grant Revenue	-\$8,697,948	-\$4,348,974	-\$400,000	-\$3,949	9.2%	* Not paid until milestones met
Subdivider Contributions	-\$330,765	-\$165,383	0	-\$165	0.0%	* Not recognised until EOY
Capital Revenue	-\$9,028,713	-\$4,514,357	-\$400,000			



**Budget Alteration Requests**

- For Council authorisation by absolute majority

		<b>Budget Operating</b>	<b>Budget Capital</b>	<b>Actuals</b>	
<i>Capital works budget variances above 10% or \$10,000 are highlighted December</i>					
Original Budget Operating	Surplus	-\$7,031			Note 1*
- Interest on Investments	100300	-\$10,000			1 Additional revenue
- Governance General Expenditure	101000 / 101010	\$60,000			2 Increased consultancy
- Receptions/Presentations	102300	\$1,201			3 Additional expenditure
- NTD - Nth Tas Residential Demand & Supply Study	102604	\$5,549			4 Additional funding requirement
- Other Council Expenditure	102950	\$20,000			5 Increased consultancy
- Corporate General Consultancy	202300	\$3,000			6 Increased consultancy
- Computer Operations	205300	\$27,000			7 E-cloud hosting
- Tourism - Re-assign Project Grant	507439	-\$353,050			8 Grant funding
- Tourism - Re-assign Project Expenditure	507260	\$353,050			9 Grant expenditure
- Health Food Licences	323950	-\$5,000			10 Additional revenue
- Grants Employee Training P&D	300555	-\$5,000			11 Additional revenue
- Planning Fees	323150	-\$203,928			12 One off Fee additional revenue
- Planning Consultancy	323350	\$70,000			13 Additional budget
- Building Permit Authority	323590	\$30,000			14 Reduce budget revenue
- Asset Management	324470	\$33,000			15 Increased consultancy
- Works Traineeship grants	404075	-\$11,500			16 Additional revenue
- Works Road Revenue Other	325200	-\$12,800			17 Increased revenue
- Works Stormwater maintenance					
C'Town	420066	\$8,000			18 Increased expenditure budget
- Water Trust income	438950	\$2,060			19 Delete budget
- Water Trust Expenditure	439200	-\$2,060			20 Delete budget
- Works Public Amenities cleaning	503650	\$30,000			21 Increase budget expenditure
- Pool Ctown Committee closure	517530	-\$24,646			22 Additional revenue
- Special Community Projects	517210	-\$23,357			23 Reduce budget expenditure
- FAGS Grant adjustmentv 21/22		-\$6,717			Additional revenue
<b>New Operating Surplus</b>		<b>-\$22,229</b>			
Change = Surplus Increase		<b>-\$15,198</b>			
<b>Capital</b>					
- Office Furniture	780006	\$6,000			C1 New budget allocation
- Cry - Childcare Centre Painting	791105	-\$10,000			C2 Budget not required maint only
- Avoca Boucher Park	708025	\$7,400			C3 Additional Budget
- Ctown Topdress ground after irrigation	708035	\$25,815			C4 Additional Budget
- Ross Topdress Rec Ground	708037	-\$14,000			C5 Tfr to Ross Pool Fibre Glassing
- Ross Pool Fibre Glass lining	708052	\$15,000			C6 Reallocation
- Perth Roundabouts signage	752015.1	\$5,603			C7 Reallocation from 752017
- Perth Roundabouts Landscaping	752017	-\$5,603			C8 Reallocation
- Perth Cromwell Street section reconstruction	750329	\$5,587			C9 New budget allocation
- Midlands Silhouettes	New	\$10,000		Min 21/444	C10 New budget allocation
- Tooms Lake Improvements	New	\$20,000		Min 21/445	C11 Commitment with \$80,000 grant
- Stormwater Projects	New				C12 New additional budget
- Oakmount Street extension	New	\$30,000			New budget allocation
- Translink Avenue detention basin extension		\$50,000			New budget allocation
- Lfd Flood Levee Penstock Valve	New	\$45,570			Matching grant of \$45,750
- Pth Little Mulgrave Street	New	\$10,000			New budget allocation
- Pth Sheepwash Creek widening for detention	New	\$40,000			New budget allocation
- Avoca St Pauls Place	New	\$20,000			New budget allocation
- Other stormwater projects	New	\$30,000			New budget allocation
		<b>\$291,372**</b>			
<b>**Additional Capital budget allocation to be funded from projects deferred in 2021/22 or infrastructure reserves and funded in 2022/23</b>					
<b>November</b>					
Ctown - Tennis Court Shade Shelter	707805.51	\$16,000			Additional allocation
Ctown - Rec Entrance Improvements	707805.97	-\$16,000			
Pth - Edward Street Footpath & Driveways	750395.6	\$18,664			Required after subdivision
Lfd - Paton Street Footpath south side	750999.6	\$2,817			Additional allocation
Cry - Main Street Saundridge south	750795	\$11,315			Unbudgeted project
Footpath Replacements unallocated	750000	-\$32,796			
Ctown - Stormwater High St (Edgar to Mason)	788637	\$10,000			Unbudgeted project
Cry - Stormwater Church Street	788638	\$30,000			Unbudgeted project
Stormwater - Unallocated Projects	788575	-\$40,000			

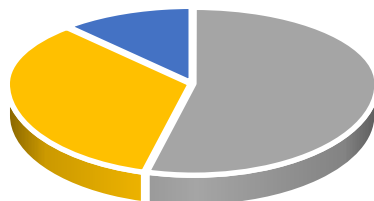


<b>October</b>		
Fees & Charges - Impounding Fee Initial	From \$ 72 Increased to \$75	Increased in line with fees from pound operator increases
Fees & Charges - Impounding Fee Subsequent	From \$ 95 Increased to \$98	Increased in line with fees from pound operator increases
Fees & Charges - Pound Fee after 1st day	From \$ 22 Increased to \$25	Increased in line with fees from pound operator increases
<b>September</b>		
D2018010 R Preece	101.10	Bad Debt - Deemed uncollectable by EMPRS
D201908 P Groves	326.00	Bad Debt - Deemed uncollectable by EMPRS
D2019019 P Groves	163.00	Bad Debt - Deemed uncollectable by EMPRS
D2019021 P Groves	168.00	Bad Debt - Deemed uncollectable by EMPRS
D2019023 P Groves	168.00	Bad Debt - Deemed uncollectable by EMPRS
D2019024 P Groves	168.00	Bad Debt - Deemed uncollectable by EMPRS
D2019025 P Groves	168.00	Bad Debt - Deemed uncollectable by EMPRS
D2019027 P Groves	168.00	Bad Debt - Deemed uncollectable by EMPRS
D2020036 P Groves	168.00	Bad Debt - Deemed uncollectable by EMPRS
<b>August</b>		
Footpath - Main Street Cressy	750796.6	-\$67,000 Tfr allocation to different
Footpath - Church Street (Main to Charles) at Cressy		\$67,000 location in Cressy
Footpath - Park St (High to Bridge) Ross	750986.6	-\$30,000 Completed 2020/21 reallocate
Footpath & ramp - to old Lfd Gym access	707752.96	\$30,000
<b>July</b>		
No adjustments for July.		

**B. Balance Sheet Items**

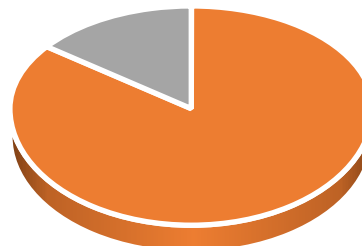
	Year to Date Actual		Monthly Change		Same time last year	Comments
Cash & Cash Equivalents Balance						
- Opening Cash balance	\$19,432,295		\$23,562,013			
- Cash Inflow	\$18,229,666		\$4,598,493			
- Cash Payments	-\$11,722,708		-\$2,221,253			
- Closing Cash balance	\$25,939,253		\$25,939,253			
	-		-			
Account Breakdown						
- Trading Accounts	\$734,087					
- Investments	\$25,205,166					
	\$25,939,253					
Summary of Investments	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value	
Tasmanian Public Finance Corporation Call						
Account	1/12/2021	31/12/2021	0.10	\$5,398	\$5,398	
CBA Call Account	1/12/2021	31/12/2021	0.01	\$1,574	\$1,574	
CBA Business Online Saver	22/12/2021	31/12/2021	0.20	\$8,219,467	\$8,219,873	
Westpac Corporate Regulated Interest Account	31/12/2021	31/12/2021	0.35	\$4,085,717	\$4,085,717	
My State Financial	25/05/2021	25/05/2022	0.85	\$3,343,010	\$3,371,425	
Westpac	5/10/2021	4/07/2022	3.37	\$5,500,000	\$5,638,124	
Westpac	29/12/2021	29/06/2023	3.30	\$1,050,000	\$1,101,928	
Westpac	16/12/2021	16/12/2024	1.60	\$3,000,000	\$3,144,132	
Total Investments				\$25,205,166	\$25,568,170	

Investments by Institution



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

Total Investments by Rating (Standard & Poor's)

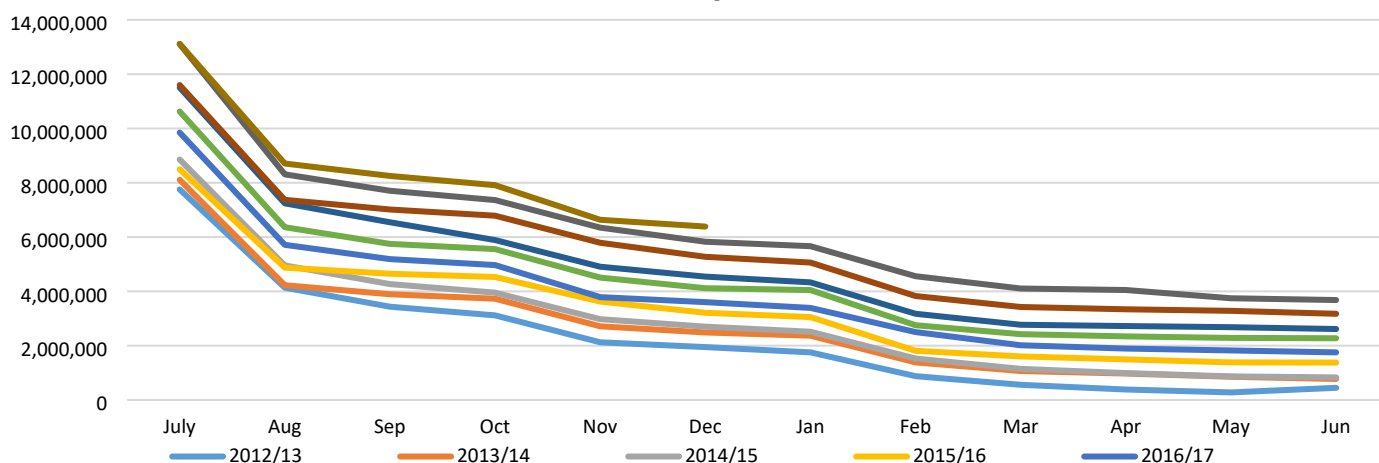


■ AA+ ■ AA- ■ BBB ■ Unrated



Rate Debtors	2020/21	% to Raised	Same Time Last Year	% to Raised	
Balance b/fwd	\$3,205,341		\$2,808,852		
Rates Raised	\$12,405,235		\$11,710,248		
	\$15,610,577		\$14,519,100		
Rates collected	\$8,702,252	70.1%	\$8,339,237	71.2%	
Pension Rebates	\$496,157	4.0%	\$483,187	4.1%	
Discount & Remissions	\$25,017	0.2%	\$56,734	0.5%	
	\$9,223,426		\$8,879,158		
Rates Outstanding	\$6,387,150	51.5%	\$5,827,453	49.8%	
Advance Payments received	-\$258,342	2.1%	-\$187,511	1.6%	

Outstanding Rates



Trade Debtors				
Current balance	\$277,461			
- 30 Days		\$158,421		
- 60 Days		-\$69,193		
- 90 Days		\$5,003		
- More than 90 days		\$183,230		
Summary of Accounts more than 90 days:		-		
- Norfolk Plains Book sales		171		Paid by outlet as sold
- Hire/lease of facilities		7,385		
- Removal of fire hazards		6,042		
- Dog Registrations & Fines		16,355		Send to Fines Enforcement
- Private Works		2,184		
- Regulatory Fees		9,551		
- Govt Reimbursements		141,542		

C. Capital Program				
	Budget	Actual (\$,000)	Target 50%	Comments
Renewal	\$11,999,865	\$3,322,966	28%	
New assets	\$11,455,376	\$2,656,942	23%	
Total	\$23,455,241	\$5,979,908	25%	
Major projects:				
- Longford Sports Centre lift & level 1	\$270,000	\$175,859	65%	In progress
- Cressy Rec Ground Amenities	\$1,028,566	\$1,028,502	100%	Substantially complete
- Cressy Pool Improvements	\$800,000	\$647,221	81%	Substantially complete
- Ross Village Green	\$558,000	\$563,893	101%	Substantially complete
- Longford Victoria Square Hall	\$1,518,272	\$22,498	1%	Consultation stage
- Longrod Victoria Square Amenities	\$334,415	\$1,179	0%	Hold
- Perth Childcare Centre	\$3,550,607	\$153,128	4%	Commence Jan 2022
- Lake Leake Amenities	\$145,256	\$268	0%	Preliminaries
- Translink Detention Basin	\$252,540	\$25,410	10%	Ready to construct
- Footpath Program	\$748,000	\$131,008	18%	In progress
- Bryants Lane Bridge	\$201,777	\$167	0%	Tender accepted
- William Street Footbridge	\$270,000	\$12,433	5%	Tender accepted
- Glen Esk Road Reconstruction	\$411,400	\$299,878	73%	Substantially complete

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



#### D. Financial Health Indicators

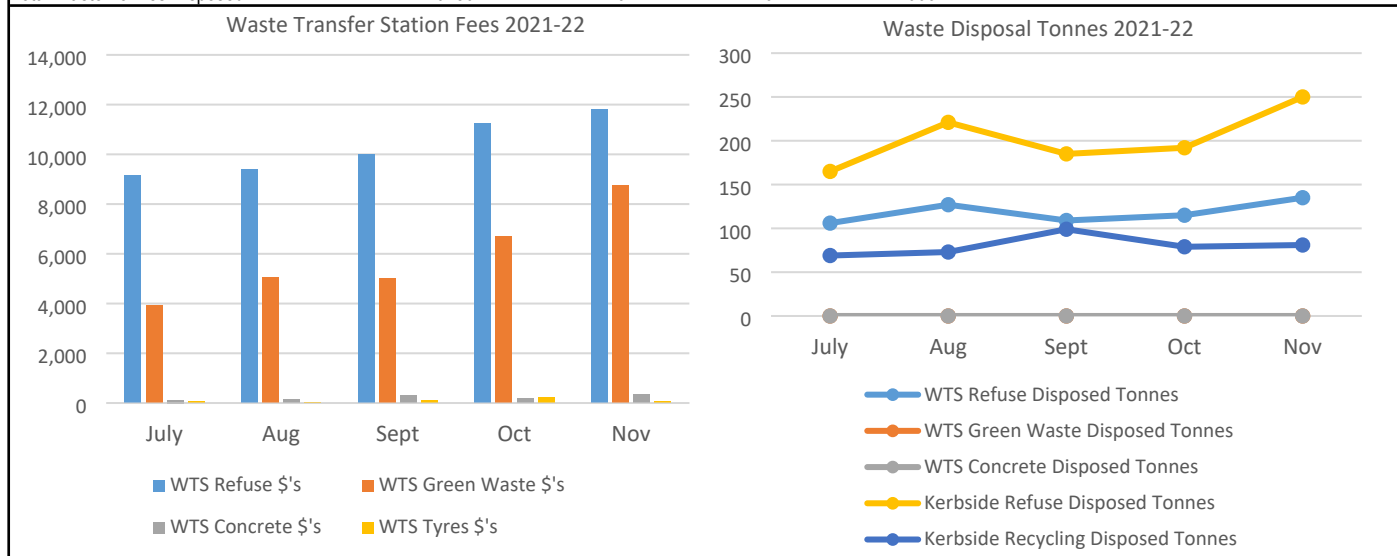
	Target	Actual	Variance	Trend	
<b>Financial Ratios</b>					
- Rate Revenue / Total Revenue	55.9%	74.7%	-18.8%	↘	■
- Own Source Revenue / Total Revenue	78%	89%	-10.8%	↘	■
<b>Sustainability Ratio</b>					
- Operating Surplus / Operating Revenue	0.0%	34.2%	-34.1%	↘	■
- Debt / Own Source Revenue	43.0%	50.6%	-7.5%	↔	■
<b>Efficiency Ratios</b>					
- Receivables / Own Source Revenue	38.7%	39.7%	-1.1%	↘	■
- Employee costs / Revenue	27.4%	18.1%	9.4%	↗	■
- Renewal / Depreciation	184.1%	101.9%	82.1%	↗	■
<b>Unit Costs</b>					
- Waste Collection per bin	\$10.12	\$13.20		↔	■
- Employee costs per hour	\$50.24	\$40.96		↗	■
- Rate Revenue per property	\$1,727.45	\$1,728.91		↔	■
- IT per employee hour	\$3.30	\$5.52		↘	■

#### E. Employee & WHS scorecard

	YTD	This Month	
Number of Employees	98	96	■
New Employees	20	2	■
Resignations	12	4	■
Total hours worked	72,591	11,491	■
Lost Time Injuries	0	0	■
Lost Time Days	1	0	■
Safety Incidents Reported	12	2	■
Hazards Reported	17	0	■
Risk Incidents Reported	5	0	■
Insurance claims - Public Liability	0	0	■
Insurance claims - Industrial	0	0	■
Insurance claims - Motor Vehicle	4	0	■
IT - Unplanned lost time	0	0	■
Open W/Comp claims	9	2	■

#### F. Waste Management

Waste Transfer Station	2019/20	2020/21	2021/22 Budget Year to Date	2021/22	
<b>Takings</b>					
- Refuse	\$92,611	\$119,842	\$42,681	\$51,588	■
- Green Waste	\$50,996	\$80,904	\$27,948	\$29,404	■
- Concrete	\$1,551	\$2,293	\$713	\$1,066	■
- Tyres		727	\$233	\$439	■
Total Takings	\$142,782	\$203,767	\$71,576	\$82,497	
<b>Tonnes Disposed</b>					
WTS Refuse Disposed Tonnes	1388	1432	511	592	■
WTS Green Waste Disposed Tonnes	5400	4670	2447	0	■
WTS Concrete Disposed Tonnes	0	3056	0	0	■
Kerbside Refuse Disposed Tonnes	2326	2435	1120	1013	■
Kerbside Recycling Disposed Tonnes	1036	1051	597	401	■
Total Waste Tonnes Disposed	10150	12644	4674	2006	







## **5 OFFICER COMMENTS**

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

## **6 ATTACHMENTS**

1. NMC Account Management Report to 31 December 2021 [**11.1.1** - 1 page]
2. NMC Account Management Report Account Level to 31 December 2021 [**11.1.2** - 24 pages]
3. Infrastructure Capital Report to 31 December 2021 [**11.1.3** - 6 pages]

## **RECOMMENDATION**

That Council:

- i) receive and note the Monthly Financial Report for the period ending 31 December 2021, and
- ii) authorise mid-year review Budget 2021/22 alterations as listed in Item 4 .





## 11.2 AUDIT COMMITTEE

*File:* 07/104  
*Responsible Officer:* Maree Bricknell, Corporate Services Manager  
*Report prepared by:* Maree Bricknell, Corporate Services Manager

### 1 PURPOSE OF REPORT

The purpose of this report is to seek Council approval to

- reappoint independent Audit Committee members for a term of four years, and
- review the Audit Committee Policy.

### 2 INTRODUCTION/BACKGROUND

It is mandatory in Tasmania for appointment of an Audit Committee under section 24 of the Local Government Act 1993 as a Special Committee of the Council.

Historically, audit panels focused on financial reporting, accounting activities, internal controls and the integrity of accounting systems. Audit panel functions have evolved and now have a much broader mandate. They cover risk management (including fraud prevention strategies), financial and non-financial performance, compliance and other assurance activities not directly related to a council's financial report. Audit panels also provide an independent check of key council plans and activities and highlight issues that require strategic attention, including the review of policies, systems and controls relating to a council's administration, culture and personnel.

It is critical that councils provide adequate resource support to their audit panels to ensure they are able to discharge their responsibilities effectively. Resources may include council employees, and training and development of councillors who are panel members.

A successful audit panel will provide assurance that council decisions are made in the interests of the community with particular regard to:

- proper management practices across financial and operational activities;
- compliance with all legislative and policy requirements; and
- the adoption of leading practice in all aspects of governance.

Audit panels provide checks and balances to give elected members another source of scrutiny and a means of highlighting issues that require strategic attention. This can be invaluable to a council, by contributing to the avoidance of reputational damage and helping to ensure rate-payers are receiving the best possible oversight over the management of their assets.

Section 5 of the Audit Panel Orders requires that an audit panel:

- is appointed by the council;
- must have between three and five members (inclusive); and
- if the panel has four or five members, a minimum of two must be independent persons; and
- if the panel has three members, at least one must be an independent person.
- may contain a councillor or councillors, other than the mayor of the council;
- may contain an independent member or members of another council's audit panel; and
- may be appointed for a period of one to four years, and can be reappointed once their term expires.

An audit panel must not contain:

- the general manager, mayor or a council employee of the council; or
- a councillor or employee of another council.



Council reviewed its Audit Committee Policy in August 2018 setting out terms of reference, and there are only minimal changes as highlighted in the attached document.

Councillor Adams and Councillor Goninon are representatives on the Audit Committee.

Council called for nominations for the independent members of the Audit Committee and appointed the following in December 2013, and reappointed these members in 2018:

- 1) Synectic Accounting & Audit – Mr Ben Coull (Chairperson) - \$1,600 per meeting.
- 2) Ms Carol Scholes-Robinson – \$550 per meeting.

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

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

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

**Leaders with Impact**

**Strategic outcomes:**

- 1.3 Management is efficient, proactive and responsible
- 1.4 Improve community assets responsibly and sustainably

### **4 POLICY IMPLICATIONS**

In accordance with current Audit Committee Policy.

### **5 STATUTORY REQUIREMENTS**

*Local Government Act 1993*

### **6 FINANCIAL IMPLICATIONS**

Council has allocated \$10,300 in the 2021/22 Municipal Budget for operation of the Audit Committee.

### **7 RISK ISSUES**

There is a risk that members are not operating with authority if the policy and membership is not reviewed.

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

Not required.

### **9 COMMUNITY CONSULTATION**

Not required.

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

Council has the option to reappoint the two existing Audit Committee Independent members or call for expressions of interest for new members.

Council can choose to approve, change or not approve the alterations to the Audit Committee policy.



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

The Audit Committee has been operating well consisting of the two external members plus Councillors Adams and Goninon, and it is very worthwhile to provide another 4 year term of existing members to continue with the audit Works Program.

## **12 ATTACHMENTS**

1. Audit Committee Policy (with highlighted changes) [**11.2.1** - 3 pages]

## **RECOMMENDATION**

That Council

1. Endorse the changes to the Audit Committee Policy
2. re-appoint the following members to the Northern Midlands Council Audit Committee for a four year term from 1 January 2022:
  - Synectic Accounting Ben Coull (Independent Chair),
  - Ms Carol Scholes-Robinson (Independent member), and
  - Councillors Adams and Goninon.



## 12 WORKS REPORTS

### 12.1 KERBSIDE FOOD AND ORGANICS COLLECTION

*Responsible Officer:* Leigh McCullagh, Works Manager

*Report prepared by:* Jonathan Galbraith, Engineering Officer

#### 1 PURPOSE OF REPORT

The purpose of this report is for Council to consider options for a kerbside Food Organics, Garden Organics (FOGO) collection.

#### 2 INTRODUCTION/BACKGROUND

A report was submitted to the Council meeting in October 2017 advising that due to the distance from the recycling facility at the Launceston Waste Centre and the small populations of most towns in the Northern Midlands Municipality there would be significant additional costs to rate payers to offer a FOGO collection. Council reviewed the report and resolved that we do not offer a FOGO collection at this time but continue to monitor prices and opportunities and also conduct a survey of residents.

A further report was submitted in March 2020 advising the likely costs of an opt in kerbside collection. It was resolved Cr Adams/Cr Lambert that this matter be listed for budget consideration.

A collection was not approved as part of the 2020 – 2021 budget due budget constraints as a result of Covid-19.

In February 2021 The State Government Announced a \$20 per tonne levy which will increase to \$60 per tonne after 4 years. This levy is currently scheduled to be introduced on July 1, 2022. Food and Organics can be recycled at the composting facility at the Launceston Waste Centre and will be exempt from this levy meaning that once the levy is introduced there is likely to be a significant cost saving for Council if a kerbside food and organics collection is introduced.

In May to June 2021 a Kerbside Residual Waste Audit was carried out by Just Waste Consulting on behalf of the Northern Tasmanian Regional Waste Management Group. The audit reviewed 109 bins from Longford and Perth and found that 59% of the material in the kerbside waste bin by weight was food or organic material that could be collected as part of a kerbside food and organics collection. This amounted to an average of 9.16kg per bin per collection.

The audit found that Northern Midlands Council had the highest average amount of Food and Organics in their bins. The region-wide average was 51%. If this organic material can be diverted from the kerbside bins it will result in a significant cost saving for Council.

Previous reports to Council have recommended an “opt in” model for those residents who would like to have a green waste collection. When the Statewide Waste Levy is introduced it is likely that rather than an “opt in” service providing all residents with a green waste bin and collecting the waste on the opposite week to the kerbside general waste collection will be the most cost effective option for Council, but there is a risk of high levels of contamination.

#### 3 STRATEGIC PLAN 2021-2027

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

**Place: Nurture our heritage environment**

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

**Strategic outcomes:**



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

#### **4 POLICY IMPLICATIONS**

Council must decide whether to offer an “opt in” service or offer a service to all residents who have a kerbside waste collection service.

#### **5 STATUTORY REQUIREMENTS**

The Waste and Recovery Resource Bill, Tasmania 2021

#### **6 FINANCIAL IMPLICATIONS**

If all residents within the urban town areas were provided with a bin this works out to approximately 5700 tenements. Based on the assumption that each bin contains 9.16kgs of organic material this works out to 1358 tonnes per year. If all this material can be diverted to an organics collection this equivalent to a saving of \$27,160 for Council in the first year increasing to \$81,480 after four years.

There is currently no cost to dispose of this material at the Launceston City Council organics processing facility.

The costs to Council to provide an organics collection would be:

1. Kerbside bin empties estimated at \$1.50 per lift if the collection is provided to all residents - \$222,300 for 5700 bins.
2. Purchase of a 240L “wheelie bin” at a cost of \$71.40 per bin and depreciation on the bins over a 10 year period – initial cost of \$406,980.
3. Council administration costs.

Experience at other Councils has shown that a kerbside organics collection leads to a reduction in the amount of green waste received at the Waste Transfer Station this would provide some further cost savings because management of green waste at the waste transfer station is very costly.

#### **7 RISK ISSUES**

It is important that the community is educated regarding what materials can be processed as organics. If the organics bins are contaminated with general household waste this material cannot be processed and will be taken to landfill by the contractor, Council will then be charged the State Waste Levy on this material. Most other Councils have introduced an ‘opt in’ service to reduce the risk of contamination as the service is only provided for the properties agreeable to use utilise it.

Should Council choose to call tenders for a kerbside organics service there are likely to be delays before a contractor can start due to availability of staff and equipment as a result of the Covid Pandemic. Several contractors have indicated that waiting times for new trucks are currently around 12 – 18 months.

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

The Northern Regional Waste Management Group has been involved in consultation with the State Government on behalf of all Councils in the region. Council officers have also attended a number of workshops run by the State Government regarding the state-wide levy and opportunities for organics recycling in the state.



## **9 COMMUNITY CONSULTATION**

Council conducted a surveyed residents in December 2017 regarding their views on organics recycling. The survey found a high level of interest in recycling but a reluctance amongst some to pay an additional cost for the service. Since 2017 there have been ongoing requests from community members for a organics recycling service.

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

1. That Council offer an “opt in” kerbside organics recycling service at no additional cost, however waste collection costs be increased to all urban ratepayers (say \$50 per property per annum);
2. That Council provide a kerbside organics recycling service to all residents in the urban areas who currently have a kerbside waste bin, and waste collection costs be increased to all residents (say \$50 per service per annum);
3. That Council do not offer an organics recycling service at this time but continue to monitor prices and opportunities.

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

It is recommended that Council provide a kerbside recycling service to all residents in the urban areas of the municipality as this will significantly reduce the amount Council pays to the State Government in levee fees. There will be some community education required initially to ensure that the correct materials are placed in the organics bin.

Material collected from the kerbside bins can be processed at the Launceston Waste Centre and material that is produced is of a high quality. Council will have the opportunity to purchase the composted material back from the Launceston Waste Centre for use on parks in the municipality.

It is understood that most other Councils in the region are also looking at introducing a kerbside organics collection prior to the introduction of the state-wide levy.

## **12 ATTACHMENTS**

1. 5.1 NTWMG Kerbside Residual Waste Audit 2021 final [12.1.1 - 74 pages]

## **RECOMMENDATION**

That Council call tenders for the provision of a kerbside organics collection service for all properties that currently have a kerbside waste service. The service is to be on the opposite week to the kerbside waste collection.



## 13 PUBLIC QUESTIONS AND STATEMENTS

### PUBLIC ATTENDANCE DURING THE COVID-19 DISEASE EMERGENCY DECLARATION

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

Council is mindful of the need to ensure community safety and compliance with COVID-19 restrictions, along with the need to minimise disruption to the business of Council.

With the reopening of Tasmania's borders and the increasing COVID numbers in the state Council has suspended the attendance of the public at Council Meetings until further notice.

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

Members of the public who 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)

Questions and representations must be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the Council Meeting. All questions/representations received within the given timeframe will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

**Questions must be received by no later than 12.00pm on Friday, 28 January 2022.**

Council will continue to ensure minutes and audio recordings of Council meetings are available on Council's website as soon as is practicable after the meeting.

### **PUBLIC QUESTIONS RECEIVED**



## 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.

### RECOMMENDATION

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 to 15.6.

### 14.1 STATEMENTS

#### REPRESENTATIONS ON PLANNING ITEMS

- PLAN 15.1: PLN-21-0301: 17 Church Street, Campbell Town
- PLAN 15.2: PLN-21-0292: 74 Marlborough Street, Longford
- PLAN 15.3: PLN-21-0088: 155 Burlington Road, Cressy
- PLAN 15.4: PLN-21-0326: CT152742/3 Midland Highway, Campbell Town
- PLAN 15.5: PLN-21-0342: 2 Gibbet Hill Rise, Perth
- PLAN 15.6: PLN-21-0331: 9 Burghley Street, Longford





## 15 PLANNING REPORTS

### 15.1 PLN-21-0301: 17 CHURCH STREET, CAMPBELL TOWN

*File:* 300800.055; PLN-21-0301301  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

#### 1 INTRODUCTION

This report recommends that Council:

- Initiate a draft amendment to make Emergency Services a Discretionary use in the General Residential zone at 17 Church Street, Campbell Town; and
- Refuse the planning permit to develop and use the land for a co-located Emergency Services Facility for Tasmania Fire Service (TFS) and State Emergency Service (SES) based on stormwater disposal concerns.

#### 2 Summary Information

**Applicant:**

Department of Police, Fire and Emergency Management (DPFEM) c/- All Urban Planning Pty Ltd

**Zone:**

General Residential

**Owner:**

Midland Agricultural Association Incorporated

**Codes:**

Bushfire-Prone Areas Code;  
Road and Railway Assets Code;  
Car Parking and Sustainable Transport Code; and  
Signs Code.

**Proposal:**

Make Emergency Services a Discretionary use in the General Residential zone at 17 Church Street, Campbell Town.

**Existing Use:**

Vacant

**Critical Date:**

Decision whether or not to initiate and certify the draft amendment must by 4/2/2022

**Recommendation:**

That Council initiate and certify the draft amendment and refuse the planning permit based on stormwater disposal concerns.

**Planning Instrument:**

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

**Preliminary Discussion**

Council officers have discussed the proposed amendment with the applicant.



**Subject Site**



### 3 STATUTORY REQUIREMENTS

The *Land Use Planning & Approvals Act 1993* contains the following provisions:

- *Section 33 (1) – A person may request planning authority to initiate an amendment of a planning scheme administered by it.*
- *Section 43A (1) - A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- *Section 33 (2B) - Before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –*
  - *(a) whether the requested amendment is consistent with the requirements of [section 32](#); and*
  - *(ab) any representation made under [section 30I](#), and any statements in any report under [section 30I](#) as to the merit of a representation, that may be relevant to the amendment; and*
  - *(b) any advice referred to in [section 65 of the Local Government Act 1993](#) received by it.*

**Comment:**

- (a) Part 7 of this report finds that the draft amendment is consistent with section 32 of the Act.
- (ab) There are no representations under section 30I relevant to the draft amendment.
- (b) This report provides advice in relation to section 65 of the Local Government Act 1993 (advice of qualified persons).

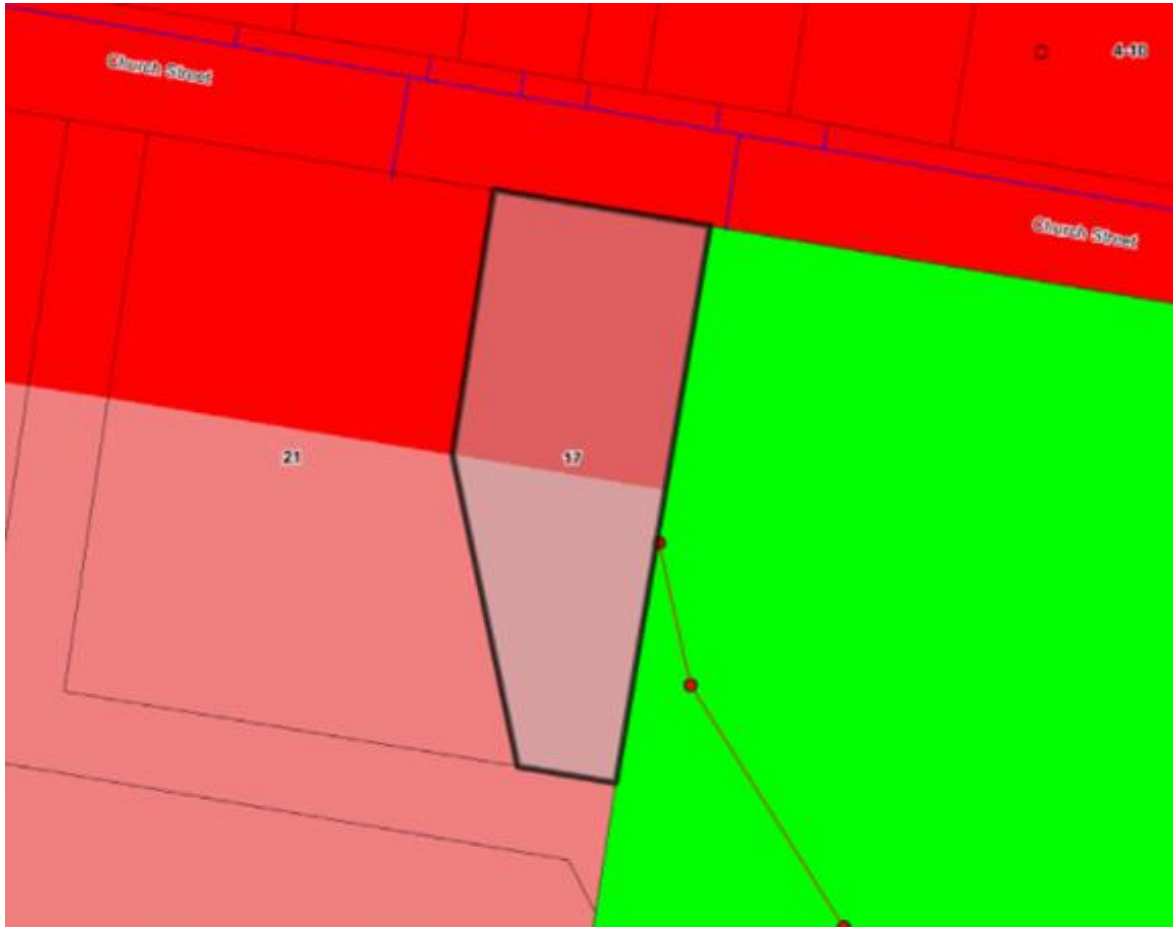
### 4 Proposal

It is proposed to amend the use table of the General Residential zone, Discretionary Use Class Qualification for Emergency Services if on CT 76398/4 and 5 (176 High Street Campbell Town) to include “or on Folio of the Register 14992/1 (17 Church Street, Campbell Town)” in conjunction with a development application for an Emergency Services Facility.

Currently the TFS and SES provide services from two separate sites in Campbell Town. The proposal will provide significant opportunity for both agencies to operate in a more efficient and effective response as most SES members are dual members with TFS. The proposal will encourage continued collaboration across both agencies and provide a single facility for incident and emergency management.



#### 4.2 Zone



*^ Zone map - General Residential, Low Density Residential*

The land is zoned General Residential for the purposes of the Scheme Amendment. The title is split zoned with the rear part zoned Low Density Residential. The subdivision approved in 2021 was for a 3304m<sup>2</sup> lot that is located entirely within the General Residential zoned portion of the land.



*^ Approved subdivision*

#### 4.3 Subject Site and Locality

A site inspection was undertaken on 11 January 2022. The subject property is situated on the western fringes of Campbell Town between the cemetery and showgrounds.





***Aerial photograph of area***



***Photographs of subject site***





#### 4.4 Permit/Site History

- Unknown 1979 – Sheep pavilion
- 19/79 – Horse pavilion
- PLN21-0138 – 2 Lot Subdivision

#### Reason for Proposed Amendment

It is proposed make Emergency Services a Discretionary use in the General Residential zone on 17 Church Street, Campbell Town.





The section of the site subject to this application is zoned General Residential where Emergency Services is a prohibited use.

Options are:

Rezone the site to Community Purposes where Emergency Services is a Permitted use.

Keep the General Residential zone of the land and make Emergency Services an allowable use on 17 Church Street, Campbell Town.

## Public Exhibition

Public Exhibition of the draft amendment and permit occurs after it has been certified, as per section 38 of the *Land Use Planning and Approvals Act 1993*:

- (1) *After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in [section 32](#), the planning authority must –*
  - (a) *cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*
  - (b) *advertise, as prescribed, the exhibition of the draft amendment.*

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Assessment of the application is within budget allocations.

## 6 OPTIONS

### Initiation of draft amendment

Council can:

- Initiate the draft amendment; or
- Not initiate the draft amendment

### Certification of draft amendment

If Council initiates the draft amendment, Council can:

- Certify the draft amendment as meeting the requirements of section 32; or
- Modify the draft amendment until meets the requirements of section 32, and then certify it.

### Permit

Council can:

- Issue the permit with the recommended conditions;
- Issue the permit with different conditions; or
- Refuse the permit.

## 7 DISCUSSION

### 7.1 ASSESSMENT FOR CONSISTENCY WITH SECTION 32 OF THE LAND USE PLANNING & APPROVALS ACT 1993

Section 32 of the Land Use Planning & Approvals Act 1993 requires that an amendment of a planning scheme–

***Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.***

**Comment:** Retaining the General Residential zone and making Emergency Services a Discretionary use is expected to avoid, as far as practical, potential land use conflicts with the surrounding residential uses, more so than rezoning the land to Community Purposes, where a number of uses potentially incompatible with residential uses



are Permitted.

***Must be consistent with the Regional Land Use Strategy and any mandatory provisions ([section 300](#)).***

**Comment:** The Northern Regional Land Use Strategy classifies Campbell Town as a Major District Centre.

District Centres are described as being significant regional settlement areas where residents of and visitors to the region can access a wide range of services, education and employment opportunities, although employment is strongly related to surrounding productive resources. Important centres to surrounding sub-region.

The draft amendment is consistent with the RLUS and is not inconsistent with mandatory provisions.

***Must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.***

**Comment:** The amendment seeks to make Emergency Services a Discretionary use in the General Residential zone, on 17 Church Street, Campbell Town. This use is expected to have a neutral impact in environmental terms and a positive impact in economic and social terms.

***Must be consistent with the overarching requirements for planning schemes [sections 20(2), (3), (4), (5), (6), (7), (8), and (9)]:***

***(2) A planning scheme may–***

***(aa) make any provision which relates to the use, development, protection or conservation of any land in the area; and***

***(a) set out policies and specific objectives; and***

***(b) regulate or prohibit the use or development of any land; and***

***(c) designate land as being reserved for public purposes; and***

***(d) . . . . .***

***(e) set out requirements for the provision of public utility services to land; and***

***(f) require specified things to be done to the satisfaction of the Commission, relevant agency or planning authority; and***

***(g) apply, adopt or incorporate any document which relates to the use, development or protection of land; and***

***(h) provide that any use or development of land is conditional on an agreement being entered into under [Part 5](#); and***

***(ha) set out provisions relating to the implementation in stages of uses or developments; and***

***(i) provide for any other matter which this Act refers to as being included in a planning scheme; and***

***(j) provide for an application to be made to a planning authority to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme.***

**Comment:** The proposal is consistent with these requirements.

***(3) Subject to [subsections \(4\), \(5\) and \(6\)](#), nothing in any planning scheme is to be taken (including by virtue of requiring a permit to be obtained) to–***

***(a) prevent the continuance of the use of any land, upon which buildings or works are not erected, for the purposes for which it was being lawfully used before the coming into operation of the scheme; or***

***(b) prevent the use of any building which was erected before that coming into operation for any purpose for which it was lawfully being used immediately before that coming into operation, or the maintenance or repair of such a building; or***

***(c) prevent the use of any works constructed before that coming into operation for any purpose for which they were being lawfully used immediately before that coming into operation; or***

***(d) prevent the use of any building or works for any purpose for which it was being lawfully erected or carried out immediately before that coming into operation; or***

***(e) require the removal or alteration of any lawfully constructed buildings or works; or***

***(f) prevent a development, which was lawfully commenced but not completed before the coming into operation of the scheme, from being completed within–***

***(i) 3 years of that coming into operation; or***

***(ii) any lesser or greater period specified in respect of the completion of that development under the terms of a permit or special permit granted before the coming into operation of the scheme.***

**Comment:** The proposal is consistent with these requirements.

***(4) [Subsections \(3\) and \(3A\)](#) do not apply to a use of land–***





- (a) which has stopped for a continuous period of 2 years; or*
- (b) which has stopped for 2 or more periods which together total 2 years in any period of 3 years; or*
- (c) in the case of a use which is seasonal in nature, if the use does not take place for 2 years in succession.*

**Comment:** The proposal is consistent with these requirements.

- (5) [Subsection \(3\)](#) does not apply to the extension or transfer from one part of a parcel of land to another of a use previously confined to the first-mentioned part of that parcel of land.*

**Comment:** The proposal is consistent with these requirements.

- (6) [Subsections \(3\)](#) and [\(3A\)](#) do not apply where a use of any land, building or work is substantially intensified.*

**Comment:** The proposal is consistent with these requirements.

- (7) Nothing in any planning scheme or special planning order affects –*
  - (a) forestry operations conducted on land declared as a private timber reserve under the [Forest Practices Act 1985](#); or*
  - (b) the undertaking of mineral exploration in accordance with a mining lease, an exploration licence, or retention licence, issued under the [Mineral Resources Development Act 1995](#), provided that any mineral exploration carried out is consistent with the standards specified in the Mineral Exploration Code of Practice; or*
  - (c) fishing; or*
  - (d) marine farming in State waters.*

**Comment:** The proposal is consistent with these requirements.

- (8) The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force immediately before that coming into operation.*

**Comment:** The proposal is consistent with these requirements.

- (9) A planning scheme may require a use to which [subsection \(3\)](#) applies to comply with a code of practice approved or ratified by Parliament under an Act.*

**Comment:** The proposal is consistent with these requirements.

***Must seek to further the objectives in Schedule 1 of the Act***

Part 1 – The objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.*

**Comment:** The draft amendment is consistent with this objective.

- (b) to provide for the fair, orderly and sustainable use and development of air, land and water.*

**Comment:** This proposal will allow the use of a vacant site for a co-located Emergency Services Facility for Tasmania Fire Service (TFS) and State Emergency Service (SES). It is considered that the draft amendment is consistent with this objective.

- (c) to encourage public involvement in resource management and planning.*

**Comment:** If initiated, the draft amendment will be placed on public exhibition, providing an opportunity for public involvement.

- (d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\)](#), [\(b\)](#) and [\(c\)](#).*

**Comment:** The draft amendment is consistent with this objective.

- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*



**Comment:** Advice has been provided from TasWater. If certified, the proposal will be sent to the Tasmanian Planning Commission.

Part 2 – The objectives of the planning process established by the Act are, in support of the objectives set out in Part 1 of the Schedule –

(a) *to require sound strategic planning and co-ordinated action by State and local government.*

**Comment:** The Northern Regional Land Use Strategy includes Campbell Town as a Major District Centre. Council's Settlement Strategy with regard to Campbell Town is to reinforce and encourage growth within the existing settlement pattern for commercial, residential, industrial and community development. The proposal is consistent with these strategies.

(b) *to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.*

**Comment:** The Northern Midlands Interim Planning Scheme 2013 is the planning instrument that applies to the subject land.

(c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.*

**Comment:** The draft amendment is consistent with this objective.

(d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.*

**Comment:** The draft amendment is consistent with this objective.

(e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.*

**Comment:** The draft amendment is consistent with this objective.

(f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.*

**Comment:** The draft amendment is consistent with this objective.

(g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

**Comment:** The draft amendment is consistent with this objective.

(h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

**Comment:** The draft amendment is consistent with this objective.

(i) *to provide a planning framework which fully considers land capability.*

**Comment:** The draft amendment is consistent with this objective.

**Must be in accordance with State Policies.**

State Policy for the Protection of Agricultural Land – the site is within the developed urban area of Campbell Town.

Water Quality Management State Policy – the site is developed with a building connected to the stormwater system.

State Coastal Policy - There is no coastal land within the municipal area of the Northern Midlands.

National Environmental Protection Measures – None relevant.

**7.2 ASSESSMENT OF PLANNING APPLICATION**

In accordance with section 43A (former provisions) of the *Land Use Planning & Approvals Act 1993*, where a planning authority has decided to initiate an amendment under [section 33\(3\)](#), it may consider the application for a permit concurrently with the preparation of the requested amendment to the planning scheme.

## PROPOSAL

It is proposed to develop and use the site for a co-located Emergency Services Facility for Tasmania Fire Service (TFS) and State Emergency Service (SES).

The proposal includes:

- A new simple gable roofed building to accommodate an operations office, meeting room, store, amenities and enclosed vehicle drive through area.
- 26 carparking spaces including 1 accessible space
- 2 x 15,000l water tanks
- Vehicle wash bay and store
- Provision for a future battery store
- Compressed gravel access and parking areas
- Footpaths
- 1500mm front fence
- Landscaped screening





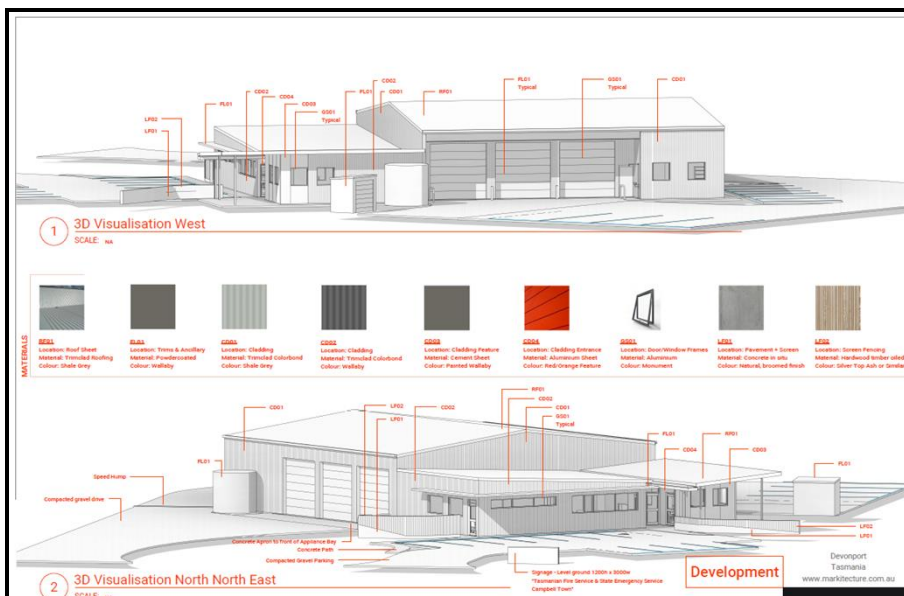
^Site Plan



^ Elevations



^ Elevations



^ 3D Visualisations



## PLANNING SCHEME PROVISIONS

### 8.2 Categorising Use or Development

- 8.2.1 Each proposed use or development must be categorised into one of the use classes in Table 8.2.
- 8.2.2 A use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same use class as that other use.
- 8.2.3 If a use or development fits a description of more than one use class, the use class most specifically describing the use applies.
- 8.2.4 If a use or development does not readily fit any use class, it must be categorised into the most similar use class.
- 8.2.5 If more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a use class.

Table 8.2 includes the following use class:

Use Class	Description
Emergency services	use of land for police, fire, ambulance and other emergency services including storage and deployment of emergency vehicles and equipment. Examples include ambulance station, fire station and police station.

The proposed Emergency Services Facility for Tasmania Fire Service and State Emergency Service is in the use class Emergency Services.

## 10 General Residential Zone

### 10.1 Zone Purpose

- 10.1.1 Zone Purpose Statements
  - 10.1.1.1 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.
  - 10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.
  - 10.1.1.3 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.
  - 10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

**Comment:** The proposal is consistent with the zone purpose statement 10.1.1.2.

### 10.1.2 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.

**Comment:** The proposal is consistent with the local area objectives.

- 10.1.3 Desired Future Character Statements  
 There are no desired future character statements

### 10.2 Use Table (as per draft amendment)

No Permit Required	
Use Class	Qualification
Residential	If a single dwelling



Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If a caretakers dwelling or home-based business If for multiple dwellings, except on CT 152543/1 and CT 159522/1
Utilities	If for minor utilities
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	If a medical centre
Educational and occasional care	
Food services	If a cafe or takeaway food premises If a Restaurant on the land described in CT 3040/81 (114 Marlborough Street, Longford)
General retail and hire	If for a local shop If a hairdressing salon and the sale of clothing and accessories only on the land described in CT 110036/1 (4 Nile Road, Evandale)
Community meeting & entertainment	If not a cinema or function centre
Emergency Services	If on CT 76398/4 & 5 (176 High Street, Campbell Town); or on folio of the register 14992/1 (17 Church Street, Campbell Town)
Recycling and waste disposal	If on CT 135864/3
Residential	If a boarding house, communal residence, hostel, residential aged care facility, retirement village If on CT 152534/1 retirement village only
Resource development	If on CT 135864/3
Vehicle parking	If on CT 135864/3 and directly associated with the Evandale market
Visitor accommodation	
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

### 10.3 Use Standards

#### 10.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
<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.
Does not comply – Discretionary use.	The proposal is unlikely to cause or likely to cause an environmental nuisance. The activities will predominantly involve meeting, training and coordination and are not expected to involve significant noise emissions. Emergency services vehicle sirens are unlikely





	to be used from the site and any external lighting will be baffled and orientated to avoid light spill or glare to nearby properties. It is anticipated that vehicle movements will be low in number and during daytime hours except in the event of a significant emergency. Performance criteria met.
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.
It is anticipated that vehicle movements to the site will generally comply with these hours except for the occasional vehicle movements for emergency events.	Sirens will not be used from the site, with significant out of hours emergency activities expected to be infrequent. The site will be predominantly operated by volunteer members of the local community such that operations are likely to be managed to avoid unreasonable disturbance. Performance criteria met.
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.
Does not comply – Discretionary use.	Any external lighting will be minimised, sited and orientated and baffled so as to avoid light spill or glare beyond the boundaries of the site. The proposal will therefore ensure that no unreasonable amenity impact results to nearby properties. Performance criteria met.

### 10.3.2 Residential Character – Discretionary Uses

<p>Objective</p> <p>To ensure that discretionary uses support:</p> <p>a) the visual character of the area; and</p> <p>b) the local area objectives, if any.</p>	
Acceptable Solutions	Performance Criteria
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
The proposal is for a public facility and as such will not involve commercial vehicles. The proposal will accommodate all parking within the boundaries of the site.	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.
There are no outdoor storage locations visible from adjacent properties, the road or public land.	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	P3 No performance criteria.



waste does not escape to the environment.	
All waste will be stored in self contained receptacles in an area that is not visible from the road.	N/a

#### **10.4 Development Standards**

##### **10.4.1 Residential density for multiple dwellings**

N/A – not a multiple dwelling

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

N/A – not a dwelling

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

N/A – not a dwelling

##### **10.4.4 Sunlight to private open space of multiple dwellings**

N/A – not a multiple dwelling

##### **10.4.5 Width of openings for garages and carports for all dwellings**

N/A – not a dwelling

##### **10.4.6 Privacy for all dwellings**

N/A – not a dwelling

##### **10.4.7 Frontage fences for all dwellings**

N/A – not a dwelling

##### **10.4.8 Waste storage for multiple dwellings**

N/A – not a multiple dwelling

##### **10.4.9 Storage for multiple dwellings**

N/A – not a multiple dwelling

##### **10.4.10 Common Property for multiple dwellings**

N/A – not a multiple dwelling

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

N/A – in the Emergency Services use class, not in the Residential Use Class

##### **10.4.12 Site Services for multiple dwellings**

N/A – not a multiple dwelling

##### **10.4.13 Clauses 10.4.13.1 – 10.4.13.9 only apply to development within the Residential Use Class which is not a dwelling.**

N/A – not in the Residential Use Class

##### **10.4.14 Non Residential Development**

###### **Objective**

To ensure that all non-residential development undertaken in the Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.

###### **Acceptable Solutions**

A1 If for permitted or no permit required uses.

###### **Performance Criteria**

P1 Development must be designed to protect the amenity of surrounding residential uses and must have regard to:





	<ul style="list-style-type: none"> <li>a) the setback of the building to the boundaries to prevent unreasonable impacts on the amenity, solar access and privacy of habitable room windows and private open space of adjoining dwellings; and</li> <li>b) the setback of the building to a road frontage and if the distance is appropriate to the location and the character of the area, the efficient use of the site, the safe and efficient use of the road and the amenity of residents; and:</li> <li>c) the height of development having regard to: <ul style="list-style-type: none"> <li>i) the effect of the slope of the site on the height of the building; and</li> <li>ii) the relationship between the proposed building height and the height of existing adjacent and buildings; and</li> <li>iii) the visual impact of the building when viewed from the road and from adjoining properties; and</li> <li>iv) the degree of overshadowing and overlooking of adjoining properties; and</li> </ul> </li> <li>d) the level and effectiveness of physical screening by fences or vegetation; and</li> <li>e) the location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries; and</li> <li>f) the location and impacts of illumination of the site; and</li> <li>g) passive surveillance of the site; and</li> <li>h) landscaping to integrate development with the streetscape.</li> </ul>
Does not comply – Discretionary use.	See comments below. Performance criteria met.

Development must be designed to protect the amenity of surrounding residential uses and must have regard to:

- *the setback of the building to the boundaries to prevent unreasonable impacts on the amenity, solar access and privacy of habitable room windows and private open space of adjoining dwellings;*

**Comment:** There are no adjacent residential uses and the proposal will therefore not impact on privacy or solar access of any residential property.

- *the setback of the building to a road frontage and if the distance is appropriate to the location and the character of the area, the efficient use of the site, the safe and efficient use of the road and the amenity of residents;*

**Comment:** The proposed setback of 14m from the Church Street frontage is considered to be appropriate to the location and the character of the area, the efficient use of the site, the safe and efficient use of the road and the amenity of residents.

- *the height of development having regard to:*
  - *the effect of the slope of the site on the height of the building; and*
  - *the relationship between the proposed building height and the height of existing adjacent and buildings; and*
  - *the visual impact of the building when viewed from the road and from adjoining properties; and*
  - *the degree of overshadowing and overlooking of adjoining properties; and*



**Comment:** The proposed height is 6.1m. The height is modest and comparable to the height of nearby residential buildings. The height together with the significant setback from the frontage boundary means that the building will not have an adverse visual impact when viewed from the road and adjoining properties.

- *the level and effectiveness of physical screening by fences or vegetation; and*

**Comment:** Landscaping is proposed but will not have much effect in proving screening of the building. The 1500mm high screen and screen landscaping proposed between the building and the street will however soften the appearance of the site.

- *the location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries;*

**Comment:** The site has been laid out so that guest parking is provided at the front and the remained of operational parking within the building or at the rear of the site away from residential properties. Any impact on traffic circulation and parking will therefore be minimised.

- *the location and impacts of illumination of the site;*

**Comment:** Any external lighting will be minimised, sited, orientated and baffled to avoid light spill or glare beyond the boundaries of the site. It will therefore ensure that no unreasonable amenity impacts results to nearby properties.

- *passive surveillance of the site; and*

**Comment:** The development has been designed to allow for passive surveillance of the site.

- *landscaping to integrate development with the streetscape*

**Comment:** The proposal includes landscaped screening between the building, parking areas and the street to soften the appearance of the development.

#### 10.4.15 Subdivision

N/A – not subdivision

CODES		
E1.0	Bushfire Prone Areas Code	N/A – subject proposal is not for a vulnerable use, hazardous use or subdivision.
E2.0	Potentially Contaminated Land	N/A
E3.0	Landslip Code	N/A
E4.0	Road & Railway Assets Code	Complies – see code assessment below
E.5.0	Flood Prone Areas Code	N/A
E6.0	Car Parking & 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 & 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	Complies – see code assessment below



**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.

**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 <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 2 – Regional Freight Route	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 3 – Regional Access Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 4 – Feeder Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 5 – Other Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>

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.	
Acceptable Solutions	Performance Criteria
<b>A1</b> 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%.	<b>P1</b> Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/A – not a sensitive use.	N/A
<b>A2</b> 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	<b>P2</b> For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies – Less Than 40 vehicle entry and exit movements per day are expected.	N/A
<b>A3</b> 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%.	<b>P3</b> For limited access roads and roads with a speed limit of more than 60km/h: <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>
N/A – speed limit of 50km/h	N/A

## E4.7 Development Standards

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

<b>Objective</b> To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to: <ul style="list-style-type: none"> <li>a) ensure the safe and efficient operation of roads and railways; and</li> <li>b) allow for future road and rail widening, realignment and upgrading; and</li> <li>c) avoid undesirable interaction between roads and railways and other use or development.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> 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	<b>P1</b> 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



<p>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>more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <p>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</p> <p>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</p> <p>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.</p>
N/A	N/A

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

<p><b>Objective</b></p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
Acceptable Solutions	Performance Criteria
<p>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>The proposal separates visitor and operational vehicles with two accesses and must therefore be assessed under P1.</p>	<p>The proposed separate visitor and operational accesses are an appropriate response to manage safety for all road users including pedestrians and cyclists. Church Street is a low traffic environment, and it is considered that the proposed access arrangements will function safely. Performance criteria met.</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>
N/A	N/A

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

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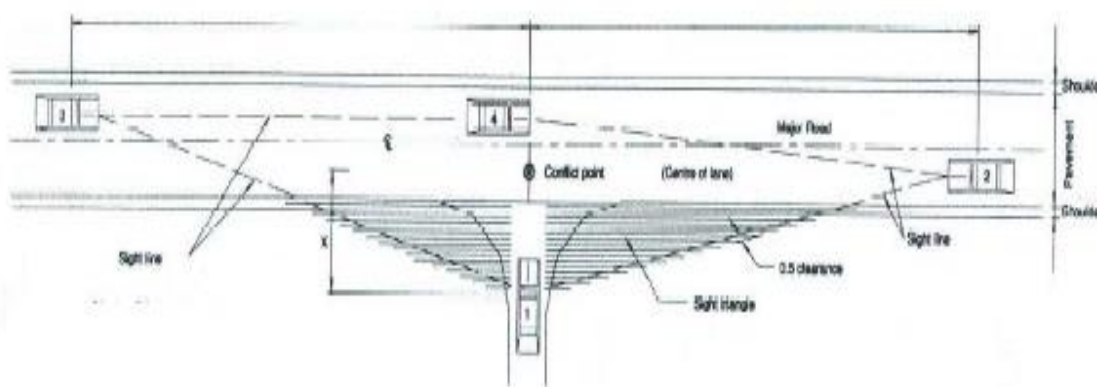
To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
Acceptable Solutions	Performance Criteria
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result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

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

##### Objective

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
Complies	N/A



**Figure E4.7.4 Sight Lines for Accesses and Junctions**

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

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



**Table E4.7.4 Safe Intersection Sight Distance (SISD)**

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

**Notes:**

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

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

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

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		f)	the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
		g)	an empirical assessment of the car parking demand; and





	<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>
<b>Comment:</b> The scheme does not provide a required number of parking spaces for Emergency Services. It is proposed to provide 26 spaces.	N/a

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

Use	Parking Requirement	
	Vehicle	Bicycle
<b>Emergency Services</b>		

#### E6.6.2 Bicycle Parking Numbers

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

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

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

Objective: To ensure that access for taxis is provided to meet the needs of the use.

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> No taxi drop-off or pickup spaces are required.	N/a

#### E6.6.4 Motorcycle Parking Provisions

Objective: To ensure that motorcycle parking is provided to meet the needs of the use.





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.
<b>Comment:</b> No motorbike parking spaces are required.	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.
<b>Comment:</b> Does not comply – gravel access and parking.	<b>Comment:</b> The proposed access and parking areas will be designed to meet Australian Standards, drained and sealed with compacted gravel. All car parking spaces, will be readily identifiable.

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

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

Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
<b>Comment:</b> Does not comply, the proposed visitor/guest parking area for 11 spaces will be sited forward of the building line.	<b>Comment:</b> The proposed visitor/guest parking area in front of the building is considered acceptable. a) The site has been designed to separate visitor parking and traffic from operation movements and staff parking. This requires two separate accesses and requires the visitor parking to be in front of the building. b) The front setback will include a 1.5m high screen and landscaped screen planting to soften the appearance of the parking area from the street. c) It is not possible nor desirable to site the visitor parking area behind the building. d) The site is located between the cemetery and showgrounds and therefore there is no established pattern of parking in the



		vicinity. e) The proposal includes landscaped front setback that will largely attribute to screening and softening the appearance of the parking when viewed from the street. Performance criteria met.
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 <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	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.
<b>Comment:</b> Complies		N/a

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

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

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

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

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

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

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

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1	The location and design of parking spaces considers the needs of disabled persons, having regard to: (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.
<b>Comment:</b> Complies - One space is proposed and is located adjacent to the main entry.	N/a
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.
<b>Comment:</b> Complies – the proposal has been set out to comply with the Australian Standard.	N/a

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

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

Acceptable Solutions	Performance Criteria
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.
<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

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

Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: 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.
N/a – The proposal does not provide bicycle parking.	N/a
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.	
N/a – No bicycle parking is being provided.	N/a

#### 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.
<b>Comment:</b> Table E6.5 requires a 1m wide footpath for carparks that require 11 or more spaces. In this case a separate footway is provided from the front boundary to the main entry. Proposal complies.	N/a

**Table E6.5: Pedestrian Access**

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

#### Notes

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

#### SIGNS CODE

The proposal involves a modest free standing sign “Tasmania Fire Service & State Emergency Service Campbell Town” at the frontage measuring 1200mm high x 3000mm wide. This is considered to be defined as an ‘other’ sign – any sign not listed in the signs code.

Other Sign	
Acceptable Solutions	Performance Criteria
A34 No acceptable solution	<p>P34 Other signs can be located in any zone except the General Residential Zone and the Low Density Residential Zone, provided it can be shown that:</p> <ul style="list-style-type: none"> <li>a) no other form of permitted signage will meet the needs of the proprietor; and</li> <li>b) the sign does not dominate the streetscape and reflects the prevailing character of the area, in terms of shape, proportions and colours; and</li> <li>c) it does not conflict with the Zone Purpose as outlined in Part D of this planning scheme.</li> </ul> <ul style="list-style-type: none"> <li>a) be sympathetic to the architectural character and detailing of the building; and</li> <li>b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; and</li> <li>c) not result in loss of amenity to neighbouring properties; and</li> <li>d) not involve the unnecessary repetition of messages or information on the same street frontage; and</li> </ul>



	<p>e) not contribute to or exacerbate visual clutter; and</p> <p>f) not cause a safety hazard or obstruct movement of anyone inside or outside the associated building; and</p> <p>d) not distract motorists as a result of size, illumination or movement.</p>
-	The proposed sign complies with the performance criteria.

SPECIFIC AREA PLANS	
F1.0 Translink Specific Area Plan	N/A
F2.0 Heritage Precincts Specific Area Plan	N/A

## REFERRALS

Council's Engineering Officer advises of concerns about whether this is the best place for a development that involves such a large hardstand area. The land falls away from the road and so it is proposed to dispose of the water in two dispersion trenches. This is not a solution we would generally recommend for a lot of this size. The engineering design states that the dispersion drain is design for the 5% AEP event which means it may overflow in an event larger than this. If this occurred it would flow into the lot to the south because the dispersion drain is located close to the boundary.

## ATTACHMENTS

1. TF S- SES Planning Application - DPFEM Signed [15.1.1 - 4 pages]
2. APPLICATION- FORM- Planning [15.1.2 - 4 pages]
3. Section 43 A Planning Report Campbell Town Colocation with plans [15.1.3 - 47 pages]
4. 21.031 . DPFEM Campbell Town TFS SES . Development 201008 (002) [15.1.4 - 7 pages]
5. PL N 21-0301 Additional Information Request [15.1.5 - 1 page]
6. L 21-12-03 Response to Council RFI [15.1.6 - 11 pages]
7. SPAN - DA 2021-01949- NMC [15.1.7 - 3 pages]
8. Tas Networks response and requirements [15.1.8 - 3 pages]
9. W& I Referral [15.1.9 - 2 pages]

## RECOMMENDATION

- 1 That Council, under section 34 (1) (former provisions) of the Land Use Planning and Approvals Act 1993, initiate Draft Scheme Amendment 04-2021 to the Northern Midlands Interim Planning Scheme 2013 as follows:

- Amend Clause 10.2 Use Table by placing the following in the Discretionary category:

Discretionary	
Use Class	Qualification
Emergency Services	If on CT 76398/4 & 5 (176 High Street, Campbell Town); or on folio of the register 14992/1 (17 Church Street, Campbell Town)

- 2 That Council, acting as the Planning Authority, pursuant to section 35(1), former provisions, of the *Land Use Planning and Approvals Act* resolve to certify Planning Scheme Amendment 04/2021, to the Northern Midlands Interim Planning Scheme 2013 as meeting the requirements specified in Section 32, former provisions.
- 3 That pursuant to section 38, former provisions, of the *Land Use Planning and Approvals Act 1993*, the planning authority places the draft amendment on public exhibition for 28 days.
- 4 That, pursuant to section 43F (1), former provisions, of the *Land Use Planning and Approvals Act 1993*, the Planning Authority, resolve to refuse planning permit PLN21-0301, to develop and use the land at 17 Church Street, Campbell Town, for Emergency Services (Co-located Emergency Services Facility), in accordance with application PLN-21-0301 on the basis that that it involves a large hardstand area, the land falls away from the road and so it is proposed to dispose of the water in two dispersion trenches. The engineering design states that



the dispersion drain is design for the 5% AEP event which means it may overflow in an event larger than this. If this occurred it would flow into the lot to the south because the dispersion drain is located close to the boundary.



## 15.2 PLN-21-0292: 74 MARLBOROUGH ST, LONGFORD

*File:* 109301.06; CT 181488/1, 181488/2

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Ryan Robinson, Planner

### 1 INTRODUCTION

This report assesses an application for 74 Marlborough Street, Longford to construct Change of Use to Residential - Communal Residence, Demolition of Existing Amenities Block (Vary Amenity, Vary Privacy for all dwellings, Vary Frontage fences for all dwellings, Vary Streetscape integration and appearance, Vary Location of car parking, Vary Overlooking, Vary Design and layout of car parking, Vary Bicycle parking and access safety and security, Vary Demolition)

### 2 BACKGROUND

**Applicant:**

Commercial Project Delivery

**Zone:**

GENERAL RESIDENTIAL ZONE, COMMUNITY PURPOSE ZONE

**Owner:**

Jaffa International Pty Ltd

**Codes:**

Heritage Precinct  
Road and Railway Assets Code  
Car Parking and Sustainable Transport Code  
Local Historic Heritage Code

**Classification under the Scheme:**

Residential, Communal Residence

**Existing Use:**

<insert text here>

**Deemed Approval Date:**

04 February 2022

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- 10.3.1 Amenity P1
- 10.3.1 Amenity P3
- 10.4.6 Privacy for all dwellings P2
- 10.4.7 Frontage fences for all dwellings P1
- 10.4.13.1 Streetscape integration and appearance P2
- 10.4.13.6 Location of Car Parking P1
- 10.4.13.7 Overlooking P1
- E6.7.2 Design and Layout of Car Parking P1
- E6.7.2 Design and Layout of Car Parking P2
- E6.8.2 Bicycle Parking Access, Safety and Security P1
- E13.6.1 Demolition P1.1 & P1.2
- E13.6.5 Fences P1

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 36 Effective from 30/09/2021*

**Preliminary Discussion**

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



### Subject Site



Figure 1 topographic map showing location of subject site (blue outline)

## 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:

- Change of Use to Residential - Communal Residence, Demolition of Existing Amenities Block (Vary Amenity, Vary Privacy for all dwellings, Vary Frontage fences for all dwellings, Vary Streetscape integration and appearance, Vary Location of car parking, Vary Overlooking, Vary Design and layout of car parking, Vary Bicycle parking and access safety and security, Vary Demolition).





Site Plan (extract)

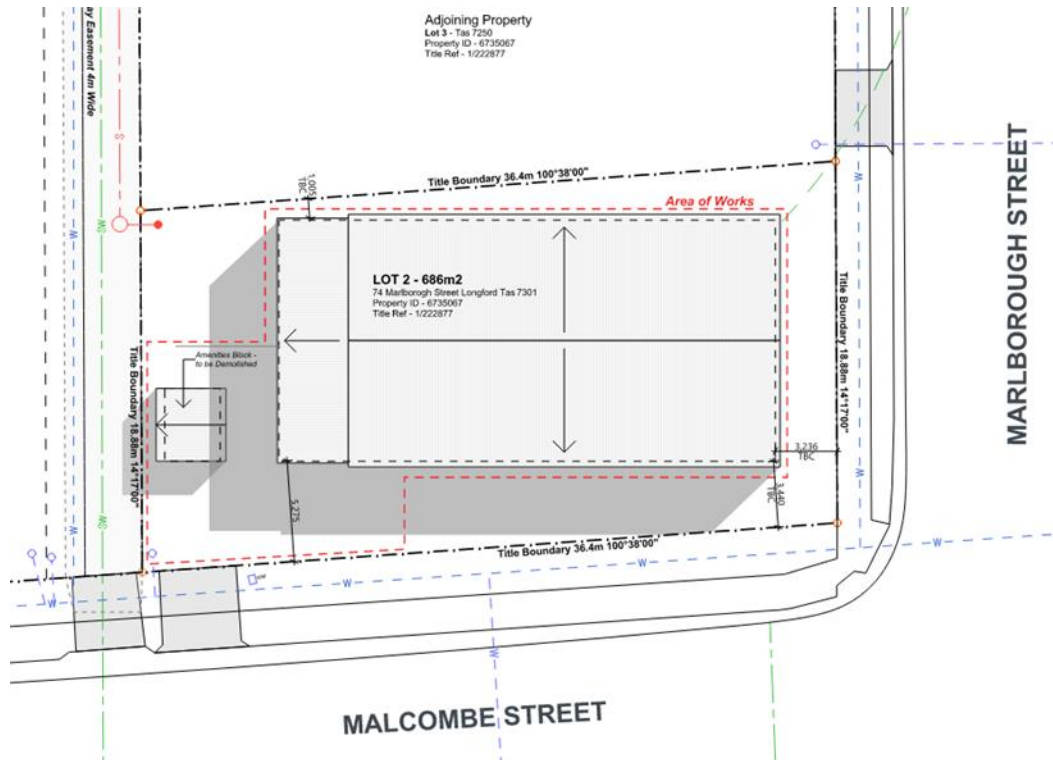


Figure 2 Existing Layout

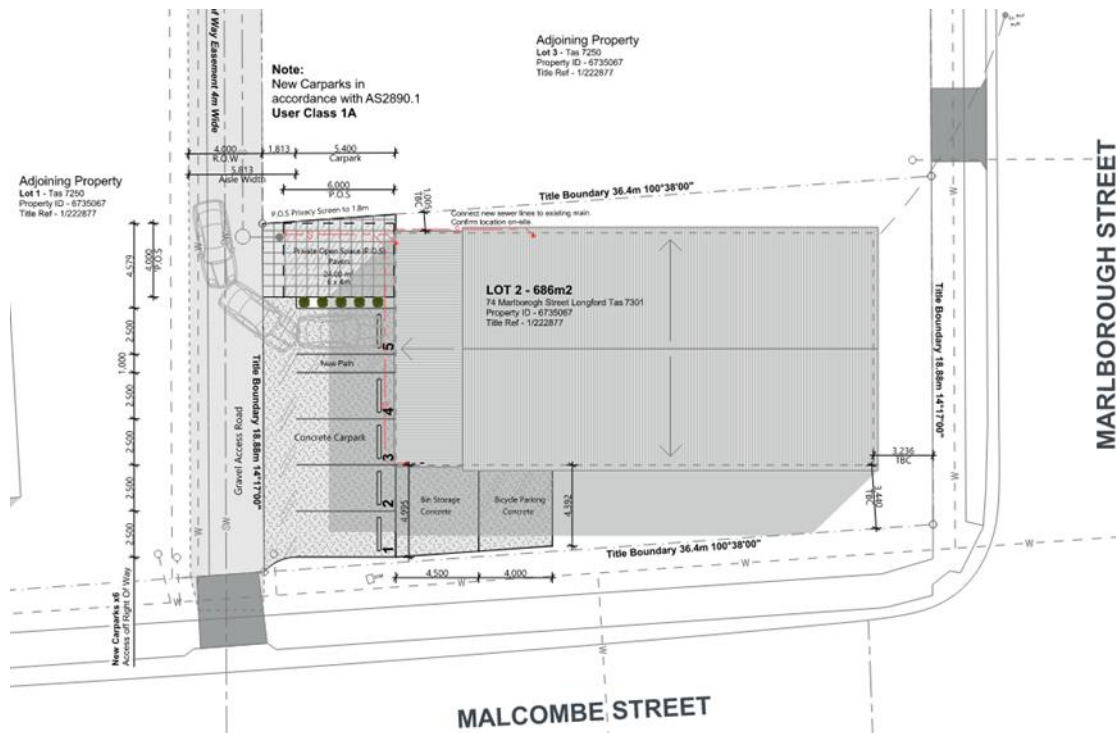


Figure 3 Proposed Layout

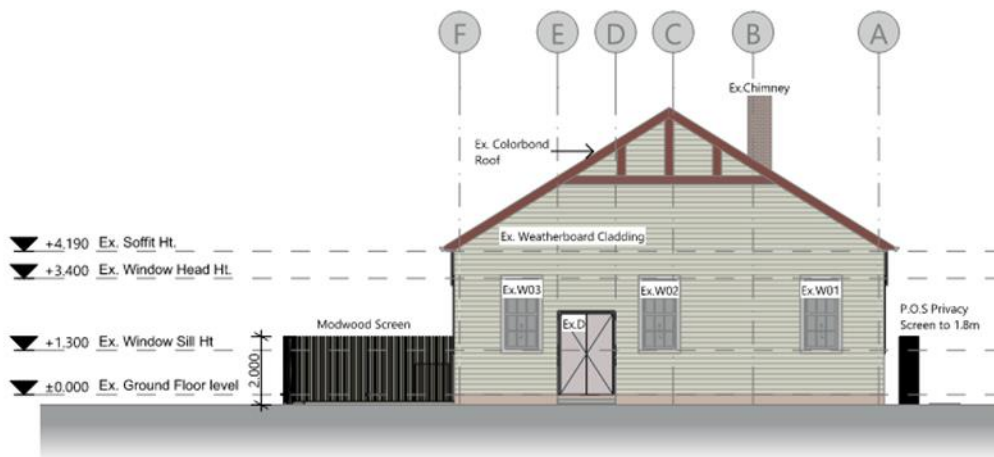


## Elevations



1 E01 Elevation: North  
- 1:200

Figure 4 Northern Elevation



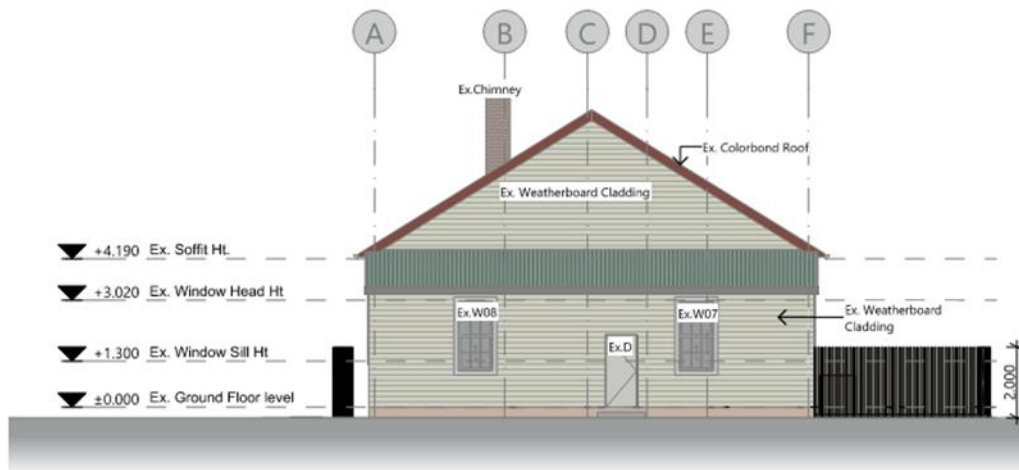
2 E02 Elevation: East  
- 1:200

Figure 5 Eastern Elevation



3 E03 Elevation: South  
- 1:200

Figure 6 Southern Elevation



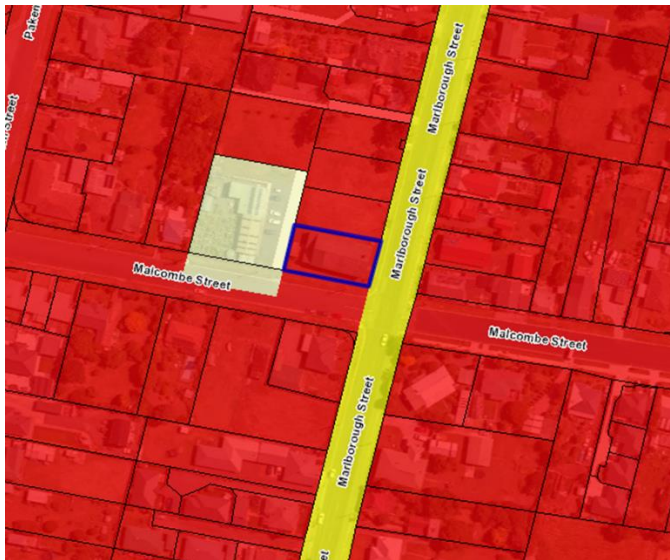
4
-

E04 Elevation: West  
1:200

Figure 7 Western Elevation

#### 4.2 Zone and Land Use

The land is subject to the General Residential Zone, and the adjoining lot is subject to the Community Purpose Zone, within which is located the proposed site access via a Right of Way. Both lots are subject to the Heritage Precinct Overlay, and Heritage Precinct Code.



The relevant Planning Scheme definition is:

Residential (use class)	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.
Communal residence	means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building. Examples include a boarding house, residential college and residential care home

Residential is Discretionary in the General Residential Zone, if for a communal residence.





#### 4.3 Subject Site and Locality

The author of this report carried out a site visit on 11/11/2021.

##### *Aerial photograph of area*



Figure 9 Aerial Image

##### *Photographs of subject site*



Figure 10 Proposed Site Access and amenities block to be demolished



*Figure 11 Proposed site access and southern elevation of building*



*Figure 12 Primary frontage and western elevation of building*





*Figure 13 Northern elevation of building*

#### **4.4 Permit/Site History**

Relevant permit history includes:

- DA53/90 - Dept of Defence - Garage
- P07/350 - Netball Court/Carpark/Bus Exchange
- P11-051 - Longford Men's Shed - Signs x2
- P11-306 - Longford Men's Shed - Shipping Container
- P12-025 - Longford Men's Shed - Longford Community Garden
- P14-233 - Longford Men's Shed - Shed Extension
- P17-005 - Longford Men's Shed - Extend Carpark
- PLN-19-0170 - C Dixon - REFUSED Amendment to Planning Scheme
- PLN-19-0221 - Commercial Project Delivery - PS Amendment and S43A Subdivision

#### **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 (attached) was received from:

- Mat Double, 7 Quarantine Rd, Kings Meadows (24a Malcombe St, Longford)

**Map showing location of representor's property in relation to subject site**



*Figure 14 Representor's property (red outline), subject site (blue outline) and Right of Way Easement favouring the representor's property*

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

**Issue 1**

- The proposed car parking area, which relies on access via, and manoeuvring within the Right of Way favouring 24a Malcombe St, is likely to impede access for the representor; and
- The proposed parking layout will restrict access to the representor's property; and access to proposed parking space 1 is very tight.

**Planner's comment:**

Table E6.3 of the Planning Scheme stipulates that where car parking spaces are aligned at 90 degrees to an access strip, and parking spaces have a minimum width of 2.6m, the minimum access strip width is to be 6.4m. The proposed access strip width is 5.813m, which combines the 4m Right of Way located within the adjoining lot, and 1.813m of space within the subject lot.

As such, the proposal does not comply with the provisions of Clause E6.7.2 A2.1 (c) and therefore requires assessment against the provisions of the Performance Criteria.

It is noted that the proposed design and layout of the parking spaces is consistent with the provisions of Australian Standard 2890.1:2004, Parking Facilities, Part 1, Off Road Car Parking as follows:

- The minimum car park aisle width for User Class 1A (where car park widths are 2.4m, and car park lengths are 5.4m) is 5.8m.

However, user classes are defined in Table 1.1 of the Australian Standard, and Note 1 of the Table states:

"The modelling of vehicle manoeuvring into Class 1A spaces shows however, that many drivers may have difficulty driving into and out of such spaces, especially those with vehicles larger than the B85 vehicle. Furthermore, they may have difficulty entering and leaving the vehicle in the narrower spaces."





The planning report submitted with the application states that small vans will utilise the internal access and proposed parking spaces to pick up and drop off passengers. The planning report does not further clarify the type of vans to be used, but it is considered that as passenger vans are typically greater than 4.8m in length, vehicles accessing the site are likely to be classified as B99 vehicles (larger than B85 vehicles).

With regard to the number of vehicle movements to and from the site, the planning application report states that the proposed communal residence is intended for itinerant workers who will likely not have cars. As such, the small vans being used to pick up and drop off the residents will be driven by a third party. This is likely to require 6 vehicle movements at each pick up and drop off period for 5-seat vehicles, or 4 vehicle movements at each pick up and drop off period for 7-seat vehicles.

It is considered that the proposed minimum manoeuvring space provided (in conjunction with site access by vans) will not be convenient, safe, or efficient with regard to dimensions, layout, and the expected number and type of vehicles accessing the site if B99 vehicles access the site.

The applicant has confirmed via email that they would accept a condition on a permit that restricts access to the site to "passenger vehicles" only, and that "communal vehicles" would pick up and drop off itinerant workers from the street. Therefore, it is considered that the proposed development can comply with the provisions of E6.7.2 P2 (a) and (b) (which relate to convenient, safe, or efficient site access) if conditions of a permit restrict the type of vehicles able to access the site to B85 class vehicles only.

#### **Issue 2**

- The proposed use of the former PCYC building would be better utilised as a gallery or coffee shop, or similar use that better reflects the history of the building.
- It is noted by the representor that the building is not heritage listed.

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

The proposed communal residence use of the building has a discretionary classification in the Zone. As such, the proposed use of the building is not inconsistent with the intent of the Planning Scheme.

#### **Issue 3**

- The use of a small van to pick up itinerant workers residing at the site will occur at 6am to 7am, and will block access to the representor's property at approximately the same time the representor will be leaving for work.

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

The planning report lodged with the application states that it is possible that some morning vehicle movements to and from the site will occur prior to 6am, but this would not be an everyday occurrence. It is assumed that the majority of morning vehicle movements will be after 6am, and due to the purpose of the use (housing itinerant agricultural workers) it is assumed that the vehicle movements will be as early as possible. As such, it is likely that the majority of morning vehicle movements will be between the hours of 6am and 7am.

The proposed "small vans" accessing the site are likely to be classified as B99 vehicles, which are likely to have difficulty manoeuvring in the space provided and are therefore more likely to limit access for the representor. As such, it is considered that conditions of a permit to restrict the type of vehicles able to access the site to B85 class vehicles only.

#### **Issue 4**

- The 24m<sup>2</sup> area proposed for Private Open Space is insufficient for Covid related safety for 23 residents.

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

The 24m<sup>2</sup> area for Private Open Space is consistent with the provisions of Clause 10.4.3 A2 (a) and (b). The Planning Scheme does not include provisions that relate to Covid related safety measures.

#### **Issue 5**

- Whilst the Scheme only requires one (1) parking space for each bedroom, the number of parking spaces will not be sufficient for the number of people residing at the property, particularly if they are not foreign workers, as local workers are likely to each have a vehicle. This would also generate a significantly larger number of vehicle movements.



**Planner's comment:**

Table E6.1 specifies that a total five (5) parking spaces are required for the proposed four (4) bedroom communal dwelling, regardless of the number of residents or vehicles requiring parking at the site. As the proposal includes five (5) parking spaces it meets the requirements of Table E6.1 and of Clause E6.6.1 A1 (a).

**Issue 6**

- The sewerage system may not accommodate the proposed intensity of use at the site.

**Planner's comment:**

The development proposal and application has been reviewed by TasWater, and TasWater have advised that the applicant will need to design and construct a sewerage system and connection to TasWater's satisfaction, and be in accordance with other conditions of the permit.

As such, it is considered that the proposed development will be capable of satisfying the requirements for sewerage management.

**Issue 7**

- The development plans do not include laundry facilities.

**Planner's comment:**

Whilst the proposal does not include laundry facilities, the Planning Scheme does not stipulate that laundry facilities are required for a Communal Residential use.

**4.6 Referrals**

The following referrals were required:

**TasWater**

Summary::A TasWater Submission to Planning Authority Notice was issued on 08/12/2021 (Taswater Ref: TWDA 2021/02112-NMC). TasWater have imposed conditions on the proposed development, which are included in the Appendices to this report.

**Heritage Advisor**

Summary: Council's Heritage Advisor, David Denman, reviewed the application on the 02/12/2021. Mr Denman noted that he had no objections to the proposal and his comments form the Heritage Code assessment of this report.

**4.7 Planning Scheme Assessment**

GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<p><i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i></p> <p><i>To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p><i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i></p> <p><i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i></p>
<p><b>Assessment:</b> The proposal meets the zone purpose.</p>
<p><i>To consolidate growth within the existing urban land use framework of the towns and villages.</i></p> <p><i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i></p> <p><i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i></p>



**Assessment:** The proposal meets the local area objectives.

### 10.3.1 Amenity

Objective:

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

Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required a. 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) 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:

P1 – The proposed communal residential use is discretionary within the General Residential Zone and therefore requires assessment against the provisions of the Performance Criteria.

Whilst the proposal is for a communal residence providing a significantly larger number of residents than is typical for the zone or area, as a residential development the proposed use and development is not likely to cause an environmental nuisance through emissions of noise, traffic movement, smoke, odour, dust, or illumination.

With respect to noise, it is anticipated that the site will not generate greater levels than is typical of other permissible residential uses, such as multiple dwellings. With respect to traffic, whilst the anticipated number of residents is significant, the proposed type and nature of vehicles accessing the site is unlikely to generate a greater number of vehicle movements than is permissible under the relevant provisions of the Car Parking and Sustainable Transport Code.

The proposal complies with the provisions of the Performance Criteria.

A2 – The planning report lodged with the application states that the site will not be accessed by commercial vehicles. As such, the provisions of A2 do not apply to the proposal.

P3 - The proposed communal residential use is discretionary within the General Residential Zone and therefore requires assessment against the provisions of the Performance Criteria.

Any external lighting will be contained within the boundaries of the subject site.

### 10.3.2 Residential Character – Discretionary Uses

Objective

To ensure that discretionary uses support:

- a) the visual character of the area; and
- b) the 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	P2 No performance criteria.



locations visible from adjacent properties, the road or public land.	
<p>A3 Waste material storage for Discretionary uses must:</p> <p>a) not be visible from the road to which the lot has frontage ; and</p> <p>b) use self-contained receptacles designed to ensure waste does not escape to the environment.</p>	P3 No performance criteria.

Comment:

A1 –

As the proposed use is not a commercial operation commercial vehicle parking is not required.

The provisions of A1 do not apply to the proposal.

A2 – Whilst a discretionary use in the Zone, it is considered that a communal residential use does not require goods and material storage.

The provisions of A2 do not apply to the proposal.

A3 – The proposal includes a screened area in which bins for waste storage will be located. The area will have a concrete foundation, and the 1.9m high screening will be constructed of Modwood.

The proposal complies with the provisions of the A3.

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

As the proposal is for the modification of an existing building, which does not alter the building footprint or boundary setbacks, the provisions of Clause 10.4.2 do not apply.

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

<p>Objective</p> <p>That dwellings are compatible with the amenity and character of the area and provide:</p> <p>(a) for outdoor recreation and the operational needs of the residents;</p> <p>(b) opportunities for the planting of gardens and landscaping; and</p> <p>(c) private open space that is conveniently located and has access to sunlight</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>P1</p> <p>Dwellings must have:</p> <p>(a) site coverage consistent with that existing on established properties in the area;</p> <p>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>



<p>A2</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
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Comment:

A1 – The proposal will not alter the existing site coverage.

The provisions of A1 do not apply to the proposal.

A2 – The proposal includes an area of Private Open Space located at the north-western corner of the property. The space has a minimum horizontal dimension of 4m; is not located within a frontage; and has a gradient not steeper than 1 in 10.

The proposal complies with the provisions of A2.

#### 10.4.6 Privacy for all dwellings

<p>Objective:</p> <p>To provide a reasonable opportunity for privacy for dwellings.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other</p>	<p>P1</p> <p>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:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>



dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.	
<p>A2</p> <p>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):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(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</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(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;</p> <p>(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</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>P2</p> <p>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:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p>
<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>

Comment:

A1 – As the proposal does not include a balcony, deck, roof terrace, parking space, or carport with a finished surface or floor level more than 1m above existing ground level, the provisions of A1 do not apply.

P2 – The proposed development will create a mezzanine level (a habitable room) with a floor level greater than 1m above existing ground level. As such, the proposal does not comply with A2 (a).

There is no existing dwelling at the adjoining lot to the north of the subject site; the window will have a sill height below the floor level of the mezzanine, and no details are provided in relation to the type of glazing; the existing window is clear, not obscure; and there is no proposal to install a permanently fixed screen to the relevant section of the window. As such, the proposal does not comply with A2 (b).



A condition can be placed on a permit for the proposal that requires either the glazing in the relevant window be replaced with obscure glass, or that screening be permanently fixed to the window to minimise direct views to the adjoining vacant lot. The change in glazing or installation of screening will need to be reviewed by Council's Heritage Advisor, and must satisfy the relevant heritage values of the precinct. If such a condition is adhered to it is considered that the proposal can comply with the provisions of P2.

A3 – The site access will be shared with the property identified in Certificate of Title 24A Malcombe Street. However, the driveway will not access a multiple dwelling to which separation from a habitable room is required.

The proposal complies with A3.

#### 10.4.7 Frontage fences for all dwellings

Objective:

The height and transparency of frontage fences:

- (a) provides adequate privacy and security for residents;
- (b) allows the potential for mutual passive surveillance between the road and the dwelling; and
- (c) is reasonably consistent with that on adjoining properties.

Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution <sup>2</sup> <sup>2</sup> An exemption applies for fences in this zone – see Clause 5.0 - Exemptions	P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and (ii) traffic volumes on the adjoining road.

Comment:

P1 – The site is subject to the Heritage Precinct overlay, and Heritage Precinct Specific Area Plan. As such, the proposal cannot receive an exemption and must be assessed against the provisions of the Performance Criteria.

The proposed section of fence and gate has a total length of 4.5m along the secondary frontage to Malcombe Street. The purpose of the fence is to provide screening from a proposed waste storage area. As such, passive surveillance is not necessary. Nonetheless, the fence and gate will provide security and privacy for the site. The proposed fence is consistent with examples of frontage fencing in the surrounding area.

It is noted that the fence complies with the relevant provisions for fencing in the Local Historic Heritage Code, and the Heritage Precinct Specific Area Plan per the advice of Council's Heritage Advisor.

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

There are no outbuildings or ancillary dwellings proposed.

#### 10.4.8-10.4.12 Apply only to Multiple Dwellings

##### 10.4.13.1 Streetscape integration and appearance

Objective

- a) To integrate the layout of residential development with the streetscape; and
- b) To promote passive surveillance; and
- c) To provide each residential building with its own sense of identity.

Acceptable Solutions	Performance Criteria
A1 Residential buildings (other than dwellings), must: a) have a front door and a window to a habitable room in the building wall that faces a road;	P1 Residential buildings (other than dwellings) must provide for the observation of roads, internal driveways and any abutting public open spaces.





or b) face an internal driveway or communal open space area.	
A2 Fences (other than for dwellings) on and within 4.5m of the frontage must be no higher than: a) 1.2m if solid; or b) 1.5m provided that the part of the fence above 1.2m has openings which provide at least 30% transparency.	P2 Fences (other than for dwellings) on and within 4.5m of the frontage must be designed to: a) provide for security and privacy of residents while allowing for passive surveillance of the road; or b) be consistent with the height, design and character of neighbouring fences and walls.

Comment:

A1 – The building will feature a rear entrance with a door and window facing an internal driveway (Right of Way). The proposed reconfiguration of internal space will also create a habitable room with a window overlooking Malcombe Street and the proposed bicycle parking area.

The proposal complies with the Acceptable Solution.

P2 – The existing fence will not be altered, with the exception of a 4.5m long section, which will be modified with 1.8m high vertical modwood slats forming a fence and gate to the waste storage area, and therefore cannot comply with A2. It is considered that the proposed fence will provide for security and privacy of residents while allowing for passive surveillance of the road, and therefore complies with the provisions of P2.

#### 10.4.13.2 Site coverage

Objective a) To ensure that the site coverage of residential development respects the existing neighbourhood character or desired future character statements, if any; and b) To reduce the impact of increased stormwater run-off on the drainage system; and c) To ensure sufficient area for landscaping and private open space.	
Acceptable Solutions	Performance Criteria
A1.1 Site coverage (other than for dwellings) must not exceed 50% of the total site; and A1.2 Development (other than for dwellings) must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces.	P1 The proportion of the site covered by buildings or development (other than for dwellings) must have regard to: a) the existing site coverage and any constraints imposed by existing development or the features of the site; and b) the site coverage of adjacent properties; and c) the effect of the visual bulk of the building and whether it respects the neighbourhood character; and d) the capacity of the site to absorb run-off; and e) landscaping.

Comment:

A1.1 – The site will retain coverage of less than 50%, and the proposal complies with the provisions of A1.1

A1.2 – Greater than 25% of the site will be free of impervious surfaces, and the proposal complies with the provisions of A1.2.

#### 10.4.13.3 Building Height

The existing building height will not be altered. The Clause does not apply.

#### 10.4.13.4 Frontage setbacks

The existing building setbacks will not be altered. The Clause does not apply.

#### 10.4.13.5 Rear and Side Setbacks

The existing building setbacks will not be altered. The Clause does not apply.



#### 10.4.13.6 Location of Car Parking

Objective	
a) To provide convenient parking for resident and visitor vehicles; and	
b) To avoid parking and traffic difficulties in the development and the neighbourhood; and	
c) To protect residents from vehicular noise within developments.	
Acceptable Solutions	Performance Criteria
A1 Driveways or car parks of residential buildings (other than dwellings) must be located at least 1.5m from the windows of habitable rooms	P1 Driveways or car parking spaces (other than for dwellings) must be designed to protect the amenity of the adjoining habitable rooms having regard to the: a) width of the driveway; and b) location of the existing dwellings; and c) number of car spaces served by the driveway; and d) need for physical screening and/or landscaping.
A2 A garage or carport (other than for dwellings) must be located at least 5.5m from a frontage.	P2 Car parking facilities (other than for dwellings) must be: a) reasonably close and convenient to the use it serves; and b) located to minimise visual impact to the streetscape.
A3 The total width of the door or doors on a garage facing a road frontage (other than for dwellings) must: a) be not more than 6m; or b) the garage must be located within the rear half of the lot when measured from the front boundary.	P3 The width of garage doors facing a road (other than for dwellings) should not be a visually dominant element in the streetscape and must be designed having regard to the: a) existing streetscape and the design and locations of garages in the area; and b) location of existing buildings on the site.

#### Comment:

P1 – The proposed parking spaces are within 1.5m of the window of the kitchen. As such, the proposal requires assessment against the Performance Criteria.

As the relevant adjoining habitable room is a kitchen, it is considered that the location of the parking spaces will not impact the amenity of the habitable room. The proposal complies with the provisions of P1.

A2 – The proposal does not include a garage or carport, and therefore the provisions of A2 do not apply.

A3 – The proposal does not include a garage or carport, and therefore the provisions of A3 do not apply.

#### 10.4.13.7 Overlooking

Objective	
To minimise:	
a) overlooking into private open space and habitable room windows to provide a reasonable degree of privacy to the residents of the adjoining and the subject sites; and	
b) any adverse impact on the amenity of the adjoining and the subject site.	
Acceptable Solutions	Performance Criteria
A1.1 A habitable room window, balcony, terrace, deck or patio (other than for dwellings) with a direct view into a habitable room window or private open space of dwellings within a horizontal distance of 9m (measured at finished ground level) of the window, balcony, terrace, deck or patio must be: a) offset a minimum of 1.5m from the edge of one window to the edge of the other; or b) have sill heights of at least 1.7m above floor level; or c) have fixed, obscure glazing in any part of the window below 1.7m above floor level; or	P1 Buildings (other than dwellings) must be designed to minimise the potential for loss of amenity caused by overlooking of adjacent dwellings having regard to the: a) setback of the existing and proposed building; and b) location of windows and private open spaces areas within the



<p>d) have permanently fixed external screens to at least 1.8m above floor level; and</p> <p>e) obscure glazing and screens must be no more than 25% transparent. Views must be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above floor level, indicated in Figure 10.4.13.7; or</p> <p>A1.2 New habitable room windows, balconies, terraces, decks or patios (other than for dwellings) that face a property boundary must have a visual barrier at least 1.8 metres high and the floor level of the habitable room, balconies, terraces, decks or patios is less than 0.6m above the ground level at the boundary.</p>	<p>development and the adjoining sites; and</p> <p>c) level and effectiveness of physical screening by fences or vegetation; and</p> <p>d) topography of the site; and</p> <p>e) characteristics and design of houses in the immediate area.</p>
<p>A2 Screens used to obscure a view (other than from dwellings) must be:</p> <p>a) perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels; and</p> <p>b) permanent, fixed and durable.</p>	<p>P2 No performance criteria.</p>

Comment:

A1.1 –

P1 – The subject site is adjacent a vacant lot to the north and as such, A1.1 does not apply.

The site will include a window to a habitable room facing a property boundary at the proposed ground level Common Area, and Kitchen, and the mezzanine level space. The proposal does not include screening to any window. As such, the proposal requires assessment against the Performance Criteria.

It is considered that a permit can be conditioned to require suitable screening of the ground level Kitchen window and the mezzanine window. As the ground level Common Area window overlooks the proposed bicycle parking area and provides for passive surveillance of the street, it is considered that screening of that window is not necessary.

It is considered that the proposal complies with the provisions of P1.

A2 – The proposal does not include screening. However, if a permit for the proposal is conditioned to include screening, the condition can specify that screening is consistent with the provisions of A2 (a) and (b). The condition will also require approval by Council's Heritage Advisor in relation to the relevant heritage values of the site and surrounds.

#### 10.4.13.8 Landscaping

<p>Objective</p> <p>a) To provide appropriate landscaping that respects the landscape character of the neighbourhood; and</p> <p>b) To encourage the retention of mature vegetation on the site.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Landscaping (other than for dwellings) must be provided to the frontage and within the development including:</p> <p>a) the retention or planting of vegetation; and</p> <p>b) the protection of any predominant landscape features of the neighbourhood; and</p> <p>c) pathways, lawn area or landscape beds.</p>	<p>P1 Landscaping (other than for dwellings) must:</p> <p>a) provide a safe, attractive and functional environment for residents; and</p> <p>b) respond to the landscape character of the neighbourhood; and</p> <p>c) have regard to any mature vegetation.</p>

Comment:

A1 – The proposal does not include landscaping. However, the planning report lodged with the application states that landscaping can be included as a condition of approval. It is considered that a condition requiring a landscaping



plan, and landscaping to the property frontages to Malcombe and Marlborough Streets can satisfy the provisions of A1.

#### 10.4.13.9 Common Property

Objective To ensure that communal open space, car parking, access areas and site facilities are easily identified.	
Acceptable Solutions	Performance Criteria
A1 Development (other than for dwellings) must clearly delineate public, communal and private areas such as: a) driveways; and b) landscaped areas; and c) site services, bin areas and any waste collection points.	P1 No performance criteria.

#### Comment:

A1 – The proposal provides clear delineation between public and communal spaces, including for waste storage, bicycle and car parking, and Private Open Space. The shared driveway will be located within the adjoining property, and whilst landscaping is not included in the proposal, it is considered that if landscaping is included as a condition of approval for the proposal, that landscaping will be located behind the existing boundary fence to Malcombe and Marlborough Streets.

It is considered that the proposal complies with, and is otherwise capable of complying with (in accordance with appropriate conditions for landscaping) the provisions of A1.

#### 10.4.14 Non Residential Development

The proposal is for a residential use, and the Clause does not apply.

#### 10.4.15 Subdivision

Clauses 10.4.15.1-10.4.15.7 apply only to subdivision.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
E.5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a Complies – See code assessment below
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

#### ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

#### E4.6 Use Standards

#### E4.6.1 Use and road or rail infrastructure



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

Comment:

A1 – Not applicable

A2 – The proposal provides five (5) car parking spaces generating an anticipated nine (9) daily vehicle trips (based on the RTA Guide to Traffic Generating Developments 2002). Potential additional trips generated by small vans accessing the site to pick up and drop off itinerant worker residents would likely generate an additional four (4) to (6) trips per day (based on the number of residents and capacity of typical small vans).

The proposal complies with the provisions of A2.

A3 – Not applicable

#### **E4.7 Development Standards**

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

<b>Objective</b> To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to: a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and
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c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> <li>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</li> <li>b) building areas on new lots; and</li> <li>c) outdoor sitting, entertainment and children's play areas</li> </ul>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <ul style="list-style-type: none"> <li>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</li> <li>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</li> <li>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</li> <li>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.</li> </ul>

Comment:

A1 – 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> <ul style="list-style-type: none"> <li>a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and</li> <li>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a 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</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>

Comment:

A1 – The proposed development provides only one access for entry and exit via access on the adjoining lot.



The proposal complies with the provisions of A1.

A2 – Not applicable

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

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

Comment:

A1 – Not applicable

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

Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
Acceptable Solutions	Performance Criteria
A1 Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	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.

Comment:

A1 – The site access has clear views in both directions (east and west) along Malcombe Street, consistent with the requirements of Table E4.7.4.

The proposal complies with the provisions of A1.

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

#### E6.6 Use Standards

##### E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.	
Acceptable Solutions	Performance Criteria
A1 The number of car parking spaces must not be less than the requirements of:	P1 The number of car parking spaces provided must have regard to: a) the provisions of any relevant location specific car parking plan; and b) the availability of public car parking spaces within reasonable walking





<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>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>A1 – Table E6.1 specifies that an other Residential Use (including communal residence) must provide one (1) parking space per bedroom, or two (2) parking spaces per three (3) bedrooms, and one (1) visitor parking space for every five (5) dwellings. As such, the proposed development, with four (4) bedrooms, requires a minimum four (4) residential parking spaces and one (1) visitor parking space.</p> <p>The proposal provides five (5) parking spaces and complies with the provisions of A1.</p>	

#### E6.6.2 Bicycle Parking Numbers

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

Acceptable Solutions	Performance Criteria
<p>A1.1Permanently 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>A1.2The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a)likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b)location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c)availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>A1.1 – Table E6.1 specifies that an other Residential Use (including communal residence) must provide one (1) bicycle parking space per five (5) bedrooms.</p> <p>The proposed development includes four bicycle parking spaces at the site, and the proposal therefore complies with the provisions of A1.1.</p>	

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

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
<p>A1One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof</p>	<p>P1No performance criteria.</p>



(except for dwellings in the General Residential Zone).	
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
A1One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1No performance criteria.
Comment: Not applicable	

#### E6.7 Development Standards

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

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1All 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.	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>Comment:</p> <p>The proposed development will provide a concrete surface to the parking area, but not to the shared driveway/access strip.</p> <p>The applicant has confirmed via email that they are happy for a condition of a permit to requires an impervious, all weather seal be applied to all manoeuvring space. The surface would need to be formed to an adequate level and drained. As the proposal includes wheel stops for each parking space, it is considered that (if the above condition is placed on a permit) the proposal will meet all provisions of A1.</p>	

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

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
<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>
<p>P1 – The proposal includes two parking spaces located in front of the building line at the secondary frontage to Malcombe Street. As such, the proposal requires assessment against the Performance Criteria.</p> <p>The proposed location of car parking is consistent with that of the adjoining Men's Shed, and is considered to comply with all provisions of P1.</p>	
A2.1Car parking and manoeuvring space must:	P2Car parking and manoeuvring space must:



<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>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>
<p>P2 – Table E6.3 of the Planning Scheme stipulates that where car parking spaces are aligned at 90 degrees to an access strip, and parking spaces have a minimum width of 2.6m, the minimum access strip width is to be 6.4m. The proposed access strip width is 5.813m, which combines the 4m Right of Way located within the adjoining lot, and 1.813m of space within the subject lot.</p> <p>As such, the proposal does not comply with the provisions of Clause E6.7.2 A2.1 (c) and therefore requires assessment against the provisions of the Performance Criteria.</p> <p>It is noted that the proposed design and layout of the parking spaces is consistent with the provisions of <i>Australian Standard 2890.1:2004, Parking Facilities, Part 1, Off Road Car Parking</i> as follows:</p> <ul style="list-style-type: none"> <li>The minimum car park aisle width for User Class 1A (where car park widths are 2.4m, and car park lengths are 5.4m) is 5.8m.</li> </ul> <p>However, user classes are defined in Table 1.1 of the Australian Standard, and Note 1 of the Table states:</p> <p><i>“The modelling of vehicle manoeuvring into Class 1A spaces shows however, that many drivers may have difficulty driving into and out of such spaces, especially those with vehicles larger than the B85 vehicle. Furthermore, they may have difficulty entering and leaving the vehicle in the narrower spaces.”</i></p> <p>The planning report submitted with the application states that small vans will utilise the internal access and proposed parking spaces to pick up and drop off passengers. The planning report does not further clarify the type of vans to be used, but it is considered that as passenger vans are typically greater than 4.8m in length, vehicles accessing the site are likely to be classified as B99 vehicles (larger than B85 vehicles).</p> <p>With regard to the number of vehicle movements to and from the site, the planning application report states that the proposed communal residence is intended for itinerant workers who will likely not have cars. As such, the small vans being used to pick up and drop off the residents will be driven by a third party. This is likely to require 6 vehicle movements at each pick up and drop off period for 5-seat vehicles, or 4 vehicle movements at each pick up and drop off period for 7-seat vehicles.</p> <p>It is considered that the proposed minimum manoeuvring space provided (in conjunction with site access by vans) will not be convenient, safe, or efficient with regard to dimensions, layout, and the expected number and type of vehicles accessing the site if B99 vehicles access and park at the site.</p> <p>The applicant has confirmed via email that they will accept a condition on a permit that restricts access to the site to “passenger vehicles” only, and that “communal vehicles” would pick up and drop off itinerant workers from the street. Therefore, it is considered that the proposed development can comply with the provisions of E6.7.2 P2 (a) and (b) (which relate to convenient, safe, or efficient site access) if conditions of a permit restrict the type of vehicles able to access the site to B85 class vehicles only.</p>	

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

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

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

Objective: To ensure adequate access, safety and security for car parking and for deliveries.	
Acceptable Solutions	Performance Criteria
A1Car parking areas with greater than 20 parking spaces	P1Car parking areas with greater than 20 parking spaces



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

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

Objective: To ensure adequate parking for persons with a disability.	
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.	P1The location and design of parking spaces considers the needs of disabled persons, having regard to: <ul style="list-style-type: none"> <li>a. the topography of the site;</li> <li>b. the location and type of relevant facilities on the site or in the vicinity;</li> <li>c. the suitability of access pathways from parking spaces, and</li> <li>d. applicable Australian Standards.</li> </ul>
A2One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with <i>Australian Standards AS/NZ 2890.6 2009</i> .	P2The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to: <ul style="list-style-type: none"> <li>a. characteristics of the populations to be served;</li> <li>b. their means of transport to and from the site; and</li> <li>c. applicable Australian Standards.</li> </ul>
<p>Comment:</p> <p>Not applicable</p>	

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
A1For retail, commercial, industrial, service industry or warehouse or storage uses: <ul style="list-style-type: none"> <li>a)at least one loading bay must be provided in accordance with Table E6.4; and</li> <li>b)loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</li> </ul>	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>Comment:</p> <p>Not applicable</p>	

#### E6.8 Provisions for Sustainable Transport

##### E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

##### E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
A1.1Bicycle parking spaces for customers and visitors must:	P1Bicycle parking spaces must be safe,



<p>a) be accessible from a road, footpath or cycle track; and</p> <p>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</p> <p>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</p> <p>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</p> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>secure, convenient and located where they will encourage use.</p>
<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p>i) 1.7m in length; and</p> <p>ii) 1.2m in height; and</p> <p>iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<p>P1 – The proposed development includes four (4) bicycle parking spaces with lockable hoops. However, the bicycle parking facilities are not under cover, and the proposal requires assessment against the Performance Criteria. The bicycle parking spaces are located adjacent to the proposed Common Area, and can be viewed through a window adjacent to the parking spaces. The bicycle parking area is located within the secondary frontage of the site, and it is considered convenient to access and will encourage use.</p> <p>The proposal complies with the provisions of P1.</p> <p>A2 – The proposed bicycle parking spaces have minimum dimensions of 1.7m in length, 1.2m in height, 0.7m in width, and unobstructed access.</p> <p>The proposal complies with the provisions of A2.</p>	

#### 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.
<p>Comment:</p> <p>A1 – The proposal does not require separate pedestrian access.</p> <p>The proposal complies with the provisions of A1.</p>	

**Table E6.5: Pedestrian Access**

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

#### Notes

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



**ASSESSMENT AGAINST E13.0  
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, but is not heritage listed.

**E13.5 USE STANDARDS**

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

*Objective: To ensure that the use of heritage buildings provides for their conservation.*

<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: Not applicable

**E13.6 DEVELOPMENT STANDARDS**

**E13.6.1 Demolition**





*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.*

<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> <p>a) where the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or</p> <p>b) the demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or</p> <p>c) there are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or</p> <p>d) the building is identified as non-contributory within a precinct identified in Table E13.1: Heritage Precincts, if any; and</p> <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: Council's Heritage Advisor provided the following comment on the proposal:

*The small, detached amenities building at the rear of the building proposed for removal has no historic heritage significance and is non contributory within the streetscape.*

It is considered that the proposed development complies with P1.1 and P1.2

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

*Objective: To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	<p>P1 Subdivision must:</p> <p>a) be consistent with and reflect the historic development pattern of the precinct or area; and</p> <p>b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and</p> <p>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</p> <p>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</p> <p>e) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: Not applicable (no subdivision)

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

*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.*

<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> <p>a) be appropriate to maintaining the character and appearance of the building or place, and the appearance of adjacent buildings and the area; and</p> <p>b) not detract from meeting the management objectives of a precinct</p>





	<i>identified in Table E13.1: Heritage Precincts, if any.</i>
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Comment: Not applicable (no change in site cover)

#### **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</i> <i>P1.2Extensions proposed to the front or sides of an existing building must not detract from the historic heritage significance of the building; and</i> <i>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: Not applicable (no change to existing building height and bulk)

#### **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:</i> <i>a) be designed to be complementary to the architectural style of the dominant buildings on the site or</i> <i>b)be consistent with the dominant fencing style in the heritage precinct; and</i> <i>c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: The proposed development will include a new section of fence 4.5m in length, which will consist of vertical modwood slats. Council's Heritage Advisor provided the following comment:

*The proposed screen fence is in a simple vertical timber style and is considered complimentary to the architectural style of the building and acceptable within the [precinct].*

It is considered that the proposal complies with P1.

#### **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:</i> <i>a)be sympathetic to the historic heritage significance, design and period of construction of the dominant existing buildings on the site; and</i> <i>b)not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: Not applicable (no change to roof form or materials)

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



*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.*

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

Comment: Not applicable (no change to wall materials)

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

*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.*

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

Comment: Not applicable (no change to building siting)

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

*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.*

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

Comment: Satisfies the performance criteria.

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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.	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.
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Comment: Not applicable

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

*Objective: To ensure that places identified in Table E13.3 as having archaeological significance are appropriately managed.*

<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: Not applicable

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

*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.*

<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: Not applicable

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

*Objective: To ensure that signage is appropriate to conserve the historic heritage significance of local heritage places and precincts.*

<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: Not applicable

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

*Objective*

*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.*

##### **Acceptable Solution**

*New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are being replaced.*

Comment: Satisfies the performance criteria.

#### **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.

**Existing Character Statement - Description and Significance**

**EVANDALE HERITAGE PRECINCT CHARACTER STATEMENT**

*The Evandale Heritage Precinct is unique because it is the core of an intact nineteenth century townscape, with its rich and significant built fabric and village atmosphere. Its historic charm, tree lined streets and quiet rural setting all contribute to its unique character. Its traditional buildings are an impressive mix of nineteenth and early twentieth century architectural styles while its prominent elements are its significant trees, the Water Tower and the Church spires. The original street pattern is an important setting for the Precinct, with views along traditional streetscapes, creating an historic village atmosphere that is still largely intact. Period residential buildings, significant trees, picket fences, hedgerows and cottage gardens are all complementary, contributing to the ambience of a nineteenth century village. The main roads into and out of Evandale create elevated views to the surrounding countryside which give context to the town and the Precinct, and contribute to its character. The quiet village feel of the town is complemented by a mix of businesses meeting local needs, tourism and historic interpretation. Evandale's heritage ambience has been acknowledged, embraced and built on by many of those who live in or visit the village.*

**Management Objectives**

*To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct. To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.*

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

**Assessment against F2.0 (Heritage Precincts Specific Area Plan)**

**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,

#### Comment:

Although the subject site is within the Heritage Precincts Specific Area Plan, the proposal will not have an adverse 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

STATE POLICIES
The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES
<b>Strategic Plan 2017-2027</b> <ul style="list-style-type: none"><li>Statutory Planning</li></ul>

## 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:

- 10.3.1 Amenity P1
- 10.3.1 Amenity P3
- 10.4.6 Privacy for all dwellings P2
- 10.4.7 Frontage fences for all dwellings P1



- 10.4.13.1 Streetscape integration and appearance P2
- 10.4.13.6 Location of Car Parking P1
- 10.4.13.7 Overlooking P1
- E6.7.2 Design and Layout of Car Parking P1
- E6.7.2 Design and Layout of Car Parking P2
- E6.8.2 Bicycle Parking Access, Safety and Security P1
- E13.6.1 Demolition P1.1 & P1.2
- E13.6.5 Fences P1

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. 1) Redacted - Objection to PL N-21-0292 development application [15.2.1 - 2 pages]
2. Additional Information Request - 211111 [15.2.2 - 1 page]
3. Additional Information Request - 211123 [15.2.3 - 2 pages]
4. Letter to Applicant- Representation Received to Planning Application PL N 21-0292 [15.2.4 - 2 pages]
5. Response to parking concerns etc [15.2.5 - 3 pages]
6. Revision received 211130 - cpd planning application\_ 74 Marlborough street [15.2.6 - 43 pages]
7. Tas Water SPAN TWDA 2021 02112- NMC [15.2.7 - 2 pages]
8. Heritage referral PLN 21 0292 74 Marlborough Street Longford [15.2.8 - 12 pages]

## RECOMMENDATION

That land at 74 Marlborough Street, Longford be approved to be developed and used for a Change of Use to Residential - Communal Residence, Demolition of Existing Amenities Block (Vary Amenity, Vary Privacy for all dwellings, Vary Frontage fences for all dwellings, Vary Streetscape integration and appearance, Vary Location of car parking, Vary Overlooking, Vary Design and layout of car parking, Vary Bicycle parking and access safety and security, Vary Demolition) in accordance with application PLN-21-0292, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **A02-DA04 to A14-DA02**, including:

A01-DA04, 23/11/2021  
A02-DA04, 23/11/2021  
A03-DA06, 23/11/2021  
A04-DA03, 23/11/2021  
A05-DA04, 23/11/2021  
A07-DA03, 23/11/2021  
A08-DA04, 23/11/2021  
A09-DA01, 23/11/2021  
A13-DA05, 23/11/2021  
A14-DA02, 23/11/2021

### 2 Site access and on-site parking conditions

Site access and on-site parking is to be restricted to vehicles identified as B85 vehicles, as per the description provided in Australian Standard 2890.1:2004 Part 1: Off-street car parking.

### 3 Window screening conditions

3.1 The window identified in the approved development plans as Ex.W09, which is located on the northern wall of the building and overlooks the adjoining property identified in Certificate of Title Volume 181488 Folio 3, be fitted either with obscure glass, or with permanently fixed screening to minimise direct views to the adjoining lot.

Further, the choice of obscure glazing or screening must be approved by Council's Heritage Advisor prior to installation.



3.2 The window identified in the approved development plans as Ex.W07, which is located on the western wall of the building and overlooks the proposed car parking area be fitted with permanently fixed screening to minimise direct views to the kitchen (habitable room) from the car park. The screening must comply with the provisions of Clause 10.4.13.7 A2 as follows:

- a) perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels; and
- b) permanent, fixed and durable.

Further, the choice of screening must be approved by Council's Heritage Advisor prior to installation.

#### **4 Landscaping conditions**

A landscaping plan is to be submitted to Council, and corresponding landscaping completed. Landscaping must be consistent with the provisions of Clause 10.4.13.8 Landscaping A1.

#### **5 Car park manoeuvring and circulation surface conditions**

In addition to concrete surfaces of the car parking area shown in the approved development plans, additional impervious all-weather surfaces are to be applied to all manoeuvring and circulation spaces, including corresponding portions of the shared driveway within the property identified in Certificate of Title Volume 181488 Folio 1.

#### **6 External lighting**

Any external lighting at the site must be contained within the site, and not spill into adjacent public or private areas.

#### **7 Amendment to Sealed Plan**

The Sealed Plans for each impacted lot must be amended to include access for the property identified in Certificate of Title Volume 181488 Folio 2 via the Right of Way within the property identified in Certificate of Title Volume 181488 Folio 1, which currently favours the property identified in Certificate of Title Volume 181488 Folio 6.

#### **8 TasWater conditions**

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/02112-NMC).





### 15.3 PLN-21-0088: 155 BURLINGTON ROAD, CRESSY

*File:* PLN21-0088  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

#### 1 INTRODUCTION

This report assesses an application for 155 Burlington Road Access over 177693/1 and 150960/1, Cressy for a salmon hatchery upgrade.

#### 2 BACKGROUND

**Applicant:**

CBM Sustainable Design

**Zone:**

Rural Resource Zone

**Owner:**

Petuna Aquaculture Pty Ltd

**Codes:**

Road and Railway Assets Code

Car Parking and Sustainable Transport Code

Water Quality Code

Environmental Impacts and Attenuation Code

Signs Code

**Classification under the Scheme:**

Resource development (aquaculture)

**Deemed Approval Date:**

24 February 2022

**Existing Use:**

Resource development (aquaculture)

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Reliance on performance criteria of the Rural Resource Zone (setbacks);
- Reliance on performance criteria of the Car Parking and Sustainable Transport Code; and
- Reliance on performance criteria of the Signs Code.

**Planning Instrument:**

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

**Preliminary Discussion**

Prior to the application becoming valid, additional information was requested from the applicant – correspondence attached.

**Subject Site**



### 3 STATUTORY REQUIREMENTS

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

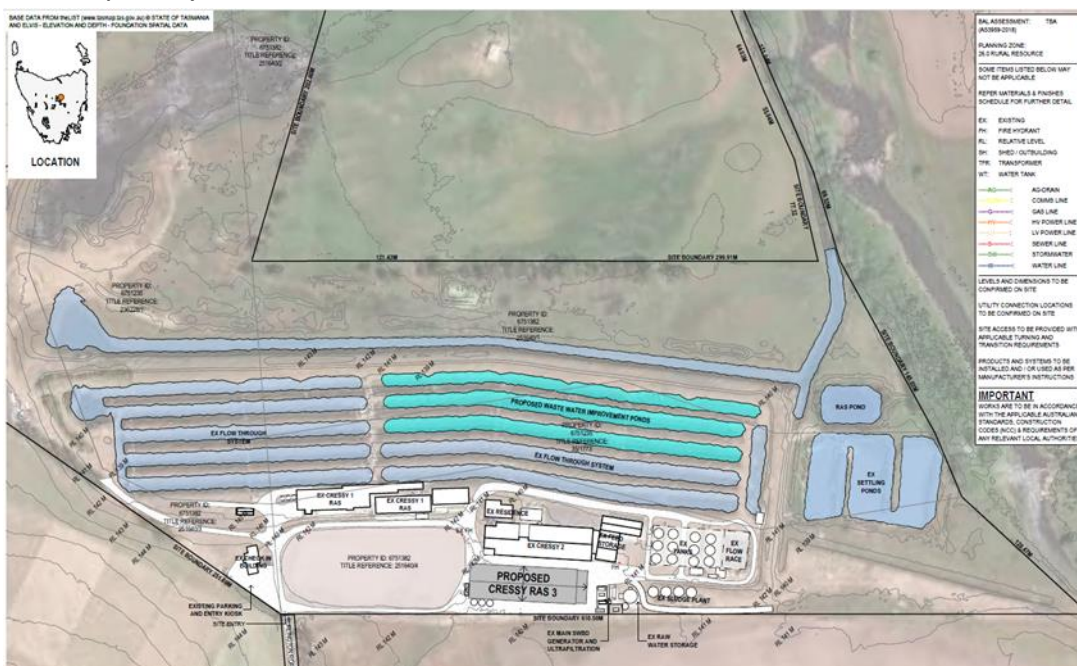
### 4 ASSESSMENT

#### 4.1 Proposal

- Upgrade salmon hatchery (vary setbacks).
- Associated works including parking and signage.

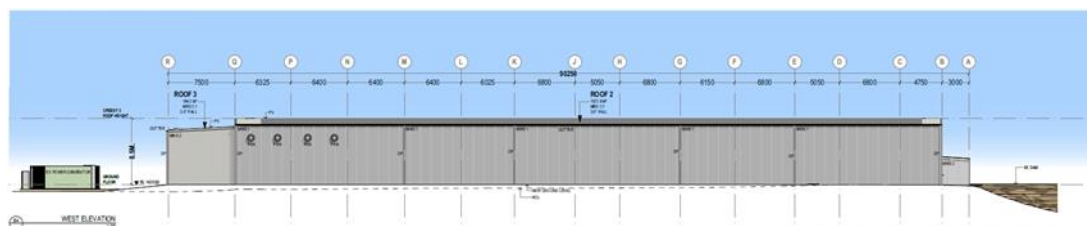
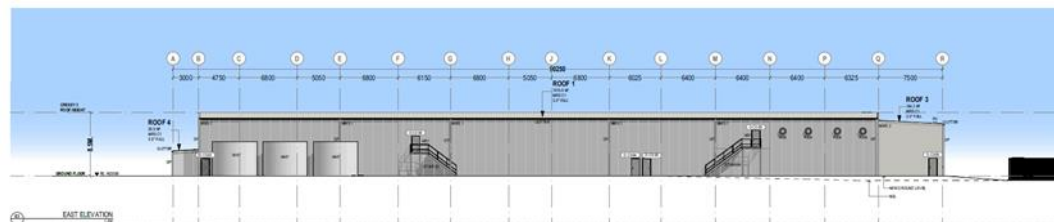
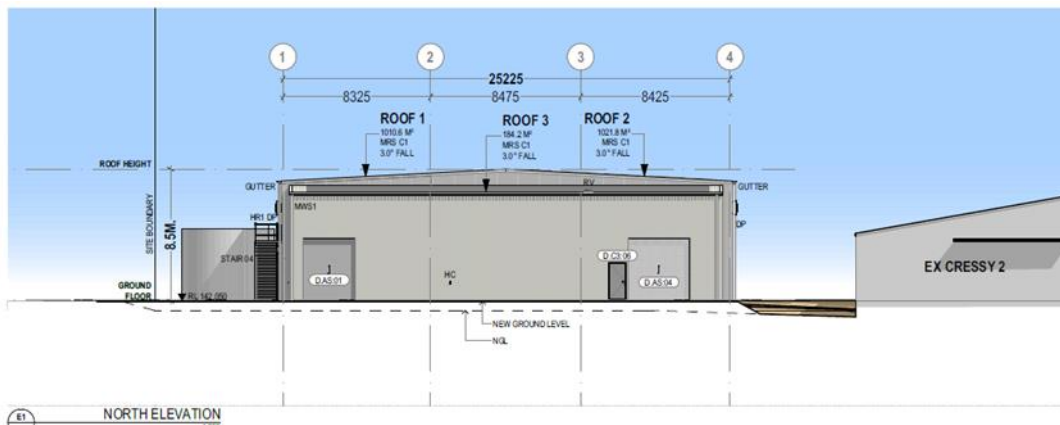
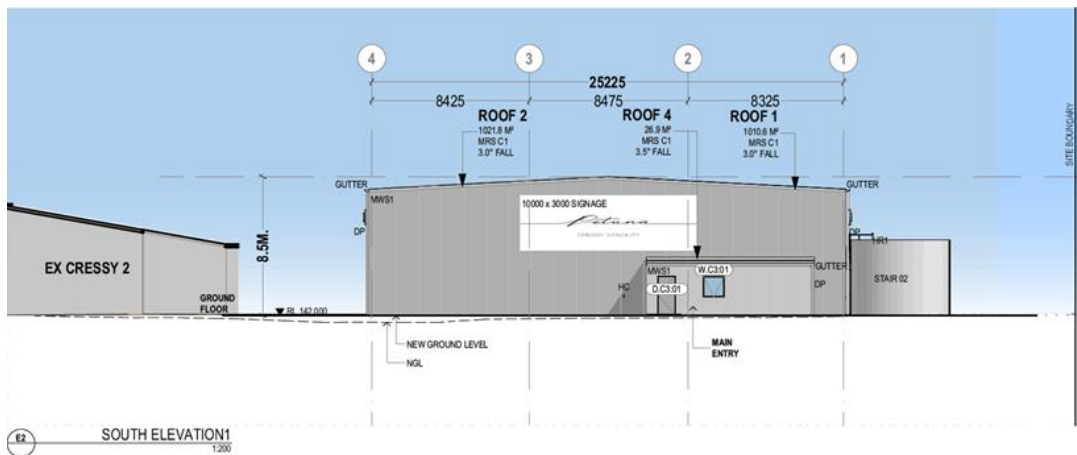
The proposal is to construct a new Recirculating Aquaculture System (RAS) facility for the growing of salmon smolt and to upgrade existing wastewater treatment infrastructure at the site as well as civil works and landscaping associated with the above.

#### Site Plan (extract)



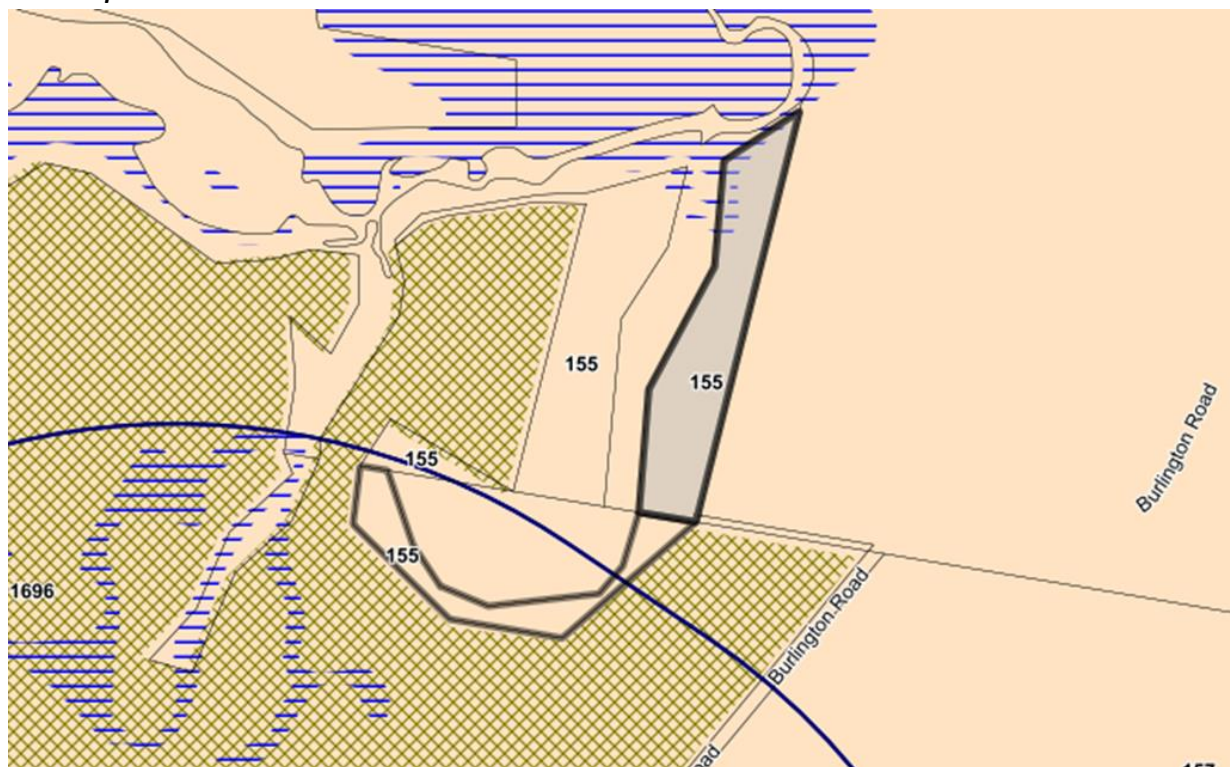


## Elevations



## 4.2 Zone and Land Use

### Zone Map – Rural Resource Zone



The land is zoned Rural Resource

The relevant Planning Scheme definition is:

Resource development	use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.
Aquaculture	means use of land to keep or breed aquatic animals, or cultivate or propagate aquatic plants, and includes the use of tanks or impoundments on land.

Resource development is a no permit required use in the zone as the use meets the qualifications. However, as the proposal relies upon assessment against performance criteria, the application has a discretionary status.

## 4.3 Subject Site and Locality

A site inspection was undertaken on 1 October 2021. The site is located approximately 2.2km from the township of Cressy and located on the northern side of Burlington Road, overlooking Brumbys Creek.

The site was developed in 1979 by Sevrup Fisheries (now Petuna Aquaculture) as a trout hatchery with a license for the production of trout ova. It was constructed as an FT system comprising five raceways of 8-12m wide and 450m long, at an average depth of 1.2m.

These are fed from Brumbys Creek via a water intake consisting of a concrete culvert. A levee bank is constructed to prevent flood waters from entering the site.

In the mid-1980s the license was varied to include the rearing of Atlantic salmon smolt and trout fingerlings. The site has been further developed over the years with the addition of salmon tanks, and a four concrete raceways.



The site also accommodates two residences for staff who are on call, as well as various machinery sheds, a feed storage shed and a site office.

Land surrounding the site is agricultural and includes beef cattle and sheep grazing, crops and seeds.

***Aerial photograph of area***



### Photographs of subject site





#### 4.4 Permit/Site History

Relevant permit history includes:

- 52/84 – shed
- DA01-27 – house extension
- DA27/01 – aquaculture
- DA98/69 – outbuilding
- P01-15 – addition
- P04-087 – shed
- P05-040 – dwelling
- P06-128 – shed
- P10-213-01 – upgrade of existing fish hatchery
- P10-213-02 – re-locate existing shed and new hatchery
- P12-177 – building extension feed-system upgrade
- P13-331 – office extensions
- P14-044 – stage to upgrade of hatchery
- P80-13- building
- P88-58 – shed
- P94-220 – dwelling
- P95-33 – garage



- P98-180 – shed
- P99-75 – shed
- PDA94-14 – dwelling
- PLN10-213 – hatchery redevelopment

#### 4.5 Referrals

The following referrals were required:

##### **Environment Protection Agency (level 2 under EMPCA)**

Summary: The application was referred to the EPA as per section 25(1) of the Environmental Management and Pollution Control Act 1994. The EPA decision is dated 13 January 2022.

#### 4.6 Planning Scheme Assessment

##### **26 Rural Resource Zone**

##### **26.1 Zone Purpose**

##### **26.1.1 Zone Purpose Statements**

- 26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.
- 26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.
- 26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

**Comment:** The proposed development is consistent with the zone purpose statement, which specifically includes the provision for sustainable use or development of resources for aquaculture.

##### **26.1.2 Local Area Objectives**

##### **a) Primary Industries:**

Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.

The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.

Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.

##### **b) Tourism**

Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.

The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.





c) Rural Communities

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

**Comment:** The Local Area Objectives include ensuring agricultural land resources provide for primary industry production, as a significant contributor to the rural economy.

26.1.3 Desired Future Character Statements

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

**Comment:** The proposed development is to be located within the curtilage of existing development so as to ensure that the visual impacts are minimised.

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.
Proposal complies, use is a no permit required use.		Not applicable.	
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.
Proposal complies, use is a no		Not applicable.	



permit required use.	
A3 If for permitted or no permit required uses.	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) the amount of land converted is minimised having regard to: <ul style="list-style-type: none"> <li>i) existing use and development on the land; and</li> <li>ii) surrounding use and development; and</li> <li>iii) topographical constraints; 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, due to factors such as: <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry; or</li> </ul> </li> <li>c) the location of the use on the site is reasonably required for operational efficiency.</li> </ul>
Proposal complies, use is a no permit required use.	Not applicable.
A4 If for permitted or no permit required uses.	<p>P4 It must 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>
Proposal complies, use is a no permit required use.	Not applicable.
<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>
Proposal complies, use is a no permit required use.	Not applicable.

### 26.3.2 Dwellings

Not applicable, no additional accommodation is required for on-site staff.

### 26.3.3 Irrigation Districts

Not applicable – the site is not located within an Irrigation District.

## 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.
Complies.	Not applicable.
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.
Does not comply.	The reduced setbacks of 10m <sup>+</sup> satisfy the performance criteria. The proposed building location will not constrain adjoining property land use, as there are existing buildings and infrastructure at the site located at a similar setback. The adjacent property is irrigated seed production and grazing pasture, and the proposed development will not constrain this use in any way.

#### 26.4.2 Subdivision

Not applicable.

#### 26.4.3 Strata Division

Not applicable.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a – the proposed use is not a vulnerable or hazardous use.
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
E.5.0 FLOOD PRONE AREAS CODE	N/a – the area of proposed development is not subject to flood risk.
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 – this code does not apply as the proposal is a



	level 2 activity under EMPC Act (see E9.4.1 f))
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a – this code does not apply as the proposal is a level 2 activity under EMPC Act (see E11.4.1 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	Complies – See code assessment below

**ASSESSMENT AGAINST E4.0  
ROAD AND RAILWAY ASSETS CODE**

**E4.6 Use Standards**

**E4.6.1 Use and road or rail infrastructure**

<b>Objective</b> To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
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.
Not applicable.	Not applicable.
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.
Not applicable.	Not applicable.
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Proposal complies. Movements onto Powranna	Not applicable.



Road from Burlington Road are currently 140 vehicles per day (vpd) and there is no expected increase in traffic movements due to the proposed development.	
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#### E4.7 Development Standards

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

<p><b>Objective</b> To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</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>
Not applicable.	Not applicable.

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

<p><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.</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>
Not applicable.	Not applicable.
<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</p>



	<p>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>
Proposal complies. The proposal will use the existing site access and junction.	Not applicable.

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

<p><b>Objective</b></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>
Not applicable.	Not applicable.

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

<p><b>Objective</b></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>
Does not comply.	All junctions and accesses utilised by the proposal was provided in Table 4 of the Traffic Impact Assessment, prepared by Traffic



and Civil Services. The TIA demonstrates that all junction except for the right turn from Powranna Road to Burlington Road eastern leg complies with the acceptable solution and the left turn for Powranna Road to Burlington Road western leg which are slightly less than the acceptable solution SISD. These are however mitigated by the presence of a stop sign on Burlington Road for southern traffic and ensuring trimming of vegetation at the road apex to maximise sight lines. The performance criteria is therefore met.

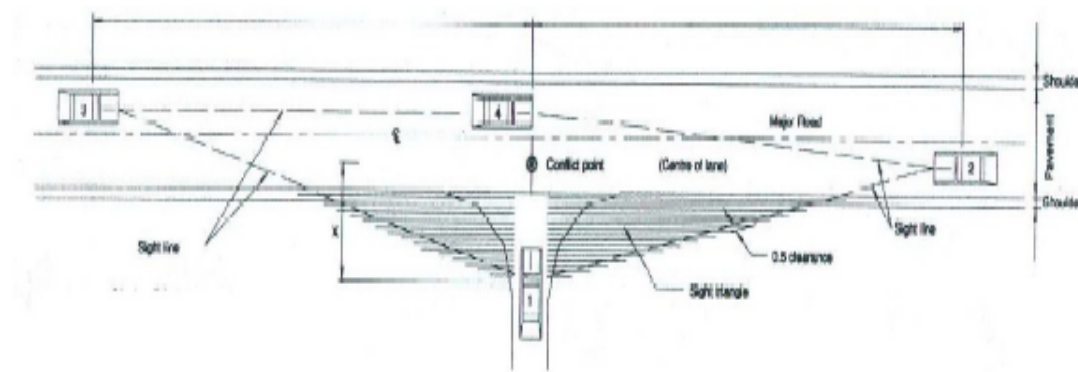


Figure E4.7.4 Sight Lines for Accesses and Junctions

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)

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

Notes:

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



- (v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

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

Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		f)	the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and
		j)	any heritage values of the site; and
		k)	for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
		i)	the size of the dwelling and the number of bedrooms; and
		ii)	the pattern of parking in the locality; and
		iii)	any existing structure on the land.

**Comment:** No changes to current staffing numbers are proposed at the site, as the proposal will not increase the current production. The existing established bicycle and car parking is suitable for the current staff number and no change is proposed. Performance criteria met.

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

Use	Parking Requirement	
	Vehicle	Bicycle
Resource Development		
Aquaculture	2 spaces per 3 employees	No requirement set

**E6.6.2 Bicycle Parking Numbers**

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

Acceptable Solutions		Performance Criteria	
A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of	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;



<p>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>b) and</p> <p>c) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>Comment:</p> <p>No requirement set. Not applicable.</p>	

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

<p>Objective: To ensure that taxis can adequately access developments.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).</p>	<p>P1 No performance criteria.</p>
<p>Comment:</p> <p>Not applicable.</p>	

### E6.6.4 Motorbike Parking Provisions

<p>Objective: To ensure that motorbikes are adequately provided for in parking considerations.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</p>	<p>P1 No performance criteria.</p>
<p>Comment: Not applicable, there are less than 20 car spaces required/provided at the site.</p>	

## E6.7 Development Standards

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

<p>Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p> <p>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>
<p>Comment: The existing parking area consists of unsealed permeable crushed rock pavement, which aligns to the existing site access and road construction at the site. This is considered to be fit for purpose for an aquaculture operation in a rural setting. The proposal is therefore considered compliant with the performance criteria.</p>	

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

<p>Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General residential zone, provision for turning must not be</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p>



located within the front setback for residential buildings or multiple dwellings.	d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
<b>Comment:</b> The parking areas are in front of the building line at the site. However, the location of the car parking is clearly not detrimental to the streetscape or amenity of the surrounding areas, as none of the site is visible from the public road. The private road is some 250 metres in length, and the site is screened by vegetation planted at the site boundary. The proposal is therefore considered compliant with the performance criteria.	
<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>
<b>Comment:</b> Complies with A2.1 & A2.2.	

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

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

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Car parking areas with greater than 20 parking spaces must be:</p> <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>
<b>Comment:</b> Not applicable.	

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>P1 The location and design of parking spaces considers the needs of disabled persons, having regard to:</p> <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>



		<ul style="list-style-type: none"> <li>c) the suitability of access pathways from parking spaces, and</li> <li>d) applicable Australian Standards.</li> </ul>
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>P2 The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:</p> <ul style="list-style-type: none"> <li>a) characteristics of the populations to be served;</li> <li>b) their means of transport to and from the site; and</li> <li>c) applicable Australian Standards.</li> </ul>
Comment: The existing car parking can accommodate disabled parking if required. Complies.		

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

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

Acceptable Solutions		Performance Criteria
A1	For retail, commercial, industrial, service industry or warehouse or storage uses:	P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
a)	at least one loading bay must be provided in accordance with Table E6.4; and	
b)	loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.	

Comment: Not applicable as the site is used for Resource Development. However, it is noted that there is adequate space alongside the feed storage shed for deliveries and alongside the new Recirculating Aquaculture System facility for smolt pickups.

#### E6.8 Provisions for Sustainable Transport

##### E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

##### E6.8.2 Bicycle Parking Access, Safety and Security

Objective:

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

Acceptable Solutions		Performance Criteria
A1.1	Bicycle parking spaces for customers and visitors must:	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
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.	
A2	Bicycle parking spaces must have:	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
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	
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: Not applicable, there is no requirement set for bicycle parking for the use.

#### E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Comment: Complies with A1, a 1.0m wide footpath will be provided adjacent to the carpark.	

**Table E6.5: Pedestrian Access**

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

#### Notes

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

### ASSESSMENT AGAINST E15.0 SIGNS CODE

#### E15.3 Definition of Terms Used in this Code

E15.3.1 In this Code, unless the contrary intention appears:

Other Sign	Any sign not listed.
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#### E15.5 Standards for Use or Development

##### E15.5.1 Third Party Signage

Objective: To ensure that signs relate to the site on which they are located.	
Acceptable Solutions	Performance Criteria
A1 Must only advertise goods and services available from the site.	P1 Shall be a Billboard Sign and consistent with the desired future character statements, if any.
Complies with A1 – the sign relates to current use of the site.	Not applicable.

##### E15.5.2 Heritage Precincts

Objective To ensure that the design and siting of signs complement or enhance the streetscape of Heritage Precincts.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution	P1 If within the Heritage Precincts Specific Area Plan, shall be consistent with the Character Statements.





Not applicable.	Not applicable.
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### E15.5.3 Design and siting of signage

#### Objective

To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

#### Other Sign

Acceptable Solutions	Performance Criteria
A34 No acceptable solution	<p>P34 Other signs can be located in any zone except the General Residential Zone and the Low Density Residential Zone, provided it can be shown that:</p> <ul style="list-style-type: none"> <li>a) no other form of permitted signage will meet the needs of the proprietor; and</li> <li>b) the sign does not dominate the streetscape and reflects the prevailing character of the area, in terms of shape, proportions and colours; and</li> <li>c) it does not conflict with the Zone Purpose as outlined in Part D of this planning scheme.</li> <li>a) be sympathetic to the architectural character and detailing of the building; and</li> <li>b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; and</li> <li>c) not result in loss of amenity to neighbouring properties; and</li> <li>d) not involve the unnecessary repetition of messages or information on the same street frontage; and</li> <li>e) not contribute to or exacerbate visual clutter; and</li> <li>f) not cause a safety hazard or obstruct movement of anyone inside or outside the associated building; and</li> <li>g) not distract motorists as a result of size, illumination or movement.</li> </ul>
Not applicable.	<p>A single sign is proposed to be installed on the southern wall of the proposed building. It will consist of the Petuna logo and will 6.5m long by 1.4m high.</p> <p>The sign is not likely to be visible from Burlington Road and will therefore not affect the streetscape or the character of the area and is considered to be an appropriate size to the scale of the building.</p> <p>The proposal is therefore considered compliant with the performance criteria.</p>

#### SPECIFIC AREA PLANS

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

#### SPECIAL PROVISIONS

9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a



9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a

#### STATE POLICIES

The proposal is consistent with all State Policies.

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

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

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

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

- *Statutory Planning*

#### **4.7 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 two representations (attached) were received from:

- Christine Coughanowr, Independent Water Quality Scientist
- Philip Cocker, Environment Tasmania

The EPA's Environmental Assessment Report addresses these as follows:

*Two public representations were received. The main issues raised included:*

- *Concerns about impacts of ongoing discharge of wastewater to Brumbys Creek, and whether the monitoring and emission limits proposed are sufficient.*
- *Concerns about the levels of technology used in the hatchery (existing and proposed, and further into the future) relating to sufficient wastewater treatment, given proposed ongoing discharge to Brumbys Creek.*
- *Concerns about the length of time given to the environmental licence, and the public accessibility of information related to inland fish farms.*
- *Questioning whether future irrigation projects will affect flows in Brumbys Creek and therefore affect potential levels of dilution of wastewater downstream of the hatchery.*

*The following Division of the Department of Natural Resources and Environment Tasmania (NRETas) provided advice on the EIS:*

- *Chief Veterinary Officer, Biosecurity Tasmania.*

*EPA technical specialists and regulatory officers were also consulted as follows:*

- *Salmon Environmental Management Section, EPA.*
- *Air specialists, EPA.*
- *Water specialists, EPA.*
- *Noise specialist, EPA.*

*The Supplement to the EIS prepared by the proponent provides a response to relevant environmental issues raised during public consultation.*

The EPA's response to the issues raised in the representations are at Appendix I of the EAR as follows:

TABLE 2: OTHER MATTERS RAISED DURING THE PUBLIC CONSULTATION PERIOD

Representation no. / Agency	Comments and Issues	Further info requested [yes/no]	EPA Comments
1	"At the completion of this project this hatchery will still be flushing large amounts of pollution into Brumbys Creek. How is this acceptable when our waterways are known to be under significant pressures from other environmental factors?"	No	It is recognised that Brumbys Creek is a highly modified waterway which has experienced a range of impacts from various land uses in the catchment, of which the hatchery is one. The scope of the EPA's assessment is constrained to the operations of the hatchery and the proposed improvements, and so can only consider whether the hatchery's proposed upgrades will result in a benefit to the environment.
1	"We ask that the following be the minimum that is applied to this hatchery: That the Effluent Discharge Limits be reevaluated to set a much higher standard more applicable to a post operation of the new system."	No	The EPA will consider the proposed upgrades to the hatchery, and should approval be granted, will likely impose limits relating to the hatchery's existing operations, as well as for the newly proposed operations once commissioning has occurred, which will be based on monitoring data. It is expected that over time, as more data become available, emission discharge limits will be reviewed so that as far as is reasonable and practical, discharge levels will be equivalent to those which can be achieved using accepted modern technology.
2	Concerns that the water quality objectives (WQOs) and effluent discharge limits proposed are inadequate and should be tightened up substantially, when considering the requirements of the State Policy on Water Quality Management 1997 (SPWQM). Comments on the use of Slightly to Moderately Disturbed Default Guideline Values (DGVs) for Brumbys-Lake Catchment, and that WQOs cannot be met for current or proposed operations. Concerns that this is justified by the proponent as biological health of Brumbys Creek is already compromised.	No	The EPA will consider the proposed upgrades to the hatchery in accordance with Division 2 of the SPWQM and, should approval be granted, will set interim (based on current emission limits while operations continue as usual as upgrades are undertaken) and longer term emission limits (post-commissioning of RAS 3 and new wastewater treatment ponds) based on site and case specific information available at the time.

Environmental Assessment Report – Petuna Aquaculture Pty Ltd – Hatchery Upgrade, Cressy

Appendix I

Representation no. / Agency	Comments and Issues	Further info requested [yes/no]	EPA Comments
2	The Cressy hatchery should be fully converted to RAS as soon as possible and the EPA should set out a clear process and ambitious timeline to achieve this, particularly given the probable future expansion.	See Table I requirements	The EPA can only consider the current proposal as presented by Petuna, which is the addition of RAS 3, and conversion of some existing flow-through raceways to wastewater settlement ponds, which is aiming to improve the quality of effluent discharged into Brumbys Creek. Petuna are requested above (Table I) to provide feedback on the comments in the representations regarding the possibility of conversion to full RAS and longer term plans for the hatchery. Any further expansion of the hatchery will be subject to a new EPA Board assessment.
2	The EPA should develop clear guidelines as to what constitutes Accepted Modern Technology with respect to RAS systems.	No	It is considered that use of RAS with full reuse of effluent is likely to be the best available technology for a hatchery. For a new 'greenfields' development, it would be unlikely that any flow-through system would be considered acceptable. However, the Petuna hatchery has been in operation since 1979, no new point source of discharge is proposed by this upgrade, and the upgrade is considered to provide improvements to the existing situation. For such a site, a program of continual improvement is required to ensure ongoing operations are feasible. Reuse was investigated by Petuna and not deemed feasible at this time due to the lack of incentives for neighbouring landowners to take wastewater. This process and decisions around reuse are detailed in the EIS.
2	While the proposed upgrade is considered a step in the right direction, further commitment is needed to (a) remove remaining stock from the flow through operations as 100 tonnes standing biomass during summer months is still too much, and (b) upgrade the RAS 1 and RAS 2 systems to at least the same standards as the RAS 3 system.	See Table I requirements.	Petuna is required to address future plans for ongoing works (see Table I).

Environmental Assessment Report – Petuna Aquaculture Pty Ltd – Hatchery Upgrade, Cressy

Appendix I



Representation no. / Agency	Comments and Issues	Further info requested [yes/no]	EPA Comments
2	WQOs and emission discharge limits (EDL) need to be tightened up substantially. In particular, the EDL median, 90% and maximum limits should reflect the anticipated improvements, not the status quo. A longer-term commitment is also needed to develop and achieve WQOs that will maintain the relatively good water quality upstream of the hatchery.	No	The EPA will consider the advice provided and the data available for the site in setting interim and post-commissioning limits.  Ambient monitoring plans are currently required to be developed under Petuna's existing Environmental Licence so that more data will become available in relation to the upstream conditions and Petuna's contribution to water quality issues downstream.
2	While requirements of the current Environmental Licence (e.g. Annual Environmental Review, Discharge Management Plan) may eventually result in further improvements, there are concerns regarding accessibility of information and opportunities for the public to scrutinise and have input into ongoing plans. The extension of the licence for a period of 10 years is a serious concern.  It is recommended that the ambient monitoring plan and discharge management plan for this (and all other inland fishfarms) be on the public record.	No	The EPA notes the comments regarding accessibility of information.
2	Regarding future changes to water use and hydrology in the region, how will the recently announced Tas Irrigation project change current flows in Brumbys Creek and dilutions at Cressy?	Yes	It is assumed this is referring to the Northern Midlands Irrigation Scheme, which proposes to take water at the first drop below the Poatina Power Station and pipe water to Conara, Campbell Town, and Ross.  Provide comment on whether there are substantial reductions in flow expected in Brumbys Creek and available for the hatchery into the future, and how this may impact on Brumbys Creek below the hatchery, given the proposed discharge limits.



Representation no. / Agency	Comments and Issues	Further info requested [yes/no]	EPA Comments
BIOSECURITY TASMANIA	The Cressy Facility operates under an approved biosecurity program with further approvals given to fish and sludge outward movements. The Chief Veterinary Officer confirms that the company adheres to the principle of avoidance as the highest priority management measure for waste, and this is achieved by ensuring fish mortalities are minimised through best practice fish husbandry, biosecurity and vaccinations.  It is noted that: <ul style="list-style-type: none"> <li>- The project proposed by Petuna for the transfer of existing production salmon smolt from its flow thru system to an enclosed RAS facility will provide a controlled growing environment for improved fish welfare and growing performance.</li> <li>- The site currently generates approximately 900 tonnes of sludge. The proposal will increase the volume of sludge produced to 1,800 t. Improved arrangements will be put in place for its harvest and sludge removal to approved destinations.</li> <li>- The site currently generates approximately 200 tonnes of fish mortalities per year. There will be no increase in the volume of morts generated and additional holding infrastructure will be put in place. Removal of the flow thru pond system will reduce mortalities and biosecurity risk.</li> <li>- There is a modelled net reduction in volume and nutrient mass loading for water discharged to Brumbys Creek which will reduce proportionately any biosecurity risk to the environment.</li> </ul>	No	None

The representations relate to environmental matters. According to *Guidance for Land Use Planners on Environmental Impact Assessments Conducted by the EPA Board*, Environment Protection Authority (2019):

*It should be noted that for applications referred to the Board-*



- *a Planning Authority is not required to assess any matter addressed in the Board's assessment; and*
- *if, despite the above, the Planning Authority does its own assessment of a matter addressed in the Board's assessment, it is not entitled to recover the cost of its assessment from the applicant, the Crown or any other person.*

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

In accordance with section 27AC(4) and (5) of the EMPC Act, the Council must not impose on a permit any condition or restriction which is inconsistent with, or which extends the operation of, any condition or restriction imposed on the environmental licence.

According to *Guidance for Land Use Planners on Environmental Impact Assessments Conducted by the EPA Board*, Environment Protection Authority (2019):

*For Environmental Licence activities, the licence will be issued by the Board, following the granting of a permit by the Planning Authority. The planning authority must not include in the permit any condition which is inconsistent with, or which extends the operation of, any of the conditions of the environmental licence.*

*The Environmental Assessment Report, provided to the Planning Authority as part of the notification of its decision will contain a copy of the proposed conditions to assist the Planning Authority in this respect, but the conditions and the report **must not be included in the permit.***

## 7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on performance criteria of the Rural Resource zone (setbacks);
- Reliance on performance criteria of the Car Parking and Sustainable Transport Code; and
- Reliance on performance criteria of the Signs Code.

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

The proposal complies with the performance criteria as discussed in this report:

The reduced building setback of 10m will not constrain adjoining property land use, as there are existing buildings and infrastructure at the site located at a similar setback. The adjacent property is irrigated seed production and grazing pasture, and the proposed development will not constrain this use in any way.

The Traffic Impact Assessment demonstrates that all junctions except for the right turn from Powranna Road to Burlington Road eastern leg complies with the acceptable solution and the left turn for Powranna Road to Burlington Road western leg which are slightly less than the acceptable solution Safe Intersection Sight Distance. These are however mitigated by the presence of a stop sign on Burlington Road for southern traffic and ensuring trimming of vegetation at the road apex to maximise sight lines.

The existing parking area consists of unsealed permeable crushed rock pavement, which aligns to the existing site access and road construction at the site. This is considered to be suitable for purpose for an aquaculture operation in a rural setting.



The parking areas are in front of the building line at the site. However, the location of the car parking is clearly not detrimental to the streetscape or amenity of the surrounding areas, as none of the site is visible from the public road. The private road is some 250 metres in length, and the site is screened by vegetation planted at the site boundary.

A single sign is proposed to be installed on the southern wall of the proposed building. It will consist of the Petuna logo and will 6.5m long by 1.4m high. The sign is not likely to be visible from Burlington Road and will therefore not affect the streetscape or the character of the area and is considered to be an appropriate size to the scale of the building.

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

## 8 ATTACHMENTS

1. Application [**15.3.1** - 293 pages]
2. Additional Information Request PL N-21-0088 [**15.3.2** - 1 page]
3. Representation - Cocker [**15.3.3** - 2 pages]
4. Representation - Coughanowr [**15.3.4** - 4 pages]
5. SIGNED - 13.01.2022 - Council Letter - Petuna Aquaculture - Cressy Hatchery [**15.3.5** - 2 pages]
6. SIGNED - 13.01.2022 - EAR - Petuna Aquaculture - Cressy Hatchery [**15.3.6** - 67 pages]
7. Environmental Licence No. 9923-4 - Petuna Aquaculture - Cressy Hatchery [**15.3.7** - 28 pages]

## RECOMMENDATION

That land at 155 Burlington Road (access over Folios of the Regsiter 177693/1 and 150960/1), Cressy be approved to be developed and used for a salmon hatchery upgrade & associated works including parking and signage (vary setbacks) in accordance with application PLN-21-0088, and subject to the following conditions:

### 1 Layout not altered

The use and development must be in accordance with the endorsed document **D1** (Cressy Hatchery Upgrade, Environmental Impact Statement, Revision 06, September 2021, CBM Sustainable Design Pty Ltd).

### 2 Signage

The location and details of the sign and signwriting must be in accordance with the endorsed documents. The sign shall not contain any flashing light, chase, rotate or contain any moving parts.

### 3 Removal of sign if use ceases

If the use ceases for a period of four continuous months, the signage shall be removed or covered up.





## 15.4 PLN-21-0326: CT152742/3 MIDLAND HIGHWAY, CAMPBELL TOWN

*File:* 303600.33; PLN-21-0326  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Rebecca Green, Planning Consultant

### 1 INTRODUCTION

This report assesses an application for CT152742/3 Midland Highway, Campbell Town to construct an agricultural supply building (Scenic Corridor, Road & Railway Assets Code, Car Parking & Sustainable Transport).

### 2 BACKGROUND

**Applicant:**

6ty° Pty Ltd

**Zone:**

Rural Resource Zone

**Classification under the Scheme:**

Bulky Goods Sales

**Deemed Approval Date:**

4 February 2022

**Owner:**

Quorn Hall Pty Ltd

**Codes:**

Road & Railway Assets Code

Car Parking and Sustainable Transport Code

Scenic Management Code

**Existing Use:**

Resource development

**Recommendation:**

Approve with conditions

**Discretionary Aspects of the Application:**

- Discretionary use.
- Reliance upon performance criteria within the Car Parking and Sustainable Transport Code.
- Reliance upon performance criteria within the Scenic Management Code.

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 36, Effective from 30<sup>th</sup> September 2021*

**Preliminary Discussion**

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



**Subject Site**



**3 STATUTORY REQUIREMENTS**

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

**4 ASSESSMENT**

**4.1 Proposal**

It is proposed to construct an agricultural supply building (Scenic Corridor, Road & Railway Assets Code, Car Parking & Sustainable Transport).

SCALE 1:1000







<i>Bulky goods sales</i>	<i>use of land for the sale of heavy or bulky goods which require a large area for handling, storage and display. Examples include garden and landscape suppliers, rural suppliers, timber yards, trade suppliers, showrooms for furniture, electrical goods and floor coverings, and motor vehicle, boat or caravan sales.</i>
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Bulky Good Sales, if for rural supplies, landscape supplies and timber yard is Discretionary in the zone.

#### **4.3 Subject Site and Locality**

A site inspection was carried out by Paul Godier, Council's Senior Planner on 21<sup>st</sup> December 2021. The site comprises a single lot that has an irregular shape with an area of 79.9 hectares. The site has frontage to Midland Highway and West Street with the Western Line following the eastern boundary of the site. The site is presently used for agriculture, which includes two centre pivot irrigation circles which are used for rotational cropping. The southern triangular section of the site which is separated from the cropping land by a fence is used for livestock grazing.

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





*Photographs of subject site*







#### 4.4 Permit/Site History

Relevant permit history includes:

- Nil

#### 4.5 Referrals

The following referrals were required:

<b>Council's Works Department</b>
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Council's Works & Infrastructure Department (Jonathan Galbraith) reported on 22 December 2021 and their recommended conditions are included in the conditions of approval.
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<b>TasWater</b>
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A Taswater Submission to Planning Authority Notice was issued on 06/01/2022 (Taswater Ref: TWDA 2021/02232-NMC).
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<b>Department of State Growth</b>
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The Department advised Council on 22 December 2021 that they have no comment to make regarding this application.
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<b>TasRail</b>
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TasRail advised Council on 24 December 2021 that they have no objection to the proposal. A request has been made that a copy of the TasRail Standard Notes is attached with the Council permit to inform the applicant of matters relevant to developing next to the operational rail corridor.

#### 4.6 Planning Scheme Assessment

##### 26 Rural Resource Zone

###### 26.1 Zone Purpose

###### 26.1.1 Zone Purpose Statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

**Comment:** The proposal does not conflict with this purpose.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

**Comment:** The proposal is in accordance with this purpose.

26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.

**Comment:** The proposal is in accordance with this purpose.

26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

**Comment:** The proposal does not conflict with this purpose.

###### 26.1.2 Local Area Objectives

###### a) Primary Industries:

Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.

The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.

Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.

**Comment:** The proposal does not conflict with this objective.

###### b) Tourism

Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.

The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.

**Comment:** The proposal does not conflict with this objective.

###### c) Rural Communities



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

**Comment:** The proposal supports this objective.

### 26.1.3 Desired Future Character Statements

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

**Comment:** The development will have a maximum height of 5.7m. Materials includes windspray coloured colourbond wall and roof cladding. It is considered that the proposal satisfies the desired future character statement.

### 26.2 Use Table (Extract of relevant use class)

Discretionary	
Use Class	Qualification
Bulky goods sales	If for rural supplies, landscape supplies and timber yard

### 26.3 Use Standards

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

##### Objective

- 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.
- 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.
- 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.
- Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.
- Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.
- The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.

Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> P1.1 Clause 26.1.2 (a) related to Primary Industries. It identifies that processing and services can augment productivity of primary industries in a locality and area supported where they are related to primary industry uses and where the long-term sustainability of the resource is not unduly compromised. The proposed use will predominantly involve the provision of rural supplied to the local agricultural industry.</p> <p>The proposal demonstrates that the use is consistent with local area objectives for the provision of non-primary uses in the zone. The proposal is considered consistent with the performance criteria.</p> <p>P1.2 Not applicable.</p>
A2 If for permitted or no	P2.1 Utilities, extractive industries and controlled environment agriculture located



<b>Objective</b>	
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.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> P1.1 Clause 26.1.2 (a) related to Primary Industries. It identifies that processing and services can augment productivity of primary industries in a locality and area supported where they are related to primary industry uses and where the long-term sustainability of the resource is not unduly compromised. The proposed use will predominantly involve the provision of rural supplied to the local agricultural industry.</p> <p>The proposal demonstrates that the use is consistent with local area objectives for the provision of non-primary uses in the zone. The proposal is considered consistent with the performance criteria.</p> <p>P1.2 Not applicable.</p>
permit required uses.	<p>on prime agricultural land must demonstrate that the:</p> <p>i) amount of land alienated/converted is minimised; and</p> <p>ii) location is reasonably required for operational efficiency; and</p> <p>P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.</p>
<b>Comment:</b> Relies on performance criteria.	<b>Comment:</b> Not applicable, the land contained in the site is non-prime agricultural land.
A3 If for permitted or no permit required uses.	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <p>a) the amount of land converted is minimised having regard to:</p> <p>i) existing use and development on the land; and</p> <p>ii) surrounding use and development; and</p> <p>iii) topographical constraints; or</p> <p>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as:</p> <p>i) limitations created by any existing use and/or development surrounding the site; and</p> <p>ii) topographical features; and</p>



<b>Objective</b>	
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.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> P1.1 Clause 26.1.2 (a) related to Primary Industries. It identifies that processing and services can augment productivity of primary industries in a locality and area supported where they are related to primary industry uses and where the long-term sustainability of the resource is not unduly compromised. The proposed use will predominantly involve the provision of rural supplied to the local agricultural industry.</p> <p>The proposal demonstrates that the use is consistent with local area objectives for the provision of non-primary uses in the zone. The proposal is considered consistent with the performance criteria.</p> <p>P1.2 Not applicable.</p>
	<p>iii) poor capability of the land for primary industry; or</p> <p>c) the location of the use on the site is reasonably required for operational efficiency.</p>
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> P3(a) The site and immediately adjacent land is identified as Class 4 agricultural land which is not prime agricultural land. The area of the site that will accommodate the proposed use is fragmented from the land under irrigation due to the shape of the lot boundaries and the location of roads. Approximately 0.04% of the area of the existing site will be converted to facilitate the proposed use. The amount of land is therefore minimised.</p> <p>The proposal is considered consistent with the performance criteria.</p>
A4 If for permitted or no permit required uses.	<p>P4 It must demonstrated that:</p> <p>a) emissions are not likely to cause an environmental nuisance; and</p> <p>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</p> <p>c) the capacity of the local road network can accommodate the traffic generated by the use.</p>
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> Use of land for rural supplies is not listed in Table E11.1. Accordingly, there are no prescribed attenuation distances that the use is required to achieve.</p> <p>The proposed use is not likely to cause any environmental nuisance to nearby dwellings as the use will operate between regular business hours and the dwelling are also within proximity to Midland Highway and agricultural land and therefore subject by noise and odour from surrounding land uses.</p>





<b>Objective</b>	
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.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> P1.1 Clause 26.1.2 (a) related to Primary Industries. It identifies that processing and services can augment productivity of primary industries in a locality and area supported where they are related to primary industry uses and where the long-term sustainability of the resource is not unduly compromised. The proposed use will predominantly involve the provision of rural supplied to the local agricultural industry.</p> <p>The proposal demonstrates that the use is consistent with local area objectives for the provision of non-primary uses in the zone. The proposal is considered consistent with the performance criteria.</p> <p>P1.2 Not applicable.</p>
	<p>The proposed use is not expected to have an adverse impact on the capacity of West Street.</p> <p>The proposal is considered consistent with the performance criteria.</p>
A5 The use must:	P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:
a) be permitted or no permit required; or	a) the impacts on skylines and ridgelines; and
b) be located in an existing building.	b) visibility from public roads; and
	c) the visual impacts of storage of materials or equipment; and
	d) the visual impacts of vegetation clearance or retention; and
	e) the desired future character statements.
<b>Comment:</b> Relies on performance criteria.	<p><b>Comment:</b> The visual appearance of the proposed use will be consistent with that of established uses and development within the local area. The use will involve the storage and sale of rural supplies and will therefore be consistent with the local area which is a rural settlement area comprising a mix of uses. The presence of a rural supplies use will therefore not be obtrusive within the rural landscape.</p> <p>The use will not require the removal of vegetation and will not directly impact a skyline or ridgeline.</p> <p>The proposal is considered consistent with the performance criteria.</p>

### 26.3.2 Dwellings

**Comment:** Not applicable – not a dwelling

### 26.3.3 Irrigation Districts





**Comment:** Complies with acceptable solution – not in an irrigation district.

## 26.4 Development Standards

### 26.4.1 Building Location and Appearance

<b>Objective</b> To ensure that the: <ul style="list-style-type: none"> <li>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</li> <li>b) development of buildings is unobtrusive and complements the character of the landscape.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> Building height must not exceed: <ul style="list-style-type: none"> <li>a) 8m for dwellings; or</li> <li>b) 12m for other purposes.</li> </ul>	<b>P1</b> Building height must: <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding landscape; and</li> <li>b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.</li> </ul>
<b>Comment:</b> Complies – maximum height of 5.7m.	Not applicable.
<b>A2</b> Buildings must be set back a minimum of: <ul style="list-style-type: none"> <li>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</li> <li>b) 200m where a sensitive use is proposed; or</li> <li>c) the same as existing for replacement of an existing dwelling.</li> </ul>	<b>P2</b> Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: <ul style="list-style-type: none"> <li>a) the topography of the land; and</li> <li>b) buffers created by natural or other features; and</li> <li>c) the location of development on adjoining lots; and</li> <li>d) the nature of existing and potential adjoining uses; and</li> <li>e) the ability to accommodate a lesser setback to the road having regard to:               <ul style="list-style-type: none"> <li>i) the design of the development and landscaping; and</li> <li>ii) the potential for future upgrading of the road; and</li> <li>iii) potential traffic safety hazards; and</li> <li>iv) appropriate noise attenuation.</li> </ul> </li> </ul>
<b>Comment:</b> Complies, the proposed building will have a setback of 74m to the north boundary, 101m to the east boundary, 295m to the south boundary and a setback of 66.6m to the west boundary.	Not applicable.

### 26.4.2 Subdivision

**Comment:**

Not applicable.

### 26.4.3 Strata Division

**Comment:**

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	Complies – See code assessment below



E.5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0	SCENIC MANAGEMENT CODE	Complies – See code assessment below
E8.0	BIODIVERSITY CODE	N/a
E9.0	WATER QUALITY CODE	N/a
E10.0	RECREATION AND OPEN SPACE CODE	N/a
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

#### ASSESSMENT AGAINST E4.0

#### ROAD & RAILWAY ASSETS CODE

#### E4.6 Use Standards

##### E4.6.1 Use and road or rail infrastructure

<b>Objective</b> To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
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.
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.
<b>Comment:</b> Complies with A2. West Street is subject to a speed limit 60km/h or less. Based on the number of employees and expected deliveries and customer visits, the proposed use will generate up to 36 vehicle movements per day.	
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and



	c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
<b>Comment:</b> N/A	

#### **E4.7 Development Standards**

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

<b>Objective</b> To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:	
a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
<b>A1</b> 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:	<b>P1</b> Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:
a) new road works, buildings, additions and extensions, earthworks and landscaping works; and b) building areas on new lots; and c) outdoor sitting, entertainment and children's play areas	a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.
<b>Comment:</b> Complies with A1 a). All parts of the development will be located at least 50 metres from Midland Highway which is a category 1 road. b) and c) – not applicable.	

##### **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
<b>A1</b> 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.	<b>P1</b> For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies with A1, a single access to West Street which will provide both entry and exit is proposed.	

##### **E4.7.3 Management of Rail Level Crossings – 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.
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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>
<p>Complies with A1, the location of the proposed new access will allow for a minimum 200m sight distance to the south along West Street and full view of Clare Street to the east.</p>	

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

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

Acceptable Solutions	Performance Criteria
<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>

**Comment:** The proposal requires 6 car parking spaces to be provided. The proposed car park will accommodate 13 car parking spaces, including an accessible parking space adjacent to the main pedestrian entrance of the building.



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

Use	Parking Requirement	
	Vehicle	Bicycle
Bulky goods sales	1 space per employee + 1 space per 100m <sup>2</sup> net floor area	1 space per 500m <sup>2</sup> net floor area

#### E6.6.2 Bicycle Parking Numbers

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

Acceptable Solutions	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<b>Comment:</b> One bicycle parking is required to be provided. Accordingly, one space is able to be accommodated within the building. The site is not subject to a parking precinct plan.	N/a

#### 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.
<b>Comment:</b> Less than 50 car spaces are required; therefore no taxi spaces are required.	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.
<b>Comment:</b> The car parking requirement is 6, so there is no motorcycle parking requirement. There is an oversupply of car parking spaces. These can be used for motorcycle parking if required.	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:	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and



<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>	constructed to ensure that they are useable in all weather conditions.
<p><b>Comment:</b> The surface will be formed to be level with the flat terrain and will allow for drainage off the road with runoff capable of being managed within the boundaries of the site.</p> <p>The surface will be compacted gravel which is a pervious surface, and car parking spaces will be delineated.</p>	<p><b>Comment:</b> Car parking, access strips and circulation spaces are to be gravel which is in keeping with the rural character of the area and satisfy the performance criteria.</p>

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

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
<b>Comment:</b> The parking spaces comply.	<b>Comment:</b> N/a
<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>
<b>Comment:</b> Complies. The gradient is less than 10%. Vehicles can enter and exit the site in a forward direction. The access complies with Table E6.2. The carpark is in accordance with the relevant Australian Standard.	N/a

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

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





	road carriageway and 3.0m thereafter	
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### E6.7.3 Car Parking Access, Safety and Security

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

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

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

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

Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 The location and design of parking spaces considers the needs of disabled persons, having regard to: 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.
Complies.	N/a
A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with <i>Australian Standards AS/NZ 2890.6 2009</i> Parking facilities – Off-street parking for people with disabilities.	P2 No performance criteria.
Complies.	N/a

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

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

Acceptable Solutions	Performance Criteria
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.
A loading bay with a minimum area of 27.4m <sup>2</sup> is capable of being provided adjacent to the building within the circulation area. The vehicle circulation and parking area will be designed in accordance with AS/NZ 2890.3 2002.	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

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <p>a) be accessible from a road, footpath or cycle track; and</p> <p>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</p> <p>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</p> <p>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</p> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>
Comment: Bicycle access will be available from the proposed access. The bicycle parking space will be located within the building and may be signposted and the proposal provides adequate lighting, however the proposed bicycle parking location does not include rails or hoops to standard within the shed.	Comment: The likelihood of bicycle access is minimal, due to the remoteness of the site, the traffic volume on the Midland Highway and the impracticability of bicycle transportation for rural supplies. The proposed building has ample room for auxiliary uses such as bicycle parking. The proposal is considered consistent with the performance criteria.
<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p>i) 1.7m in length; and</p> <p>ii) 1.2m in height; and</p> <p>iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
Comment: The proposed building provides ample space for bicycle parking.	N/a

#### 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.
Complies. The proposed use requires less than 10 parking spaces, although the proponent has chosen to provide more than the required 6 spaces.	N/a

**Table E6.5: Pedestrian Access**



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

**Notes**

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

**ASSESSMENT AGAINST CODE E7.0  
SCENIC MANAGEMENT CODE**

**E7.6 Development Standards**

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

**Objective**

- (a) To enhance the visual amenity of the identified tourist road corridors through appropriate:
- i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and
  - ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and
  - iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and
  - iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
  - v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- (b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.	<p>P1 Development (not including subdivision) must be screened when viewed from the road within the tourist road corridor having regard to:</p> <ul style="list-style-type: none"> <li>a) the impact on skylines, ridgelines and prominent locations; and</li> <li>b) the proximity to the road and the impact on views from the road; and</li> <li>c) the need for the development to be prominent to the road; and</li> <li>d) the specific requirements of a resource development use; and</li> <li>e) the retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and</li> <li>f) whether existing native or significant exotic vegetation within the tourist road corridor is managed to retain the visual values of a touring route; and</li> <li>g) whether development for forestry or plantation forestry is in accordance with the 'Conservation of Natural and Cultural Values – Landscape' section of the <i>Forest Practices Code</i>; and</li> <li>h) the design and/or treatment of development including:</li> </ul>



	<ul style="list-style-type: none"> <li>i) the bulk and form of buildings including materials and finishes;</li> <li>ii) earthworks for cut or fill;</li> <li>iii) complementing the physical (built or natural) characteristics of the site.</li> </ul>
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**Comment:**

The proposal relies on performance criteria P1 due to being in a scenic corridor of the Midland Highway and complies as follows:

- a) The subject site is not located on skyline or ridgeline.
- b) The development will be setback approximately 66m from the Midland Highway and will not be prominent, particularly as vegetation zone is established and matures.
- c) The development has no requirement to be viewed from the Midland Highway and will be screened accordingly, but this is beneficial in terms of its retail use and will aid identification of the destination.
- d) N/a
- e) Existing vegetation will be retained, and a landscape zone established to provide screening.
- f) No vegetation removal is proposed.
- g) N/a
- h) The proposal will match materials and colours of similar agricultural storage buildings and silos within rural areas and visible from the Midland Highway and on the periphery of settlements along the highway.

The proposal is considered consistent with the performance criteria.

**SPECIFIC AREA PLANS**

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

**SPECIAL PROVISIONS**

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

**STATE POLICIES**

The proposal is consistent with all State Policies.

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

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

**STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES**

**Strategic Plan 2017-2027**

- Statutory Planning

**4.7 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:

- Revd. Ian Oates, Midlands Anglican, Campbell Town

**Map showing location of representor's property in relation to subject site**



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

**Issue 1**

- Concerns relating to the existing junction of West Street and the Midland Highway, the road surface and width of West Street and potential noise from supply vehicles.

**Planner's comment:**

The proposed use does not trigger any discretion in relation to traffic numbers, road junctions or traffic safety and efficiencies. The proposal meets all acceptable solutions within E4 Road and Railway Assets Code, and therefore there is no requirement or possibility to upgrade the intersection of West Street and Midland Highway nor the existing condition of West Street through any conditioning of an approval of this application.

The Department of State Growth and Council's Works Department as road authorities have both reviewed the application and have not raised any concerns.

The potential of noise from supply vehicles would not be any different to heavy vehicles that would be associated with resource development uses on the land in its present state. The applicant advises that it is anticipated that one delivery per day would occur.

**5 FINANCIAL IMPLICATIONS TO COUNCIL**

Not applicable to this application.



## 6 OPTIONS

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

## 7 DISCUSSION

Discretion to refuse the application is limited to:

- Discretionary use
- Reliance upon performance criteria within the Car Parking and Sustainable Transport Code
- Reliance upon performance criteria within the Scenic Management Code

The use will predominantly involve the provision of rural supplies to the local agricultural industry and will therefore provide an important supporting role to established primary industry uses within the region.

The establishment of the landscape zone will aid partial screening of the use from the Midland Highway whilst allowing some visibility to provide identification.

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 - exhibited [15.4.1 - 28 pages]
2. Additional Information Request PL N-21-0326 Agricultural Supply Building Lot 3 Midland Highway, Camp [15.4.2 - 2 pages]
3. Amended Tas Water SPAN TWDA 2021 02232- NMC [15.4.3 - 2 pages]
4. DSG [15.4.4 - 2 pages]
5. Tas Rail [15.4.5 - 1 page]
6. W&I response [15.4.6 - 1 page]
7. Representation - Planning Application NMC PL N-21-0326 [15.4.7 - 1 page]

## RECOMMENDATION

That land at Folio of the Register 152742/3, Midland Highway, Campbell Town, be approved to be developed and used for Bulky Goods Sales (agricultural supply building) (Scenic Corridor, Road & Railway Assets Code, Car Parking & Sustainable Transport) in accordance with application PLN-21-0326, and subject to the following conditions:

### 1 Layout not altered

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

- **P1** (*Site Plan, 6ty°, Drawing No: 21.322, Sheet No's: Ap01, Rev: 008, Dated: 20-12-21*);
- **P2** (*Floor Notation Plan, 6ty°, Drawing No: 21.322, Sheet No's: Ap02, Rev: 007, Dated: 20-12-21*);
- **P3** (*Elevations, 6ty°, Drawing No: 21.322, Sheet No's: Ap03, Rev: 003, Dated: 20-12-21*); and
- **D1** (*Planning Compliance Assessment, 6ty°, Ref: 21.322, Dated: 26 November 2021*).

### 2 Council's Works Department conditions

#### 2.1 Stormwater

- a) A connection must be provided to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- b) Concentrated stormwater must not be discharged into neighbouring properties
- c) Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- d) All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.





- e) A plumbing permit is required prior to commencing any plumbing or civil works within the property.

## **2.2 Access**

- a) A concrete driveway crossover and apron must be constructed from the edge of West Street to the property boundary in accordance with Council standards.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.
- c) All works must be done in accordance with Council Standard Drawing TSD-R03 and to the satisfaction of the Works Manager.

## **2.3 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 TasWater conditions**

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/02232-NMC) – *attached as Appendix A*.

## **4 Car Parking**

Before the use starts, areas set aside for vehicle parking and access must be constructed in accordance with the endorsed plans.

Each car space and all access lanes must be delineated by line-marking or raised pavement markers.

## **5 Landscape Zone**

Landscaping, all plantings and an automated watering system, shall be completed within three months of commencement of use and then maintained for the duration of the use. A bond of \$500 must be provided prior to the issue of a building permit and will be refunded if the landscape works are completed within the timeframe mentioned in this permit. The bond shall not be taken in lieu of these works. If works are not completed within the specified time frame, the bond may be applied to ensure compliance.

### **TasRail Standard Notes (V2021)**

- *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.*
- *Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited. If the proposed development interfaces with a rail crossing and/or rail corridor land it is recommended you contact [property@tasrail.com.au](mailto:property@tasrail.com.au) to discuss the proposed interface ahead of the planning process. 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.*
- *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.*
- *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)*
- *As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.*



## 15.5 PLN-21-0342: 2 GIBBET HILL RISE, PERTH

*File:* 203300.3 PLN21-0342  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

### 1 INTRODUCTION

This report assesses an application for a 4 lot subdivision (vary lot sizes, no reticulated services, access to Haggerston Road from Gibbet Hill Rise) at 2 Gibbet Hill Rise (CT182118/100) incl. access over Gibbet Hill Rise & 3 Gibbet Hill Rise, Perth.

### 2 BACKGROUND

**Applicant:**

Jaffa International P/L

**Zone:**

Low Density Residential Zone

**Owner:**

Anthony Wayne King

**Codes:**

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

**Classification under the Scheme:**

Residential (Subdivision)

**Deemed Approval Date:**

24 January 2022

**Existing Use:**

Residential (single dwelling)

**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 12.4.3.1 P3 for lots not connected to reticulated water supply and sewerage system.
- Reliance on the performance criteria 12.4.3.1 P4 for lots not connected to a reticulated stormwater system.
- Reliance on the performance criteria E4.6.3 P3 for increase in the annual average daily traffic (AADT) movements at the existing junction with Haggerston Road (speed limit greater than 60km/h) by more than 10%.
- Reliance on the performance criteria E7.6.2 P2 for subdivision partly within the Scenic Management Area.

**Planning Instrument:**

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

### 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.



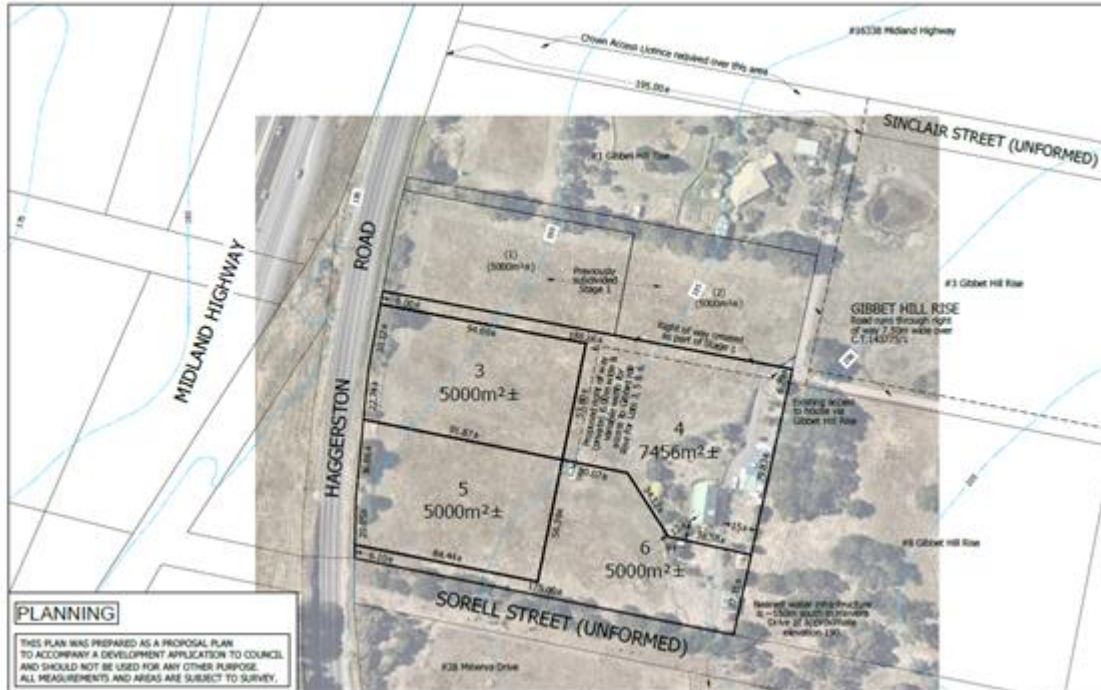
## 4 ASSESSMENT

### 4.1 Proposal

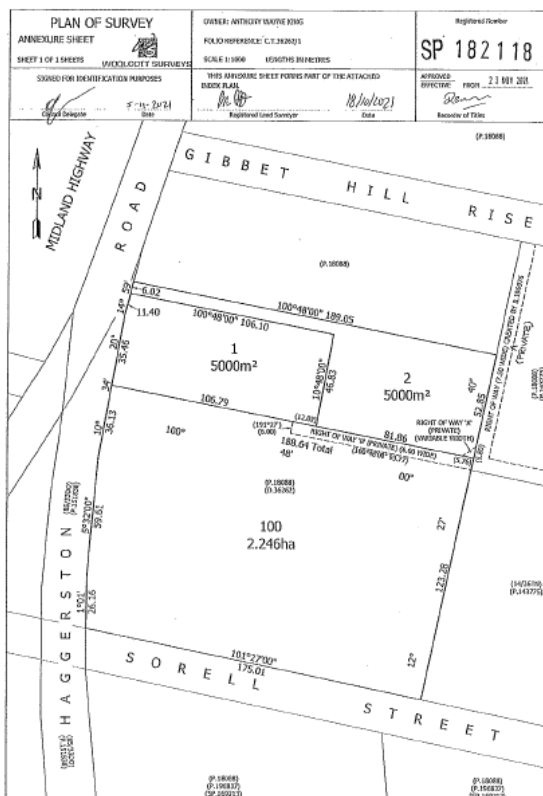
#### 4.1 Proposal

It is proposed to subdivide the lot into 4 lots as shown below.

#### *Proposed plan of subdivision (extract)*



#### *Current title plan*





#### 4.2 Zone and Land Use

##### **Zone Map – Low Density Residential Zone**



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

The relevant Planning Scheme definition is:

<i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing</i>
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#### 4.3 Subject Site and Locality

The subject site consists of a total area of approximately 2.246ha and currently contains an existing dwelling and outbuilding. The remainder of the site is vacant pasture. Although the site has frontage to Haggerston Road, the site is accessed via a Crown Land Road Reserve and private right of way. Established residential uses surround the site on similar sized lots.





*Aerial photograph of area*



*Photographs of subject site*













#### 4.4 Permit/Site History

Relevant permit history includes:

- DA121/94 – Dwelling
- P03/345 – Oversized outbuilding
- P08-193 – Ensuite
- PLN21-0151 – 3 Lot Subdivision

#### 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

The following referrals were required:

<b>Council's Works and Infrastructure Department</b>
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Precis: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application on 17/12/21 and advised that the Department has no comment to make on this application
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<b>Minister administering Crown Lands</b>
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Precis: Application signed by the Minister's Delegate
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#### 4.7 Planning Scheme Assessment

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



#### LOCAL AREA OBJECTIVES

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

**Assessment:** The proposal meets the local area objectives.

#### USE AND DEVELOPMENT STANDARDS

##### 12.3.1 Amenity

###### Objective

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

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

##### 12.3.2 Low Density Residential Character

###### Objective

To ensure that discretionary uses support the:

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

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

##### 12.4.3 Subdivision

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

###### Objective

To ensure:

- a) the area and dimensions of lots are appropriate for the zone; and
- b) the conservation of natural values, vegetation and faunal habitats; and



c)	the design of subdivision protects adjoining subdivision from adverse impacts; and
d)	each lot has road, access, and utility services appropriate for the zone.
Acceptable Solutions	Performance Criteria
<p>A1.1 Each lot must:</p> <p>a) have a minimum area of 1ha; and</p> <p>b) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p> <p>c) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>d) be for the provision of public utilities; or</p> <p>e) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>f) to align existing titles with zone boundaries and no additional lots are created.</p> <p>A1.2 Subdivision at Devon Hills will not result in any new lots.</p>	<p>P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <p>a) a dwelling to be erected in a convenient and hazard free location; and</p> <p>b) on-site parking and manoeuvrability; and</p> <p>c) adequate private open space; and</p> <p>d) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</p> <p>e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</p> <p>P1.2 Land in Devon Hills must not be further subdivided</p>
<p>A1.1 (a) Relies on performance criteria. The application proposes to vary the 1ha minimum lot size required by the acceptable solution.</p>	<p>Complies with P1.1 as follows:</p> <p>a) Each of the proposed 5,000m<sup>2</sup> lots will allow sufficient area for a dwelling to be established in a convenient and hazard free location. Lot 4 already contains a dwelling. The submitted Bushfire Report contains a Hazard Management Area Plan that shows a dwelling could be established within a 12.5/19 BAL area on each of the proposed vacant lots (Lots 3, 5 and 6) and a BAL 19 are for Lot 4 which contains the existing dwelling.</p> <p>b) Sufficient space is available for on-site parking and manoeuvrability for a future dwelling on each of the proposed lots and for the existing dwelling.</p> <p>c) Sufficient space is available for private open space for a future dwelling on each of the proposed lots and for the existing dwelling.</p> <p>d) Each lot has sufficient useable area and dimensions to allow for vehicle access to both the existing dwelling and future dwellings on the proposed lots. Although each lot has frontage to Haggerston Road, access is proposed via the established private roadway of the Crown Land Road Reserve and private Right of Way.</p>
<p>A2 Each lot must have a frontage of at least 6m.</p>	<p>P2 No performance criteria.</p>
<p>Complies with A2. Note: The requirement for frontage does not imply access via this route.</p>	<p>N/a</p>
<p>A3 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <p>a) in a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) capable of accommodating an on-site wastewater management system.</p>
<p>Relies on P3. No water or sewerage connections are proposed.</p>	<p>The proposal relies on P3 for compliance as follows:</p> <p>a) The applicant submitted the following to demonstrate compliance</p>

with P3 (a):

*"The wastewater assessment that accompanies this application demonstrates that each lot can be provided with an on-site wastewater management system.*

*In terms of whether the site is within a locality where reticulated services are available and capable of being connected, Tribunal Decision 6ty Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29 (20 December 2019) provides context around the interpretation of P3 and given it relates to a neighbouring property also provides context specific to the area.*

*At 15., the Tribunal considered the steps in considering P3(a) as:*

- a) to identify the relevant locality*
- b) to determine whether reticulated water supply services are available in that locality; and*
- c) if they are available, determine whether the reticulated water supply service is capable of being connected to the lots in the subdivision.*

*If the lots in the subdivision are in a locality for which reticulated water supply services are not available, then P3(a) will be satisfied.*

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

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



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

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

*The Tribunal Decision looked at costings of bringing the water supply from Devon Hills through to the site that was subject of that appeal which is to the north of the subject site at 16338 Midland Hwy, Perth. The cost of bringing water to that lot varied amongst the experts but a middle ground would be at \$400k. To get it to the subject site would be*





	<p>further 300m of water pipeline which would likely add another \$100k resulting in \$500k of costs. Additional infrastructure costs i.e on-site wastewater systems, crossovers and internal reticulation of water would add approximately another \$13k in costs per lot. Thus, the overall cost per lot for the 3 proposed lots would be \$171k.</p> <p>Lots 3, 5 and 6 would be expected to fetch \$200, 000 - \$220, 000 at sale. Whilst Lot 4 would obtain a much higher price (\$500, 000) given it has a dwelling on it, it is appropriate for this exercise to discount the capital value added by the dwelling. That site as a vacant lot would be expected to obtain a \$300, 000 price. The cost of servicing each lot with connection to reticulated water is therefore between 57%-77% of expected sale price. It is submitted that any cost greater than 50% is unreasonable, particularly as these figures do not factor in the land cost itself.</p> <p>With respect to connection to the water main to the south, initial indications are that costs are greater to connect to this point. TasWater will not run a water main through private property so the distance will be similar to the northern connection plus there is a significant elevation to overcome and the cost of construction would likely be more due to presence of rock.</p> <p>On the basis of the above it is submitted that P3 (a) is met as whilst the site is within a locality where reticulated services are available, the cost of extending those services will be greater than 50% of expected price of lots not taking account land cost."</p> <p>b) The supplied wastewater report indicates that each lot is capable of accommodating an on-site wastewater management system.</p>
A4 Each lot must be connected to a reticulated stormwater system.	<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>
Relies on P4 for compliance.	<p>Complies with P4 – Stormwater is proposed to be disposed of on-site for Lots 4 and 6 and to the existing open drain in Haggerston Road for Lots 3 and 5, as demonstrated by the supplied onsite wastewater assessment.</p>



CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Complies – Refer Bushfire Report & certification prepared by Livingston Natural Resource Services, dated 19 <sup>th</sup> August 2021.
E2.0 POTENTIALLY CONTAMINATED LAND	N/A
E3.0 LANDSLIP CODE	N/A
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below.
E5.0 FLOOD PRONE AREAS CODE	N/A
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below.
E7.0 SCENIC MANAGEMENT CODE	Complies – See code assessment below.
E8.0 BIODIVERSITY CODE	N/A
E9.0 WATER QUALITY CODE	N/A
E10.0 RECREATION AND OPEN SPACE CODE	Complies – See code assessment below.
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/A
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/A
E13.0 LOCAL HISTORIC HERITAGE CODE	N/A
E14.0 COASTAL CODE	N/A
E15.0 SIGNS CODE	N/A

**ASSESSMENT AGAINST E4.0  
ROAD AND RAILWAY ASSETS CODE**

**E4.6 Use Standards**

**E4.6.1 Use and road or rail infrastructure**

<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
<b>A1</b> 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%.	<b>P1</b> Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a	N/a
<b>A2</b> 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	<b>P2</b> For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
N/a	N/a
<b>A3</b> 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%.	<b>P3</b> 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



	<p>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>
Relies on P3.	<p>Relies on P3. The applicant provided a TIA which demonstrates compliance as follows:</p> <p>a) Haggerston Road is a limited access road, however access is proposed via the existing junction known as Gibbet Hill Rise (Crown Access Road) and is therefore compliant with part (a).</p> <p>b) The Traffic Impact Assessment supplied with the proposal concludes that "Haggerston Road currently does not have a classification, however given its function as an access road and given the new Midland Highway corridor located immediately adjacent, it is unlikely that Category 1, 2 or 3 would apply. On this basis, P3(b) is satisfied."</p> <p>c) The increase in traffic movements at the junction of the Crown Access Road and Haggerston Road is assessed as meeting part (c). The supplied Traffic Impact Assessment concludes that "the alignment of Haggerston Road is relatively straight on the southbound approach to the intersection, and the road has a gentle bend on the northbound approach to the intersection. There is a minor crest to the north, however this does not impact on visibility. Vegetation is set back from the roadway such that sight lines are relatively unaffected. The available sight distance exceeds 250 metres in both directions, satisfying Planning Scheme requirements for up to 100 km/h.</p> <p>A review of Department of State Growth crash data reveals there have been 3 recorded crashes at this intersection: one rear end collision in 2009 and two rear end collisions in 2011. There have been no crashes at this location since.</p> <p>On the basis of low traffic volumes, sufficient sight distance for the prevailing vehicle speed, and an absence of significant crash history at this site, it is considered that an adequate level of safety would be maintained."</p>

#### 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>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,</p>



b) building areas on new lots; and c) outdoor sitting, entertainment and children's play areas	including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.
Complies with A1.	N/a

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

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

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

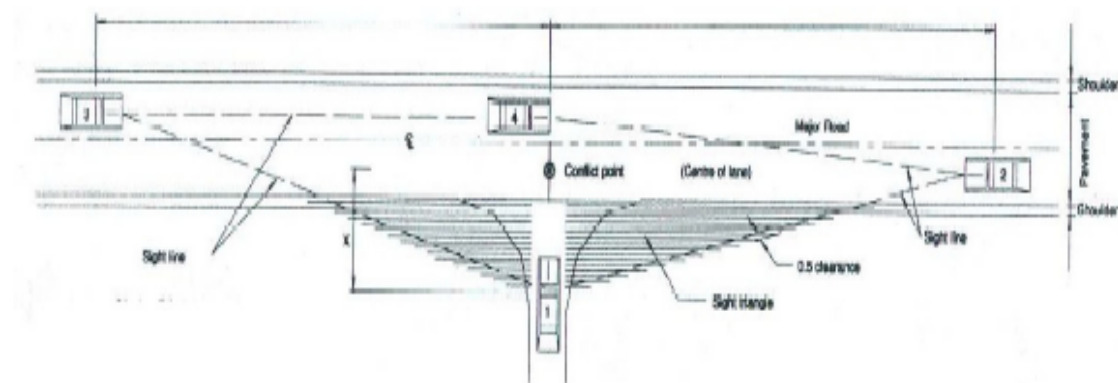
<b>Objective</b> To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
Acceptable Solutions	Performance Criteria
A1 Where land has access across a railway: a) development does not include a level crossing; or b) development does not result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

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

##### Objective

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p>Table E4.7.4 requires 140m site distance based on the posted speed limit of 70km/h. The supplied Traffic Impact Assessment concludes that the available sight distance exceeds 250 metres in both directions, satisfying Planning Scheme requirements for up to 100 km/h. A1 is therefore met.</p>	N/a



**Figure E4.7.4 Sight Lines for Accesses and Junctions**

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

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

**Table E4.7.4 Safe Intersection Sight Distance (SISD)**

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



**Notes:**

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

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

Objective: To ensure that an appropriate level of car parking is provided to service use.			
Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		f)	the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and
		j)	any heritage values of the site; and
		k)	for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
		i)	the size of the dwelling and the number of bedrooms; and
		ii)	the pattern of parking in the locality; and
		iii)	any existing structure on the land.
<b>Comment:</b> Complies. Each lot has sufficient area for two car parking spaces on the proposed lots. The existing dwelling has an existing		<b>Comment:</b> Not applicable.	





provision for parking.	
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**Table E6.1: Parking Space Requirements**

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

#### E6.6.2 Bicycle Parking Numbers

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<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> <ul style="list-style-type: none"> <li>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</li> <li>b) location of the site and the distance a cyclist would need to travel to reach the site; and</li> <li>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</li> </ul>
<b>Comment:</b> Complies. Each lot has sufficient space for existing or future bicycle parking.	<b>Comment:</b> Not applicable.

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

Objective: To ensure that taxis can adequately access developments.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1 No performance criteria.
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

#### E6.6.4 Motorbike Parking Provisions

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

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

#### E6.7 Development Standards

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> <li>a) formed to an adequate level and drained; and</li> <li>b) except for a single dwelling, provided with an impervious all weather seal; and</li> </ul>	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>



c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	
<b>Comment:</b> Complies for existing dwelling. To be assessed when Lots 3, 5 and 6 are developed.	<b>Comment:</b> Not applicable.

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

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
<b>Comment:</b> Complies for existing dwelling. To be assessed when Lots 3, 5 and 6 are developed.	<b>Comment:</b> Not applicable.
<p>A2.1 Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>P2 Car parking and manoeuvring space must:</p> <p>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</p> <p>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
<b>Comment:</b> Complies for existing dwelling. To be assessed when Lots 3, 5 and 6 are developed.	<b>Comment:</b> Not applicable.

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

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

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

Objective: To ensure adequate access, safety and security for car parking and for deliveries.	
Acceptable Solutions	Performance Criteria
<p>A1 Car parking areas with greater than 20 parking spaces must be:</p> <p>a) secured and lit so that unauthorised</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>



b) persons cannot enter or; visible from buildings on or adjacent to the site during the times when parking occurs.	a) levels of activity within the vicinity; and b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

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

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

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: <ul style="list-style-type: none"> <li>a) at least one loading bay must be provided in accordance with Table E6.4; and</li> <li>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</li> </ul>	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.
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

#### E6.8 Provisions for Sustainable Transport

##### E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

##### E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> </ul>	P1 Bicycle parking spaces must be safe, secure, convenient and located where



b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i> ; and	they will encourage use.
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.	
<b>Comment:</b> Complies with A1.2 for existing dwelling. To be assessed when Lots 3, 5 and 6 are developed.	<b>Comment:</b> Not applicable.
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 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.	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
<b>Comment:</b> Complies with A2 for existing dwelling. To be assessed when Lots 3, 5 and 6 are developed.	<b>Comment:</b> Not applicable.

#### 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.
<b>Comment:</b> Complies with A1 – no separate access required.	<b>Comment:</b> Not applicable.

**Table E6.5: Pedestrian Access**

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

#### Notes

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

### ASSESSMENT AGAINST E7.0 SCENIC MANAGEMENT CODE

#### E7.6 Development Standards

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

Objective
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- (a) To enhance the visual amenity of the identified tourist road corridors through appropriate:
- i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and
  - ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and
  - iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and
  - iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
  - v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- (b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

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

#### E7.6.2 Local Scenic Management Areas – N/a

Objective



<p>a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and</p> <p>b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area.</p>	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Development (not including subdivision) must have regard to the:</p> <p>a) character statement and scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas; and</p> <p>b) impact on skylines, ridgelines and prominent locations; and</p> <p>c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and</p> <p>d) design or treatment of development including:</p> <p>i) the bulk and form of buildings including materials and finishes; and</p> <p>ii) earthworks for cut or fill; and</p> <p>iii) complementing the physical (built or natural) characteristics of the site or area.</p>
N/a	N/a
A2 No acceptable solution.	<p>P2 Subdivision must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to:</p> <p>a) the local scenic management area – character statement; and</p> <p>b) site size; and</p> <p>c) density of subsequent development; and</p> <p>d) the clearance or retention of vegetation in combination with requirements for hazard management; and</p> <p>e) the extent of works required for roads and to gain access to sites including cut and fill; and</p> <p>f) the physical characteristics of the site and locality;</p> <p>g) any plan over the land through an agreement under S71 of the Act.</p>
N/a	<p>Complies with P2. It is only a small portion of proposed Lots 4 and 6 that will be within the Scenic Management Overlay. The subdivision will not necessitate the removal of any of the vegetation within the Scenic Management Area and as no additional built development is proposed, the scenic management objectives are met.</p>





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

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

**ASSESSMENT AGAINST E10.0  
RECREATION AND OPEN SPACE CODE**

**E10.6 Development Standards**

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

<b>Objective</b> 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: a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.	P1 Provision of public open space, unless in accordance with Table E10.1, must: 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>
Complies with A1 (a) – GM consent to Cash Payment in lieu of private open space provided on the 17.12.2021.	N/a

#### SPECIFIC AREA PLANS

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

#### SPECIAL PROVISIONS

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

#### STATE POLICIES

The proposal is consistent with all State Policies.
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#### OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .
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**STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES**

**Strategic Plan 2017-2027**

- Statutory Planning

**5 SERVICES**

Effluent Disposal

The supplied Onsite Wastewater Report states: *Based on the subdivision site and soil evaluation and the soil profiles discovered lots 3, 5 and 6 will require either primary or secondary treatment on-site wastewater systems designed in accordance with AS/NZS1547-2012.*

Stormwater

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

Access

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

Public Open Space Contribution

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

The Public Open Space Rate

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

OR

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

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

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



83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?		R
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <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?	R	
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?	R	
<b>Section 84</b>	Council not to approve subdivision	<b>Yes</b>	<b>No</b>
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><i>Roads and Jetties Act 1935</i></u> has first not approved so much of the application as affects the drainage?		R
	<b>If 'yes', refuse the subdivision.</b>		
<b>Section 85</b>	<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;		R
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		R
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		R
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		R
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		R
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		R
85(d)(iii)	public open space;		R
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		R
85(d)(v)	private roads, ways or open spaces;		R
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		R
85(d)(vii)	licences to embank highways under the <u><i>Highways Act 1951</i></u> ;		R
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		R
85(d)(ix)	provision for the preservation of trees and shrubs;		R
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		R
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		R
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		R
85(g)(ii)	party-wall easements;		R
85(g)(iii)	the state of a party-wall on its boundary.		R
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>



	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		Re
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the Local Government (Highways) Act 1982</u> in respect of the highways opened or to be opened on the subdivision;		Re
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;		Re
86(2)(f)	the filling in of ponds and gullies;		Re
86(2)(g)	the piping of watercourses.		Re
	<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?		Re
	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)		Re
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		Re

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 8 OPTIONS

Approve with or without conditions, or refuse and state reasons for refusal.

The application received no representations.

At the November Council Meeting, it was resolved:

"That any application for a subdivision in a residential zone which would result in blocks below the minimum lot size for the zone (i.e. 450m<sup>2</sup>) be referred for consideration to Council and not be dealt with under delegated authority."

## 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 12.4.3.1 P3 for lots not connected to reticulated water supply and sewerage system.
- Reliance on the performance criteria 12.4.3.1 P4 for lots no connected to a reticulated stormwater system.
- Reliance on the performance criteria E4.6.3 P3 for increase in the annual average daily traffic (AADT) movements at the existing junction with Haggerston Road (speed limit greater than 60km/h) by more than 10%.
- Reliance of the performance criteria E7.6.2 P2 for subdivision partly within the Scenic Management Area.

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

## 8 ATTACHMENTS

1. application [15.5.1 - 78 pages]
2. Referrals [15.5.2 - 2 pages]
3. Communications with Applicant [15.5.3 - 1 page]

## RECOMMENDATION

That land at 2 Gibbet Hill Rise (CT182118/100) incl. access over Gibbet Hill Rise & 3 Gibbet Hill Rise, Perth be approved to be developed and used for a 4 Lot Subdivision in accordance with application PLN-21-0342, and subject to the following conditions:

### 1 LAYOUT NOT ALTERED

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

- P1** Stage 2 Proposed 4 lot subdivision, Woolcott Surveys, Job No. L210418, Edition v3.3, Sheet 2/2.
- D1** Commercial Project Delivery Letter dated December 6, 2021.
- D2** es&d On-site Wastewater Disposal Report dated 17 June 2021.
- D3** Bushfire Hazard Management Report, Livingston Natural Resource Services, 19 August 2021.
- D4** Traffic Impact Statement, GHD, 24 August 2021.

### 2 Part five agreement

The applicant must enter into, and comply with all conditions of, an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 with the Northern Midlands Council to provide for the following:

- (a) Prior to commencement of any works on lots 3, 5 and 6, the owner of these lots must apply for and successfully gain a Crown Access Licence over the road reserve known as "Gibbet Hill Rise".
- (b) Vehicle access from lots, 3, 4, 5 and 6 to Haggerston Road is not permitted without further planning approval.

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

### 3 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.*

### 4 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.

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





For lots 3, 5 and 6, the final plan of subdivision must note that Council will not permit a septic tank.

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



## 15.6 PLN-21-0331: 9 BURGHLEY STREET, LONGFORD

*File:* 101800.05, PLN-21-0331  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

### 1 INTRODUCTION

This report assesses an application for 9 Burghley Street, Longford for a 2 lot subdivision (demolish shed, remove vegetation) and Multiple Dwellings x 4 on proposed lot 2

### 2 BACKGROUND

**Applicant:**  
Woolcott Surveys  
**Zone:**  
General Residential Zone

**Owner:**  
Darren Baker Investments Pty Ltd  
**Codes:**  
Road and Railway Assets Code  
Car Parking and Sustainable Transport Code  
Recreation and Open Space Code  
Environmental Impacts and Attenuation Code  
**Existing Use:**  
Residential (single dwelling)

**Classification under the Scheme:**  
Residential (multiple dwellings)  
Subdivision  
**Deemed Approval Date:**  
04 February 2022

**Recommendation:**  
Approve

#### Discretionary Aspects of the Application:

- Reliance on the Performance Criteria of the Car Parking and Sustainable Transport Code.
- Reliance on the Performance Criteria of the Environmental Impacts and Attenuation Code.

#### Planning Instrument:

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

#### Subject Site





### 3 STATUTORY REQUIREMENTS

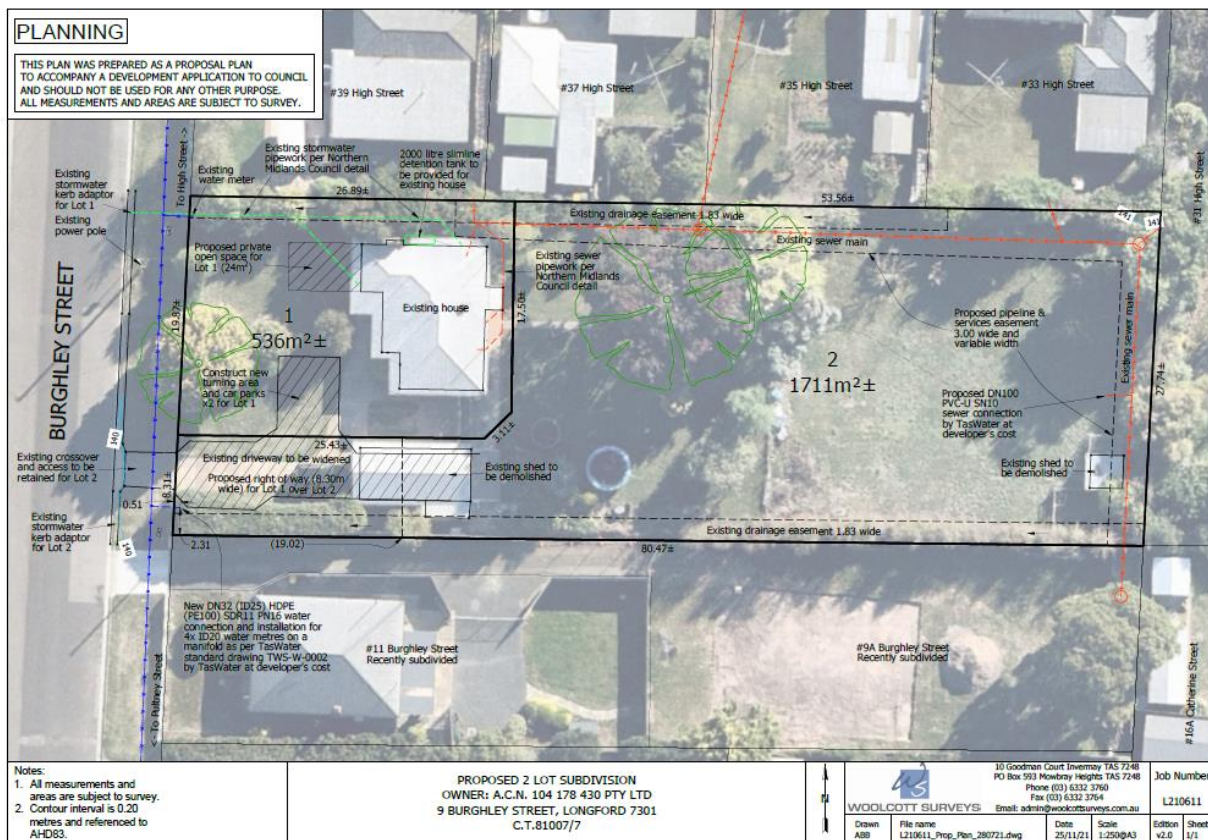
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51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

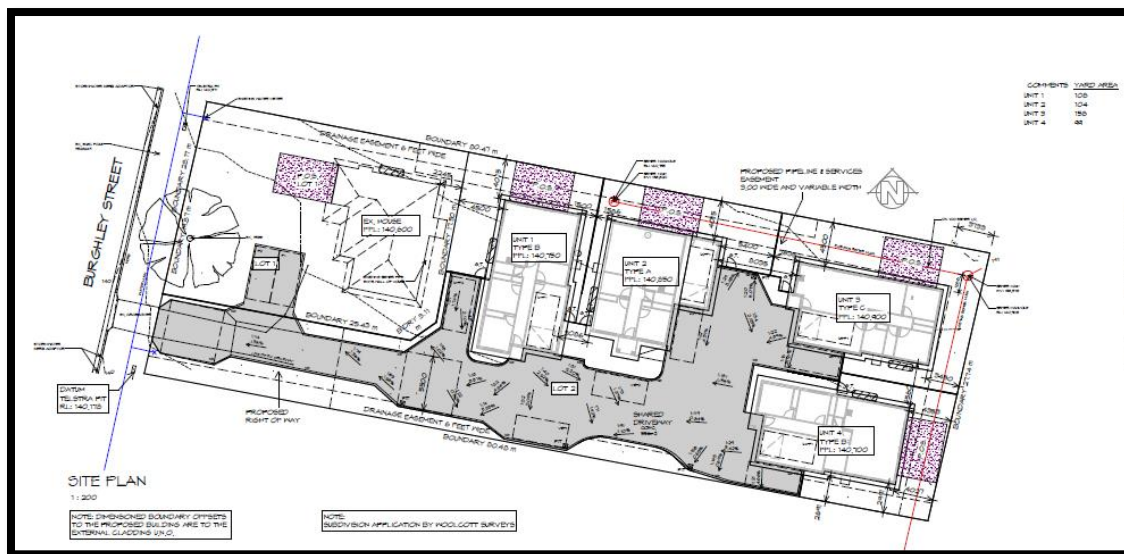
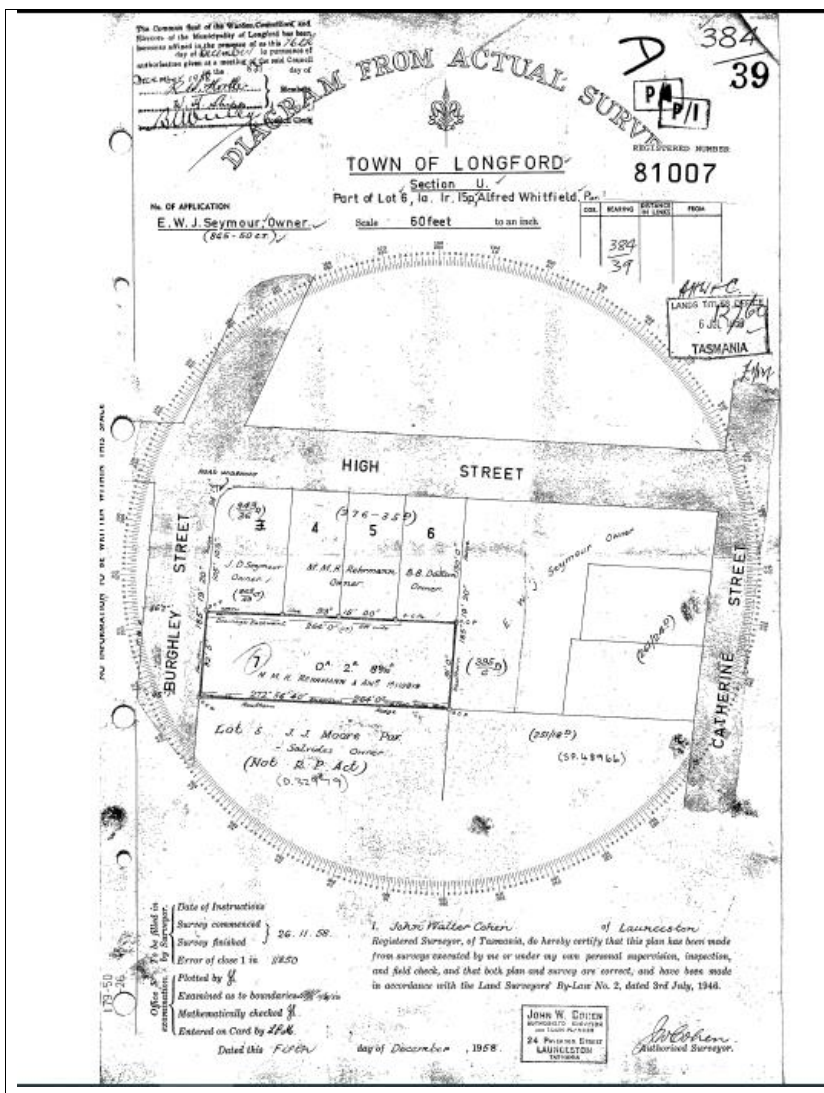
### 4 ASSESSMENT

#### 4.1 Proposal

- 2 Lot Subdivision; and
- Multiple Dwellings x 4 (demolish shed, remove vegetation).

#### Plan of Subdivision

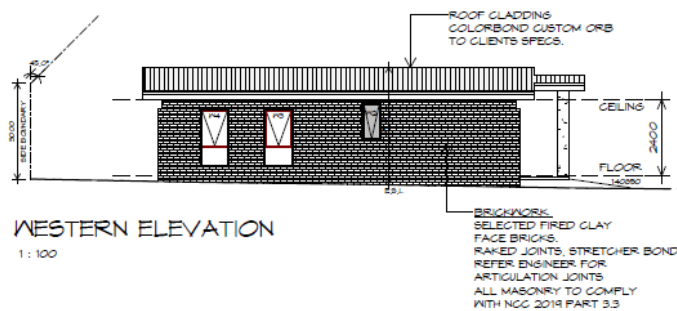
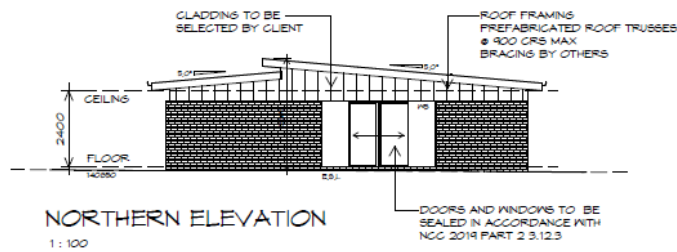




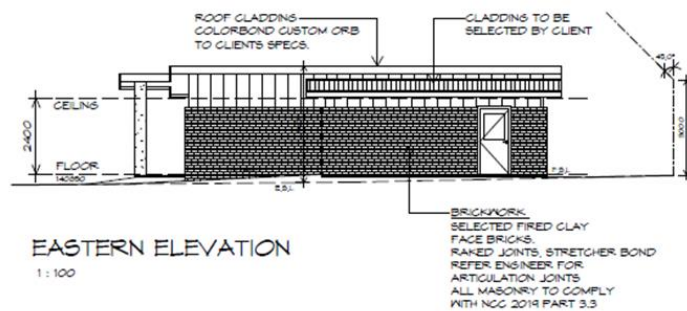
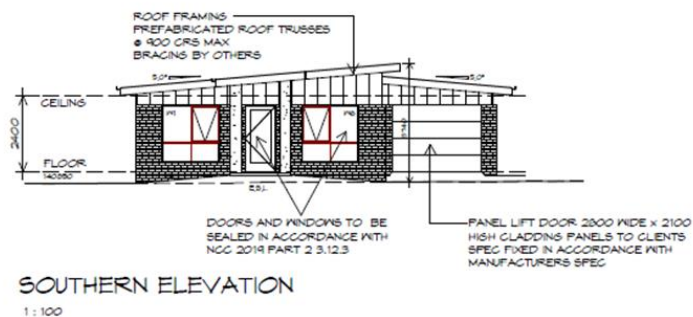




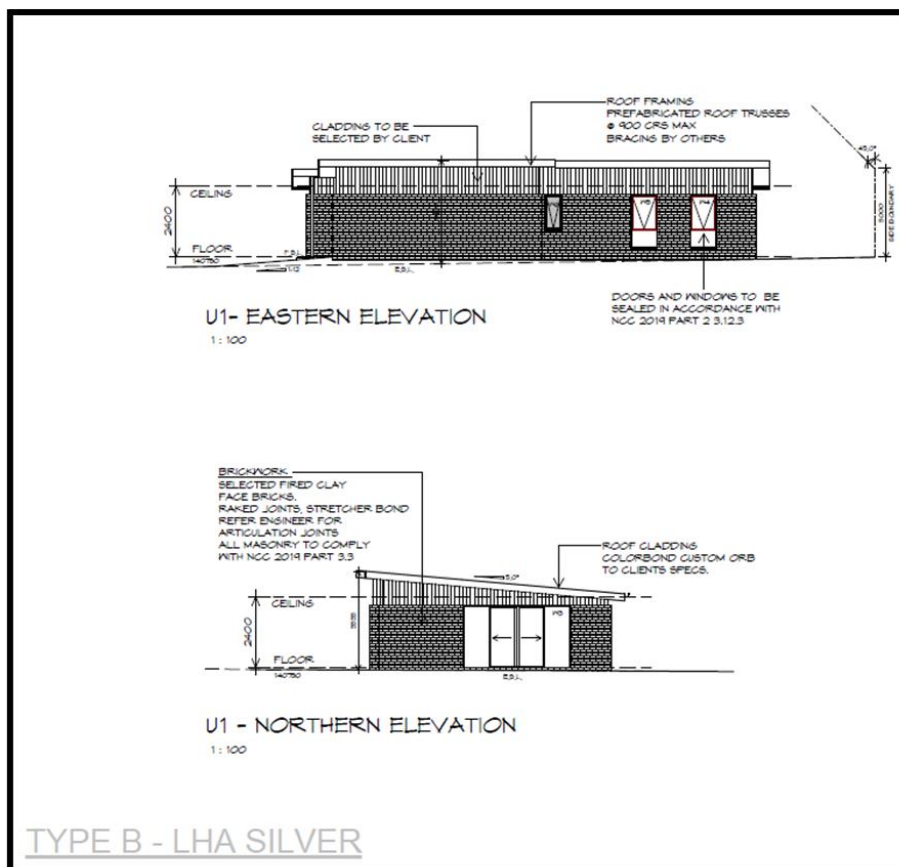
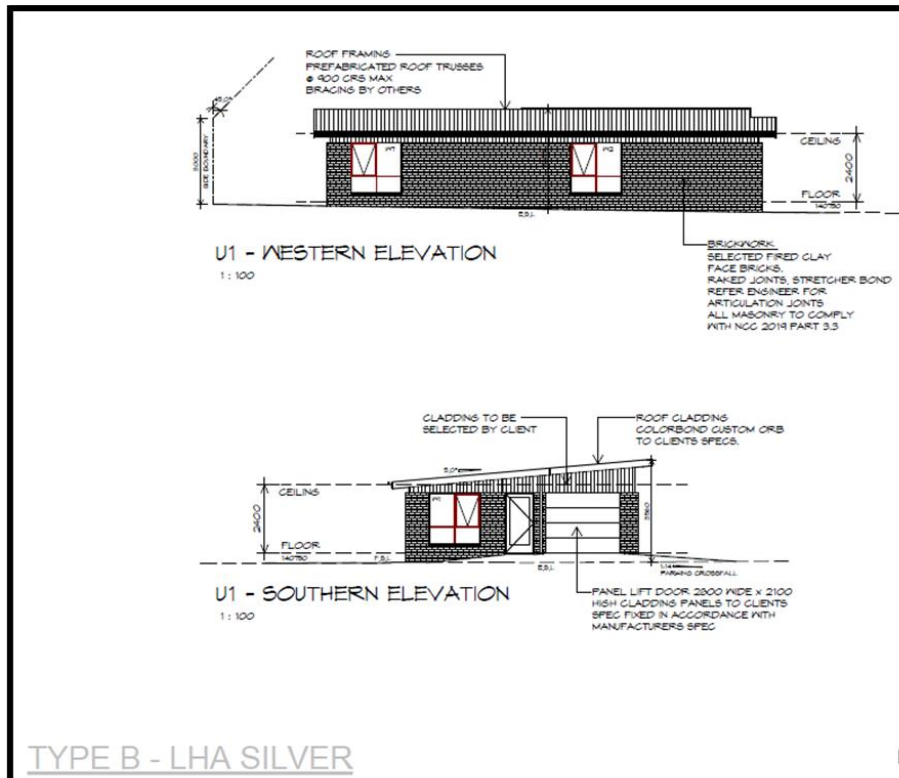
## Elevations



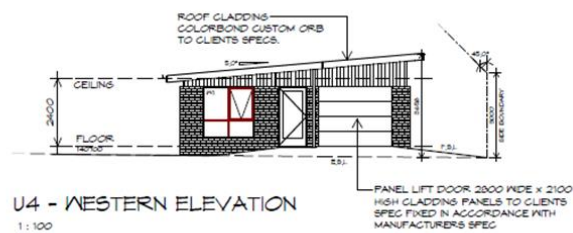
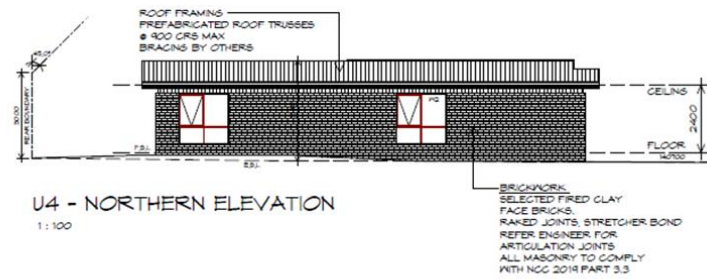
## TYPE A - LHA SILVER



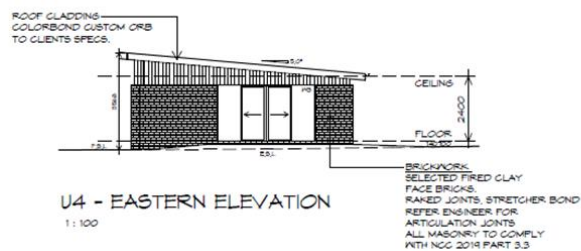
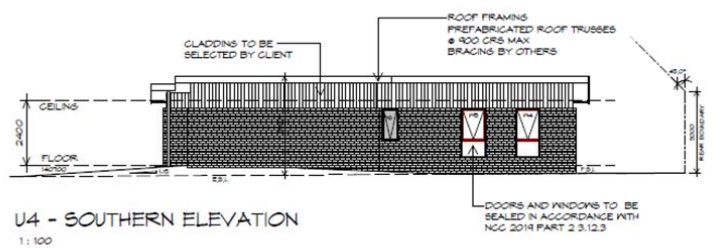
## TYPE A - LHA SILVER





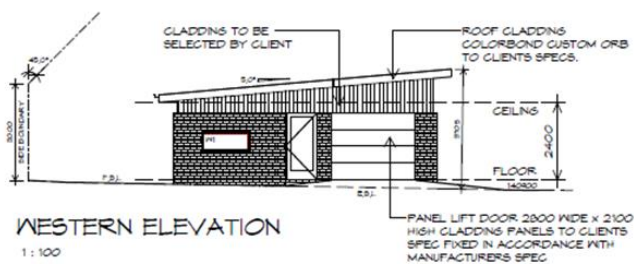
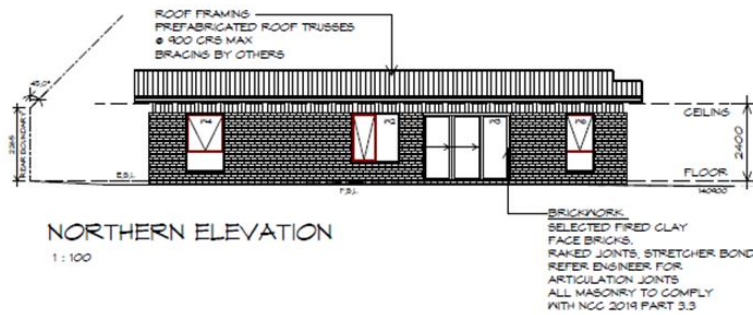


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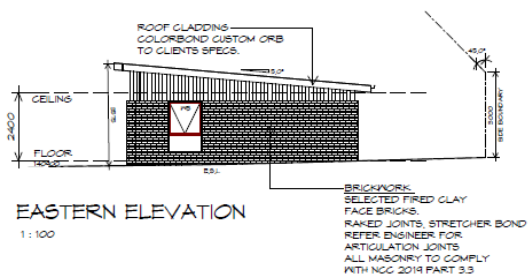
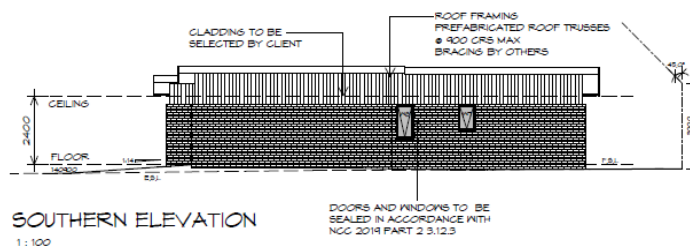


TYPE B - LHA SILVER

bda



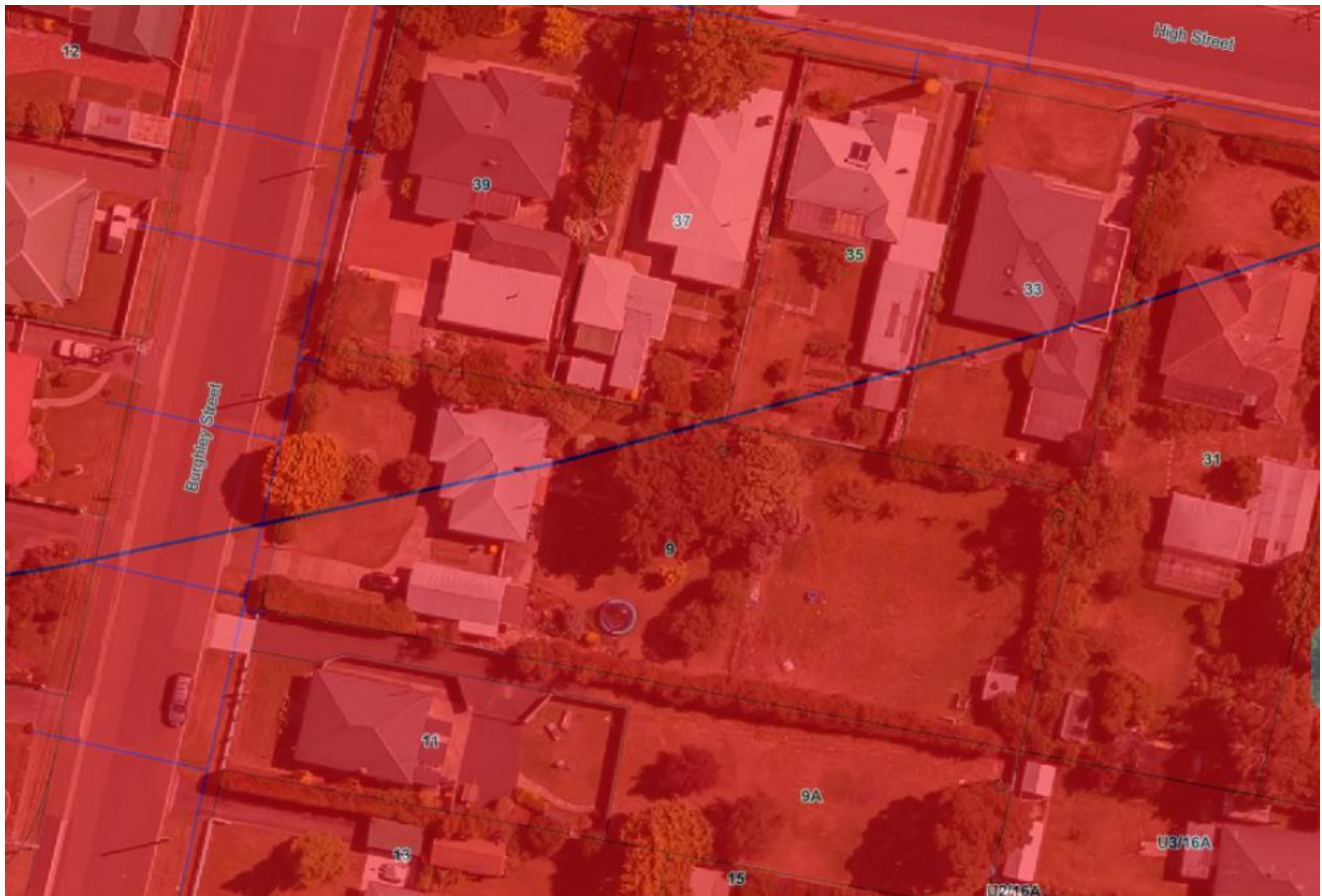
TYPE C - LHA SILVER



TYPE C - LHA SILVER



#### 4.2 Zone and Land Use



The land is zoned General Residential and is partly within the Attenuation Distance of the JBS Swift Abattoir at the northern end of Longford.

The relevant Planning Scheme definition is:

<i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing.</i>
<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>

Multiple dwellings are permitted (with permit) in the zone.

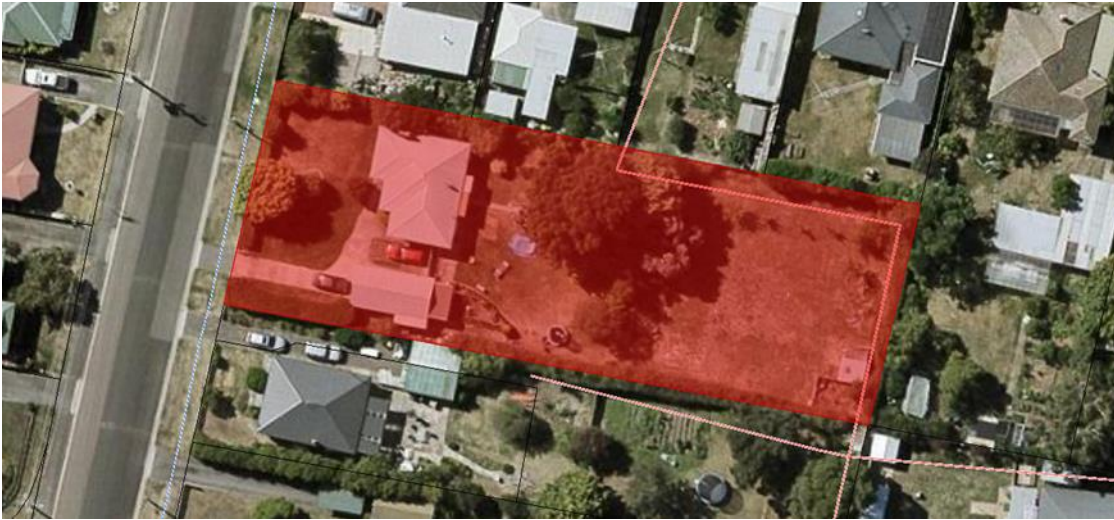
#### 4.3 Subject Site and Locality

An inspection of the site was undertaken on the 21st December 2021. The subject site is a 2249m<sup>2</sup>, level, rectangular shaped lot, that currently contains an existing dwelling and shed. The site has established landscaping, including a hedge along the southern boundary of proposed lot 2





***Aerial photograph of area***



***Photographs of subject site***





#### 4.4 Permit/Site History

Relevant permit history includes:

- P70-43 – Dwelling

#### 4.5 Planning Scheme Assessment

##### 4.5 Planning Scheme Assessment

##### 9.4 Demolition

9.4.1 Unless approved as part of another development or Prohibited by another provision in this planning scheme, or a code relating to historic heritage values applies, an application for demolition is Permitted and a permit must be granted subject to any conditions and restrictions specified in clause 8.11.2 of the relevant interim planning scheme.

#### Removal of Vegetation

The proposed removal of vegetation is Permitted (with permit) as being directly associated with and a subservient part of the use of the site for multiple dwellings, in accordance with clause 8.2.2 of the scheme.

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

10.3 Use Standards

10.3.1 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.
<b>Complies – Multiple dwellings is a permitted use.</b>	<b>N/a</b>
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.





<i>6.00pm Saturday and Sunday.</i>	
<b>N/a</b> – not a discretionary use.	<b>N/a</b>
<b>A3</b> <i>If for permitted or no permit required uses.</i>	<b>P3</b> <i>External lighting must demonstrate that:</i> <i>a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and</i> <i>b) all direct light will be contained within the boundaries of the site.</i>
<b>Complies</b> – Multiple dwellings is a permitted use.	<b>N/a</b>

*Residential Character – Discretionary Uses*

**N/a** – not a discretionary use

**10.4** *Development Standards for Dwellings*

**10.4.1** *Residential density for multiple dwellings*

<b>Objective:</b>	<i>That the density of multiple dwellings:</i> <i>(a) makes efficient use of land for housing; and</i> <i>(b) optimises the use of infrastructure and community services.</i>
<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:</i> <i>(a) is compatible with the density of existing development on established properties in the area; or</i> <i>(b) provides for a significant social or community benefit and is:</i> <i>(i) wholly or partly within 400m walking distance of a public transport stop; or</i> <i>(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 2 roods, 8 9/10 perches. 2 roods = 2023.43m <sup>2</sup> 8 perches = 202.34m <sup>2</sup> 9/10 perch = 22.76m <sup>2</sup> Total = 2248.53 / 5 = 449 Unit development area – lot 1 – access strip = 1477 +/- (dwellings gives a site area per dwelling of 369m <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:</i> <i>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</i> <i>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</i> <i>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</i> <i>(d) 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</i>	<b>P1</b> <i>A dwelling must:</i>

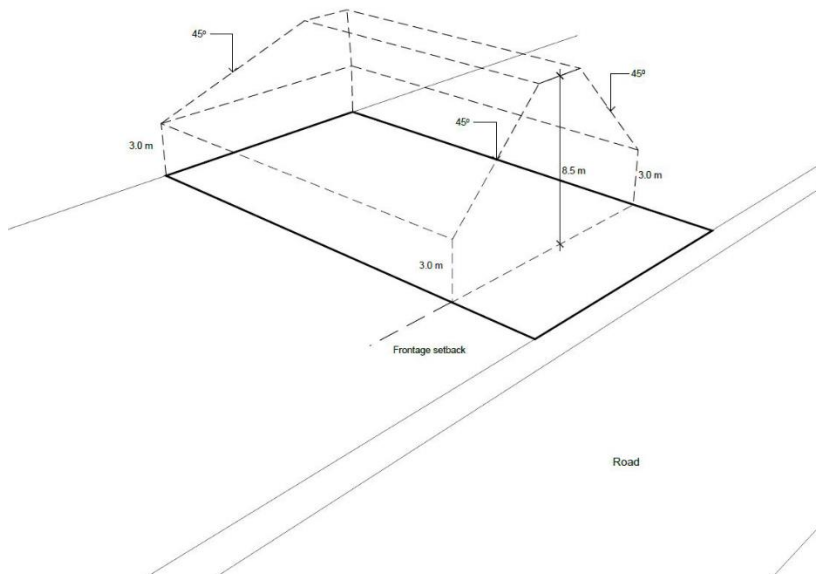


<p>dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</p> <p>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</p>
<p><b>Complies.</b> Front setback of more than 4.5m proposed.</p>	<p><b>N/a</b></p>
<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>Complies.</b> Setbacks of more than 5.5m proposed.</p>	<p><b>N/a</b></p>
<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</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</p>

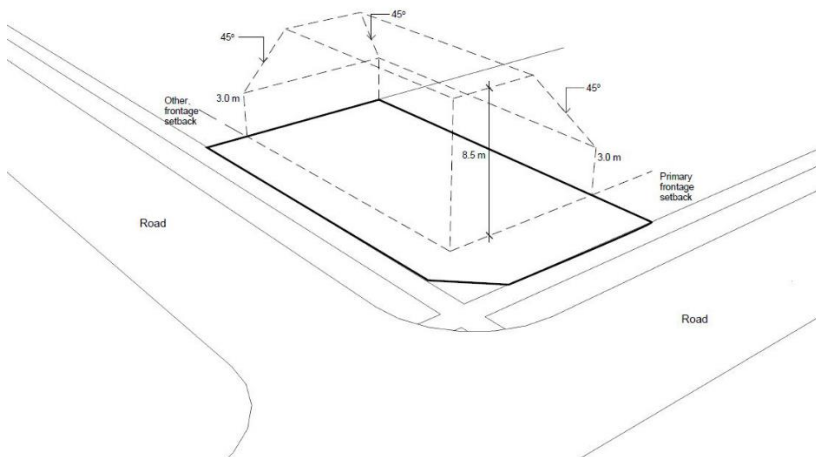
<p>distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing 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>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>	<b>N/a</b>

**Table 10.4.2**

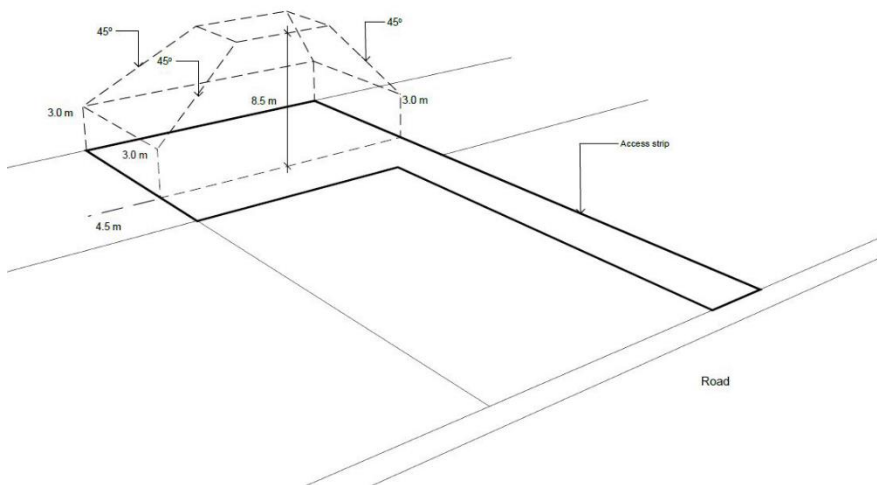
Road	Setback (m)
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**Figure 10.1 Building envelope as required by clause 10.4.2 A3(a)**



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



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

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

<b>Objective:</b>	That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 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).	<b>P1</b> Dwellings must have: (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage;	



	<p>and</p> <p>(c) <i>reasonable space for the planting of gardens and landscaping.</i></p>
<p><b>Complies.</b> Lot 1 approx. 24%. Lot 2 approx. 27.4%. The plans show at least 60m<sup>2</sup> of private open space.</p>	<b>N/a</b>
<p><b>A2</b>  <i>A dwelling must have private open space that:</i>  <i>(a) is in one location and is not less than:</i>  <i>(i) 24m<sup>2</sup>; or</i>  <i>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</i>  <i>(b) has a minimum horizontal dimension of not less than:</i>  <i>(i) 4m; or</i>  <i>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</i>  <i>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</i>  <i>(d) has a gradient not steeper than 1 in 10.</i></p>	<p><b>P2</b>  <i>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</i>  <i>(a) conveniently located in relation to a living area of the dwelling; and</i>  <i>(b) orientated to take advantage of sunlight.</i></p>
<b>Complies.</b>	<b>N/a</b>

#### 10.4.4 Sunlight to private open space of multiple dwellings

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
Acceptable Solutions	Performance Criteria	
<p><b>A1</b>  <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;</i></p>	<p><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></p>	

or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	
<b>Complies.</b> Unit 3 is north of the POS of Unit 4 with a 4.56m distance.	<b>N/a</b>

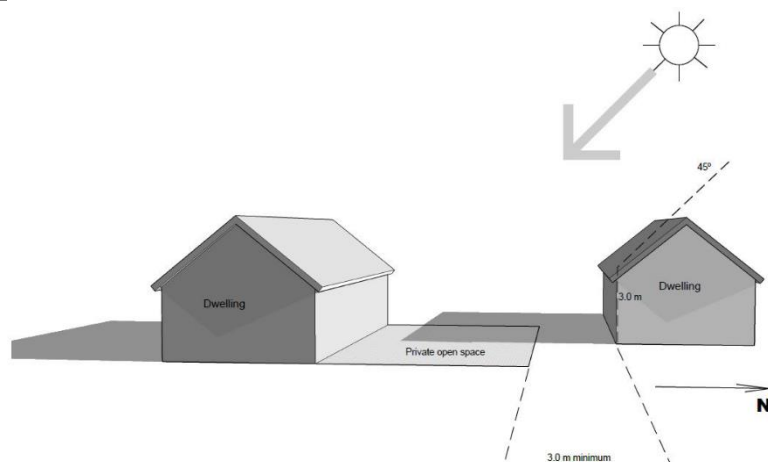


Figure 10.4 Separation from the private open space of another dwelling on the same site as required by clause 10.4.4 A1(a)

#### 10.4.5 Width of openings for garages and carports for all dwellings

<b>Objective:</b>	To reduce the potential for garage or carport openings to dominate the primary frontage.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> 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).	<b>P1</b> 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.
<b>Complies.</b>	<b>N/a</b>

#### 10.4.6 Privacy for all dwellings

<b>Objective:</b>	To provide a reasonable opportunity for privacy for dwellings.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.	<b>P1</b> 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: (a) a dwelling on an adjoining property or its private open space; or (b) another dwelling on the same site or its private open space.





<b>N/a</b>	<b>N/a</b>
<p><b>A2</b> 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):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(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</li> <li>(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.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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</li> <li>(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%.</li> </ul>	<p><b>P2</b> 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:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>
<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> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"> <li>(i) it is separated by a screen of not less than 1.7m in height; or</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> </ul>	<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>
<b>Complies.</b>	<b>N/a</b>

#### 10.4.7 Frontage fences for all dwellings

<b>Objective:</b>	<p>The height and transparency of frontage fences:</p> <ul style="list-style-type: none"> <li>(a) provides adequate privacy and security for residents;</li> <li>(b) allows the potential for mutual passive surveillance between the road and the dwelling; and</li> <li>(c) is reasonably consistent with that on adjoining properties.</li> </ul>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b> No Acceptable Solution<sup>1</sup>.</p>	<p><b>P1</b> A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> <li>(a) provide for security and privacy while allowing for passive surveillance of the road; and</li> </ul>



	<p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>
<b>N/a</b> - does not propose frontage fencing	<b>N/a</b>

1 An exemption applies for fences in this zone – see Clause 5.0 - Exemptions

#### 10.4.8 Waste storage for multiple dwellings

<b>Objective:</b>	To provide for the storage of waste and recycling bins for multiple dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<p><b>A1</b></p> <p>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:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(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.</p>	<p><b>P1</b></p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>	
<b>Complies</b> with A1 a).	<b>N/a</b>	

#### 10.4.9 Storage for multiple dwellings

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

\*Australian Standard AS/NZS 2890.1:2004:

- Table 1.1 User Class 1A Residential.
- Figure 2.2 bays at 90 degrees width = 2.4m length = 5.4m
- Figure 5.2 Design Envelope around parked vehicle to be kept clear of columns, walls and obstructions: Length 5.4m, width per Figure 2.2 (2.4m) plus 300mm on each side for door opening.

#### 10.4.10 Common Property for multiple dwellings

<b>Objective</b>		
To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> Development for multiple dwellings must	<b>P1</b> No performance criteria.	



<p><i>clearly delineate public, communal and private areas such as:</i></p> <p><i>a) driveways; and</i></p> <p><i>b) site services and any waste collection points.</i></p>	
<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**

<p><b>Objective</b></p> <p>To ensure:</p> <p>a) that outbuildings do not detract from the amenity or established neighbourhood character; and</p> <p>b) that dwellings remain the dominant built form within an area; and</p> <p>c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.</p>	
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: (a) visual impact on the streetscape; and (b) compatibility with the size and location of outbuildings in the neighbourhood.
<b>Complies.</b>	<b>N/a</b>
A2 A swimming pool for private use must be located: (a) behind the setback from a primary frontage; or (b) in the rear yard.	P2 A swimming pool for private use must be designed and located to: (a) minimise any visual impact on the streetscape; and (b) not unreasonably overlook or overshadow adjoining properties; and (c) be compatible with the size and location of approved outbuildings in the neighbourhood.
<b>N/a</b> - does not propose a swimming pool.	<b>N/a</b>

**10.4.12 Site services for multiple dwellings**

<p><b>Objective</b></p> <p>To ensure that:</p> <p>a) site services for multiple dwellings can be installed and easily maintained; and</p> <p>b) site facilities for multiple dwellings are accessible, adequate and attractive.</p>	
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> Plan A102 shows letterboxes at the frontage.	<b>N/a</b>

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	N/a
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	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	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

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

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		f)	the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and
		j)	any heritage values of the site; and
		k)	for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
		i)	the size of the dwelling and the number of bedrooms; and
		ii)	the pattern of parking in the locality; and
		iii)	any existing structure on the land.
<b>Complies.</b> All are 3 bedroom dwellings. Therefore 2 car parking spaces per dwelling are required plus visitor parking.		<b>N/a</b>	



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

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

#### E6.6.2 Bicycle Parking Numbers

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

Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: 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.
A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	
<b>Complies.</b> Available in garages.	<b>N/a</b>

#### 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.
<b>N/a</b>	<b>N/a</b>

#### 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.
<b>N/a – less than 20 parking spaces.</b>	-

#### 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
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<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p> <p>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>
<p><b>Complies.</b> The plans show car parking, access strips, manoeuvring and circulation spaces are to be of concrete aggregate, drained to stormwater pits with car spaces clearly delineated.</p>	<p><b>N/a</b></p>

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

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

Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
<p><b>Complies.</b></p>	<p><b>N/a</b></p>
<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 Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</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>
<p><b>Complies.</b></p>	<p><b>N/a</b></p>

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

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

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

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

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

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1	<i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i>
	P1 <i>The location and design of parking spaces considers the needs of disabled persons, having regard to:</i> a) <i>the topography of the site;</i> b) <i>the location and type of relevant facilities on the site or in the vicinity;</i> c) <i>the suitability of access pathways from parking spaces, and</i> d) <i>applicable Australian Standards.</i>
N/a - Accessible parking is not required for a residential use.	N/a
A2	<i>One 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.</i>
	P2 <i>The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:</i> a) <i>characteristics of the populations to be served;</i> b) <i>their means of transport to and from the site; and</i> c) <i>applicable Australian Standards.</i>
N/a - Accessible parking is not required for a residential use.	N/a

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1	<i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i> a) <i>at least one loading bay must be provided in accordance with Table E6.4; and</i> b) <i>loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i>
	P1 <i>For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</i>
N/a	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

**Objective:**

*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:	P1	Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
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		
A1.2	Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.		
Complies. Available in garages.		N/a	
A2	Bicycle parking spaces must have:	P2	Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
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		
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.		
Complies. Available in garages.		N/a	

### E6.8.5 Pedestrian Walkways

**Objective:** *To ensure pedestrian safety is considered in development*

<b>Acceptable Solution</b>		<b>Performance Criteria</b>	
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.
Complies.		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 E10.0  
RECREATION AND OPEN SPACE CODE**

**E10.6 Development Standards**

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

**Objective**

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

**Acceptable Solutions**

A1 The application 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.

**Performance Criteria**

P1 Provision of public open space, unless in accordance with Table E10.1, must:

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

iii) drainage or wetland areas; and

iv) vehicular access; and

c) be designed to:

i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and

ii) reasonably contribute to the pedestrian connectivity of the broader area; and

iii) be cost effective to maintain; and

iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and

v) provide for public safety through *Crime Prevention Through Environmental Design* principles; and

vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and

vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and

ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.

Complies with A1 - 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.

N/a



**ASSESSMENT AGAINST E11.0  
ENVIRONMENTAL IMPACTS AND ATTENUATION CODE**

**E11.6 Use Standards**

**E11.6.1 Attenuation Distances**

**Objective**

To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>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:</p> <ul style="list-style-type: none"> <li>a) degree of encroachment; and</li> <li>b) nature of the emitting operation being protected by the attenuation area; and</li> <li>c) degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</li> </ul>
Relies on Performance Criteria P1.	Complies with Performance Criteria P1 – only the existing dwelling will be within the attenuation area.
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.	<p>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:</p> <ul style="list-style-type: none"> <li>a) the degree of encroachment; and</li> <li>b) the nature of the emitting operation being protected by the attenuation area; and</li> <li>c) the degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i>.</li> </ul>
N/a	N/a

**SPECIFIC AREA PLANS**

F1.0 Translink Specific Area Plan	N/a
F2.0 Heritage Precincts Specific Area Plan	N/a

**SPECIAL PROVISIONS**

9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a



9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a

- \* 9.4.1 Unless approved as part of another development or Prohibited by another provision in this planning scheme, or a code relating to historic heritage values applies, an application for demolition is Permitted and a permit must be granted subject to any conditions and restrictions specified in clause 8.11.2 of the relevant interim planning scheme.

#### 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

#### 4.6 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 two representations (attached) were received from:

- R. & J. Steel, 31 High Street, Longford
- Mark Rhodes, address not provided

##### **Map showing location of the first representors property in relation to subject site**



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

The applicant's response to the representations is below.

##### **Representation 1**

With regard to the request for fencing around the lot (rear boundary), the developer is happy to discuss fencing and has no problem with this request.



## Representation 2

The representor has itemised several points which will be addressed here using the same item numbers:

### E6.7.2 A2.2

The space was marked incorrectly. This has been rectified. The plans have been adjusted to allow for the extra space as detailed by the representor.

### E6.6.2 A1.2

It is considered that bicycles for private residences can be stored in a multitude of places such as garage, indoors or rear yard, and this is not a requirement for all people, however, see response to 10.4.9 A1 also for additional storage.

### E6.6.4 A1

The acceptable solution requires one space for motorbike parking per 20 car spaces. There are less than 20 car spaces on the site so this is not required. We consider that privately owned motorcycles can use the allocated parking on site and visitors can use the allocated visitor parking. We trust this is sufficient given that motorbike usage is less prevalent than that of cars.

### 10.4.6 A3

The bedroom windows of Units 1 and 4 that face common areas have been amended to have taller screening from plants, to 1.8m. Unit 4 also now has a privacy screen on the northern side facing the common area.

### 10.4.9 A1

In response to this, 2m x 2m garden sheds have been included to each unit's storage space. These sheds, as the representor suggests, can also be used for the storage of bicycles if needed.

### 10.4.3

Private open space is marked on the plans to show that the minimum requirement has been met, but it does not always represent the only option for POS within the yard or area provided. While vegetation on neighbouring lots is outside of the developer's control, the addition of vegetation can be welcomed to some residents. The matter is acknowledged but as mentioned, the plans are compliant.

## 4.7 Referrals

The following referrals were required:

<b>Council's Works Department</b> Summary:: See attached response.
<b>TasWater</b> A Taswater Submission to Planning Authority Notice was issued and will be included in the permit..

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

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





	that the council cannot or will not permit a septic tank?		
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		R
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?		R
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <u>Water and Sewerage Industry Act 2008</u> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		R
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		R
<b>Section 84</b>	<b>Council not to approve subdivision</b>	<b>Yes</b>	<b>No</b>
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the the Minister administering the <u>Roads and Jetties Act 1935</u> has first not approved so much of the application as affects the drainage?		R
	<b>If 'yes', refuse the subdivision.</b>		
<b>Section 85</b>	<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;		R
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		R
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		R
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		R
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		R
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		R
85(d)(iii)	public open space;		R
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		R
85(d)(v)	private roads, ways or open spaces;		R
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		R
85(d)(vii)	licences to embank highways under the <u>Highways Act 1951</u> ;		R
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		R
85(d)(ix)	provision for the preservation of trees and shrubs;		R
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		R
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		R
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		R



85(g)(ii)	party-wall easements;		R
85(g)(iii)	the state of a party-wall on its boundary.		R
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		R
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		R
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		R
86(2)(f)	the filling in of ponds and gullies;		R
86(2)(g)	the piping of watercourses.		R
	<b>If 'yes':</b>		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
<b>Section 107</b>	<b>Access orders</b>	<b>Yes</b>	<b>No</b>
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		R
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
<b>Section 108</b>	<b>Road widening</b>	<b>Yes</b>	<b>No</b>
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		R
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		R

## 6 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 7 OPTIONS

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

## 8 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the Performance Criteria of the Car Parking and Sustainable Transport Code.



- Reliance on the Performance Criteria of the Environmental Impacts and Attenuation Code.

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.

## 9 ATTACHMENTS

1. Application documents [15.6.1 - 67 pages]
2. referral responses [15.6.2 - 8 pages]
3. Representations and response from applicant [15.6.3 - 5 pages]
4. Revised Unit plans 2022 01 20 P D 21187 ( Rev 03 Planning) 9 Burghley Street, Longford - Copy [15.6.4 - 28 pages]
5. Signed Extension of Time [15.6.5 - 2 pages]

## RECOMMENDATION

That land at 9 Burghley Street, Longford be approved to be developed and used for Multiple Dwellings x 5 and a 2 lot subdivision (demolish shed, remove vegetation), in accordance with application PLN-21-0331, and subject to the following conditions:

### 1 Layout not altered

The use and development must be in accordance with the endorsed plans numbered **P0** (cover page), **P1-P7** (Rev. 3, 20.1.22) and **P8-P28** (Rev. 1, 15.115.21).

### 2 Revised Plans Required

Before the issue of the Building Permit, revised plans showing a 1.8m high solid fence with neighbouring properties must be submitted. When approved it will form part of this permit.

### 3 Council's Works Department conditions

#### Subdivision:

#### 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.

#### 3.2 Access (Urban)

- a) A concrete driveway crossover and concrete apron must be constructed from the edge of **the Road** to the house lot in accordance with Council standards.
- b) **Access works must not commence** until an application for vehicular crossing has been approved by Council.

#### 3.3 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.

#### Dwellings:

#### 3.4 Stormwater (dwellings)

- a) 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.
- b) Stormwater for the multiple dwellings shall be limited to a maximum of 15 l/sec and two kerb outlets. Any additional flows must be detained onsite for the full range of storms for the 5% AEP event. A design plan and calculations must be provided for approval by Council prior to commencement of any works on site.
- c) Concentrated stormwater must not be discharged into neighbouring properties
- d) Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- e) All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.



- f) Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings. The system must connect through properly-jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- g) A plumbing permit is required prior to commencing any plumbing or civil works within the property.

### 3.5 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.

### 3.6 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.

### 3.7 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 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.

### 3.8 Works damage bond

- a) Prior to the issue of a building permit, or the commencement of development authorised by this permit, a \$1000 bond must be provided to Council, which will be refunded if Council's infrastructure is not damaged.
- b) This bond is not taken in place of the Building Department's construction compliance bond.
- c) The nature strip, crossover, apron and kerb and gutter and stormwater infrastructure must be reinstated to Council's standards if damaged.
- d) 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.

### 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 TasWater conditions**

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/02211-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 (\$1400 per new lot).

## **6 Demolition**

Prior to the seal of final plan, all buildings shown on the plan of subdivision as 'to be demolished', shall be removed in their entirety (inclusive of any rubble) and the site rehabilitated to a level surface.

## **7 Landscaping**

- a) Landscaping works must be in accordance with the endorsed plans, and landscaping works for each unit must be completed prior to the commencement of use of that unit and then maintained for the duration of the use.



- b) A bond of \$500 per unit must be provided prior to the commencement of development of that unit authorised by this permit – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

**8 Driveways and Parking Areas**

- a) Driveways and parking areas around each unit must be sealed in accordance with the endorsed plans prior to the commencement of use of the unit.
- b) Visitor parking spaces must be clearly and permanently labelled as visitor parking.

**9 Parking**

Prior to the seal of final plan, two (2) parking spaces must be constructed for the existing dwelling on lot 1. The parking spaces must be formed to an adequate level and drained, with provision for turning located behind the building line.

**10 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.



## 16 COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

### RECOMMENDATION

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.

## 17 ITEMS FOR THE CLOSED MEETING

Item	Local Government (Meeting Procedures) Regulations 2015 Reference
Confirmation of Closed Council Minutes	15(2)(g)
Councillors' Leave	15(2)(h)
Personnel Matters	15(2)(a)
Management Meetings	15(2)(g)
Correspondence Received	15(2)(i)
Action Items: Status Report	15(2)(g)
Compliance Matter	15(2)(i)
Legal Issue	15(2)(g) & 15(2)(i)
Land Purchase	15(2)(f)
Lease Agreement	15(2)(c)
Land Acquisition/Purchase	15(2)(f)
Legal Issue	15(2)(g) & 15(2)(i)
Land Purchase	15(2)(f)
Land development	15(2)(c) & 15(2)(g)
Land Purchase	15(2)(f)
Personnel Matters	15(2)(a)

### *Local Government (Meeting Procedures) Regulations 2015 - Part 2 - Meetings*

- (a) *personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (b) *information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;*
- (c) *commercial information of a confidential nature that, if disclosed, is likely to -*
  - (i) *prejudice the commercial position of the person who supplied it; or*
  - (ii) *confer a commercial advantage on a competitor of the council; or*
  - (iii) *reveal a trade secret.*
- (d) *contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;*
- (e) *the security of -*
  - (i) *the council, councillors and council staff; or*
  - (ii) *the property of the council.*
- (f) *proposals for the council to acquire land or an interest in land or for the disposal of land;*





- (g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;*
- (h) *applications by councillors for a leave of absence;*
- (i) *matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;*
- (j) *the personal hardship of any person who is a resident in, or is a ratepayer in, the relevant municipal area.*

**RECOMMENDATION**

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Senior Planner and Executive Assistant to discuss Closed Council Items.

**18 CLOSURE**