



**NORTHERN
MIDLANDS
COUNCIL**

MINUTES

ORDINARY MEETING OF COUNCIL

MONDAY, 27 APRIL 2020



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

MINUTES OF THE ORDINARY MEETING OF THE NORTHERN MIDLANDS COUNCIL HELD ON MONDAY, 27 APRIL 2020 AT 5.02PM 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)

102/20 ATTENDANCE

1 PRESENT

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

In Attendance:

Mr Des Jennings – General Manager, Miss Maree Bricknell – Corporate Services Manager, Mr Leigh McCullagh – Works Manager, Mr Paul Godier – Senior Planner (to 8.00pm), Mrs Erin Miles – Urban & Regional Planner (to 8.00pm), Mrs Gail Eachar – Executive Assistant

2 APOLOGIES

Nil

103/20 TABLE OF CONTENTS

102/20	ATTENDANCE	592
1	PRESENT	592
2	APOLOGIES	592
103/20	TABLE OF CONTENTS	592
104/20	ACKNOWLEDGEMENT OF COUNTRY	595
105/20	DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE	595
106/20	CONFIRMATION OF MINUTES	595
1	OPEN COUNCIL: ORDINARY COUNCIL MEETING MINUTES	595
2	CONFIRMATION OF MINUTES OF COMMITTEES	595
3	RECOMMENDATIONS OF SUB COMMITTEES	595
107/20	DATE OF NEXT COUNCIL MEETING: 18 MAY 2020	597
108/20	INFORMATION ITEMS	598
1	COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING	598
2	MAYOR'S COMMUNICATIONS	598
3	PETITIONS	598
4	CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES	599
5	132 & 337 CERTIFICATES ISSUED	599
6	ANIMAL CONTROL	599
7	HEALTH ISSUES	600
8	CUSTOMER REQUEST RECEIPTS	600
9	GIFTS & DONATIONS (UNDER SECTION 77 OF THE LGA)	601



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

10	ACTION ITEMS: COUNCIL MINUTES	602
11	KEY ISSUES BEING CONSIDERED: MANAGERS' REPORTS	604
12	RESOURCE SHARING SUMMARY: 01 JULY 2019 TO 30 JUNE 2020	611
13	VANDALISM	611
14	YOUTH PROGRAM UPDATE	611
15	STRATEGIC PLANS UPDATE	611
16	STATE GOVERNMENT ELECTION COMMITMENTS 2018	614
17	INVESTIGATION – PUBLIC QUESTION TIME MATTERS RAISED: LITTLE MULGRAVE STREET, PERTH – REQUEST TO INSTALL FENCE AND VEHICLES ACCESING VACANT LAND	614
18	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2020	615
19	MARINUS LINK	616
20	NORTHERN TASMANIA DEVELOPMENT CORPORATION (NTDC): QUARTERLY PROGRESS REPORT – JANUARY TO MARCH 2020	616
21	POLICY: HUMAN RESOURCES – FLEXIBLE WORKING ARRANGEMENTS	616
109/20	AVOCA PRIMARY SCHOOL	617
110/20	PROJECTS: LONGFORD SPORTS CENTRE (STAGE 2); CAMPBELL TOWN WAR MEMORIAL OVAL – TOILETS; TALISKER STREET PERTH TOILET AMENITIES UPGRADE; WILLIAM STREET RESERVE PERTH; PERTH BARBECUE SHELTERS; FOOTPATHS AND STORMWATER; AND SECCOMBE STREET – PLAYGROUND TOILET	620
111/20	MONTHLY REPORT: DEVELOPMENT SERVICES	627
112/20	DRAFT LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020	634
113/20	SOUTH LONGFORD EXPANSION: PROJECT BRIEF	638
114/20	MONTHLY FINANCIAL STATEMENT	642
115/20	COVID-19 PANDEMIC RESPONSE SUMMARY	648
116/20	COVID-19 PANDEMIC: COMMUNITY RECOVERY AND CARE PACKAGE	655
117/20	DRAFT CAPITAL WORKS PROGRAM 2020/2021	664
118/20	NOMENCLATURE: NEW ROAD NAME – ESKLEIGH ROAD PERTH	665
119/20	COUNCIL ACTING AS A PLANNING AUTHORITY	667
2	STATEMENTS	667
PLAN 1	PLANNING APPLICATION PLN20-0026: 19 PEEL STREET LONGFORD	667
PLAN 2	PLANNING APPLICATION PLN19-0192: TANNERY ROAD, LONGFORD	667
PLAN 3	PLANNING APPLICATION PLN-20-0038: 42 MARLBOROUGH STREET, LONGFORD	668
PLAN 4	PLANNING APPLICATION PLN-20-0002: 995 BISHOPSBOURNE ROAD, BISHOPSBOURNE	669
PLAN 5	DRAFT PLANNING SCHEME AMENDMENT 02/2020 & PLANNING APPLICATION PLN-20-0049: 21 NAPOLEON STREET, PERTH	670
PLAN 7	INITIATION OF DRAFT PLANNING SCHEME AMENDMENT 03/2020: FOOD SERVICES IN TRANSLINK SPECIFIC AREA PLAN	670
PLAN 8	REQUEST TO EXTEND PLANNING PERMIT P17-293: 16523 MIDLAND HIGHWAY, PERTH	671
120/20	PLANNING APPLICATION PLN20-0026: 19 PEEL STREET LONGFORD	672
121/20	PLANNING APPLICATION PLN19-0192: TANNERY ROAD LONGFORD	695
122/20	PLANNING APPLICATION PLN-20-0038: 42 MARLBOROUGH STREET, LONGFORD	719



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

123/20	PLANNING APPLICATION PLN-20-0002: 995 BISHOPSBOURNE ROAD, BISHOPSBOURNE	747
124/20	DRAFT PLANNING SCHEME AMENDMENT 02/2020 & PLANNING APPLICATION PLN-20-0049: 21 NAPOLEON STREET, PERTH	769
125/20	DRAFT PLANNING SCHEME AMENDMENT 01/2020 & PLANNING APPLICATION PLN-20-0001: 41-43 WELLINGTON STREET, LONGFORD	792
126/20	INITIATION OF DRAFT PLANNING SCHEME AMENDMENT 03/2020: FOOD SERVICES IN TRANSLINK SPECIFIC AREA PLAN	827
127/20	REQUEST TO EXTEND PLANNING PERMIT P17-293: 16523 MIDLAND HIGHWAY, PERTH	831
128/20	COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION	838
129/20	PUBLIC QUESTIONS & STATEMENTS	839
1	PUBLIC QUESTIONS	839
	<i>COUNCIL'S CEMETERY AUDIT & POLICY</i>	839
130/20	ITEMS FOR THE CLOSED MEETING	840
131/20	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	840
132/20	CONFIRMATION OF CLOSED COUNCIL MINUTES: ORDINARY & SPECIAL COUNCIL MEETINGS	840
133/20	APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE	840
134/20(1)	PERSONNEL MATTERS	840
134/20(2)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	840
134/20(3)	MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL	840
134/20(4)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	840
134/20(5)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	840
135/20	TENDER FOR MANAGEMENT AND OPERATION OF WASTE TRANSFER STATIONS – LONGFORD, EVANDALE, CAMPBELL TOWN AND AVOCA	841
136/20	MEMORIAL HALL: VILLAGE GREEN, LONGFORD	841
137/20	MEMBERSHIP APPOINTMENT: NORTHERN MIDLANDS COUNCIL LOCAL RECYCLING COMMITTEE	841
138/20	PERTH TO BREADALBANE AND PERTH LINK ROADS: ROAD TRANSFERS, MAINTENANCE AND LANDSCAPING	842

DECISION

Cr Goss/Cr Brooks

That Council agree to the inclusion in the Agenda of late item *CON 8: Perth to Breadalbane and Perth Link Roads - Road Transfers, Maintenance and Landscaping.*

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

104/20 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.

105/20 DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

Council **RESOLVED** to accept the following declarations of interest:

Nil

106/20 CONFIRMATION OF MINUTES

1 OPEN COUNCIL: ORDINARY COUNCIL MEETING MINUTES

DECISION

Cr Calvert/Cr Adams

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 16 March 2020 be confirmed as a true record of proceedings.

Carried unanimously

2 CONFIRMATION OF MINUTES OF COMMITTEES

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

	Date	Committee	Meeting
i)	03/03/2020	Evandale Advisory Committee	Ordinary
ii)	05/03/2020	Perth Local District Committee	Special

DECISION

Cr Adams/Cr Lambert

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

Carried unanimously

3 RECOMMENDATIONS OF SUB COMMITTEES

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

Perth Local District Committee

At the special meeting of the Perth Local District Committee held on 5 March 2020 the following motion/s were recorded for Council's consideration:

Murals, Artworks & 2021 Perth Bicentenary

That Council include historic interpretation panels as part of the 'Way Finding Project' including but not limited to the original location of the Perth Train Station.

Officer comment:

That the matter be investigated by Council officers, subject to funding being available.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Officer recommendation:

That the matter be investigated by Council officers, subject to funding being available.

DECISION

Cr Polley/Cr Adams

That the matter be investigated by Council officers, subject to funding being available.

Carried unanimously

Murals, Artworks & 2021 Perth Bicentenary

Council to consider taking a leadership role in coordinating the celebration, to be managed by Council to maximise marketing opportunities and exposure for the whole-of-municipality events.

Officer comment:

This matter was considered by Council at the 24 June 2019 meeting at which time the following was the decision of Council:

That the Perth Local District Committee be advised that Council does not have the resources of an events coordinator, but would provide secretarial support only.

Officer recommendation:

That Council endorse the 24 June 2019 decision of Council.

DECISION

Cr Davis/Cr Lambert

That Council

- consider taking a leadership role in coordinating the celebration, to be managed by Council to maximise marketing opportunities and exposure for the whole-of-municipality events.
- prioritise Grant seeking to obtain funding for the 2021 Bicentenary celebrations.
- consider advertising in the Country Courier and/or Examiner newspaper to alert the community of the 2021 Bicentenaries.

AMENDMENT

Cr Goss /Cr Adams

That Council endorse the 24 June 2019 decision of Council.

Carried

Voting for the Amendment:

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

Voting against the Amendment:

Cr Brooks, Cr Davis, Cr Lambert, Cr Polley

The Amendment became the motion

And was Put and

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Calvert, Cr Goninon, Cr Goss, Cr Polley

Voting against the Motion:

Cr Brooks, Cr Davis, Cr Lambert

Murals, Artworks & 2021 Perth Bicentenary

Council to prioritise Grant seeking to obtain funding for the 2021 Bicentenary celebrations.

Officer comment:

Following the 24 June 2019 Council meeting the committee were advised that Council does not have the resources of an events coordinator, but would provide secretarial support only. Council has previously sought advice in relation to available funding, no funding streams have been identified.

Officer recommendation:

That the 2021 Perth Bicentenary Committee identify possible funding streams. Once this has occurred subject to available resources, Council officers may be able to assist in the application process.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

DECISION

Cr Lambert/Cr Davis

That Council seek grant funding as per the recommendation of the Committee.

Carried unanimously

Murals, Artworks & 2021 Perth Bicentenary

Council to consider advertising in the Country Courier and/or Examiner newspaper to alert the community of the 2021 Bicentenaries.

Officer comment:

Council provides updates on Council's activities in the bi-monthly Northern Midlands Courier publications. Subject to updates being received by Council, updates on progress can be considered for inclusion.

Officer recommendation:

That the Sub Committee be advised that, on receipt of updates, the information provided can be considered for inclusion in the Council pages of the Northern Midlands Courier publication.

DECISION

Cr Goss/Cr Calvert

That the Sub Committee be advised that, on receipt of updates, the information provided can be considered for inclusion in the Council pages of the Northern Midlands Courier publication.

Carried unanimously

107/20 DATE OF NEXT COUNCIL MEETING: 18 MAY 2020

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



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

108/20 INFORMATION ITEMS

1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING

Responsible Officer: Des Jennings, General Manager

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

Date Held	Purpose of Workshop
16/03/2020	Council Workshop Discussion: <ul style="list-style-type: none">Council Meeting Agenda items

2 MAYOR'S COMMUNICATIONS

Mayor's Communications for the period 17 March 2020 to 27 April 2020 are as follows:

Date	Activity
9 April 2020	Attended Northern Midlands Council Pandemic Meeting teleconference, Gipps Creek
22 April 2020	Attended teleconference meeting with Minister Shelton, Gipps Creek
27 April 2020	Attended Council Workshop and Meeting, Longford
Attended to email, phone, media and mail inquiries.	

3 PETITIONS

1 PURPOSE OF REPORT

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

2 OFFICER'S COMMENT

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

Section 57. Petitions

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

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

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

(a) a clear and concise statement identifying the subject matter and the action requested; and

(b) in the case of a paper petition, a heading on each page indicating the subject matter; and

(c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and

(d) a statement specifying the number of signatories; and

(e) at the end of the petition –

(i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and

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

(3) In this section –

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

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

petition means a paper petition or electronic petition;

signatory means –

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

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

3 PETITIONS RECEIVED

Nil.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

4 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES

1 PURPOSE OF REPORT

To provide an opportunity for Councillors and the General Manager to report on their attendance at recent conferences/seminars.

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

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

2 CONFERENCES AND SEMINARS

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

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

5 132 & 337 CERTIFICATES ISSUED

No. of Certificates Issued 2019/2020 year													Total 2019/2020 YTD	Total 2018/2019
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
132	96	50	68	100	74	72	97	98	69				724	934
337	48	25	29	49	43	33	37	38	44				346	462

6 ANIMAL CONTROL

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

Item	Income/Issues 2018/2019		Income/Issues for March		Income/Issues 2019/2020	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,224	101,911	17	259	4,241	101,319
Dogs Impounded	77	4,771	3	196	36	3,507
Euthanized	7	-	-	-	1	-
Re-claimed	56	-	3	-	31	-
Re-homed/To RSPCA	14	-	-	-	4	-
New Kennel Licences	8	576	-	-	11	792
Renewed Kennel Licences	70	3,080	-	-	70	3,080
Infringement Notices (paid in full)	54	10,773	3	1,008	31	8,171
Legal Action	-	-	-	-	-	-
Livestock Impounded	-	-	-	-	-	-
TOTAL		121,112		1,463		116,869

Registration Audit of the Municipality:

Audit of Perth on hold due to COVID-19

Kennel Licences

No new kennel licences applied for in March.

Microchips:

1 dog microchipped.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

Infringements:

6 infringements issued.

Attacks:

2 attacks

2 minor attacks on people with no serious bite injury – infringements issued.

Impounded Dogs:

3 dog impounded – 3 reclaimed by owners.

7 HEALTH ISSUES

Prepared by: Chris Wicks, Environmental Health Officer

Immunisations

The *Public Health Act 1997* requires that Councils 'A council must develop and implement an approved program for immunisation in its municipal area'. The following table will provide Council with details of the rate of immunisations provided through Schools. Monthly clinics are not offered by Council; however, parents are directed to their local General Practitioner who provides the service.

MONTH	2017/2018		2018/2019		2019/2020	
	Persons	Vaccination	Persons	Vaccination	Persons	Vaccination
July-September	82	82	64	99	72	42
October-December	39	31	41	41	46	31
January-March	39	38	-	-		
April-June	39	37	62	45		

Northern Midlands Medical Services provide the school immunisation program for the Northern Midlands Council.

Other Environmental Health Services

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

Ensure safe standards of food offered for sale are maintained.

Investigations/Inspections	2016/2017	2017/2018	2018/2019	2019/2020
Notifiable Diseases	4	4	5	1
Inspection of Food Premises	75	77	127	104

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.

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

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

NOTE: Department of Health has advised all EHOs to suspend food inspections unless absolutely unavoidable.

8 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Animal Control	1	-	-	2	-	-	-	-	1			
Building & Planning	1	-	-	1	3	-	-	-	-			
Community Services	-	-	-	1	3	-	1	-	-			
Corporate Services	-	-	-	1	-	1	1	1	2			
Governance	-	1	-	-	-	-	1	-	2			
Waste	-	-	-	-	-	-	-	-	-			



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Works	6	8	3	24	33	10	30	30	7			
General									18			

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

Date	Recipient	Purpose	Amount \$
	Council wages and plant	Assistance to Campbell Town SES	\$323
	Council gifts and donations	Flowers and gifts	
19-Sep-18	Campbell Town District High School	Chaplaincy	\$1,500
19-Sep-18	Campbell Town District High School	Inspiring Positive Futures Program	\$8,000
23-Jul-19	Reptile Rescue	Reptile rescue	\$1,000
14-Oct-19	Campbell Town District High School	Donation - School Achievement Awards	\$150
14-Oct-19	Perth Primary School	Donation - School Achievement Awards	\$50
14-Oct-19	Evandale Primary School	Donation - School Achievement Awards	\$50
14-Oct-19	Longford Primary School	Donation - School Achievement Awards	\$50
14-Oct-19	Cressy District High School	Donation - School Achievement Awards	\$150
14-Oct-19	Perth Fire Brigade	Donation	\$100
14-Oct-19	Longford Fire Brigade	Donation	\$100
18-Dec-19	Launceston Arts Society	Donation - Eskleigh Art Award Exhibition	\$150
17-Dec-19	Cressy District High School	Inspiring Positive Futures Program	\$8,000
17-Dec-19	Longford Care-a-car Committee	Donation	\$1,000
18-Dec-19	Helping Hand Association	Donation	\$1,500
18-Mar-20	Perth Little Athletics Club	Donation - Trophy Presentation night	\$150
Planning/Building Applications Remitted			
18-Mar-20	Liffey Hall Management Committee	Planning Fees - Sign	\$134
2-Mar-20	Longford Legends Committee	Planning Fees - Signs Stokes Park	\$196
School & Bursary Programs			
14-Oct-19	Aladdin Addicoat	Bursary Program 2019 - instalment 2	\$1,000
23-Oct-19	Ruby Graham	Bursary Program 2019 - instalment 1	\$1,000
28-Oct-19	Eden Arrieta-Shadbolt	Bursary Program 2019 - instalment 2	\$1,000
18-Dec-19	Ruby Graham	Bursary Program 2019 - instalment 2	\$1,000
24-Dec-19	Adam Martin	Bursary Program 2019 - instalment 2	\$1,000
22-Jan-20	James Grey	Bursary Program 2019 - instalment 2	\$1,000
22-Jan-20	Hayden Smith	Bursary Program 2019 - instalment 1	\$1,000
22-Jan-20	Samantha Airey	Bursary Program 2019 - instalment 1	\$1,000
22-Jan-20	Charlotte Layton	Bursary Program 2019 - instalment 2	\$1,000
22-Jan-20	Chelsea Johnson	Bursary Program 2019 - instalment 2	\$1,000
11-Feb-20	Piper Bunton	Bursary Program 2019 - instalment 1	\$1,000
17-Feb-20	Lia Eacher	Bursary Program 2019 - instalment 2	\$1,000
24-Feb-20	Chanelle Woods	Bursary Program 2019 - instalment 1	\$1,000
25-Mar-20	Darian Richardson	Bursary Program 2019 - instalment 1	\$1,000
Sporting Achievements			
8-Jul-19	Lucy Johnston	Australian Interscholls Equestrian Championships	\$100
8-Jul-19	Jock Johnston	Australian Interscholls Equestrian Championships	\$100
8-Jul-19	Nick Smart	Australian U12 Boys AFL Football Championships	\$100
8-Jul-19	Sophie Cuthbertson-Cass	National Primary Athletics School Sports Competition	\$100
23-Jul-19	Hayden Scott	Junior World Darts Championships 2019 in Gibraltar	\$200
31-Jul-19	Katie Campbell	U12 Nth Tas Junior Soccer Assoc Oceania Cup NSW	\$100
31-Jul-19	Judy Gurr	Australian Senior Sides Bowls Championships	\$100
31-Jul-19	Celeste Nicholson	U12 Nth Tas Junior Soccer Assoc Oceania Cup NSW	\$100
31-Jul-19	Jonty Groves	Tasmanian School Sport Australia U12 Touch Football Team	\$100

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Date	Recipient	Purpose	Amount \$
31-Jul-19	Logan Groves	Tasmanian School Sport Australia U12 Touch Football Team	\$100
5-Aug-19	Narrinda Cawthen	Australian Indoor Bias Bowls Championships 2019	\$100
5-Aug-19	Ava Walker	U12 Girls School Sport Australia Touch Football Championships	\$100
22-Aug-19	Lucy Smith	NTJSA Girls Rep Team - Oceania Cup NSW	\$100
19-Sep-19	Jade McLennan	U15 Aust School Football carnival	\$100
23-Sep-19	Lachlan Colgrave	U13 State Soccer team	\$100
11-Mar-20	Lachlan Oliver	Jnr Track & Field Championships - Brisbane	\$100
TOTAL DONATIONS			\$38,303

10 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status
22/07/2019	207/19	Policy – Bond Payment and Return	That the matter of bond payment consolidation be listed for discussion at a future workshop.	Community & Development Manager	Listed for workshop discussion.
17/02/2020	044/20	Proposed By-Law – Placement Of Shipping Containers	That: A) Council does not proceed with the Placement of Shipping Containers By-Law. B) The provisions of the current planning scheme be workshopped, and Council contact surrounding Councils and invite them to make a joint submission to amend the State Planning Provisions	Community & Development Manager	Listed on workshop agenda. Letters sent to surrounding councils.
17/02/2020	039/20	Recommendations of Sub Committees - Cressy Local District Committee	Bartholomew Park Sign - That Council officers investigate and design a new park sign and explanation plinth (providing background on the park name) to be located at the corner of Main and Church streets, Cressy near the trout sculpture, and it be brought back to the Committee for comment	Community & Development Manager	Officers progressing.
17/09/2018	258/18	Initiation of Draft Planning Scheme Amendment 04/2018 Include Flood Risk Mapping in the Planning Scheme for land along Sheepwash Creek from Arthur Street to Cemetery Road, Perth	That Council, acting as the Planning Authority, pursuant to section 34 of the former provisions of the Land Use Planning and Approvals Act 1993 resolve to initiate draft Planning Scheme Amendment 04/2018 to the Northern Midlands Interim Planning Scheme 2013 to include the flood risk mapping for land zoned General Residential and Future Residential, based on the mapping shown in the attachment, in the planning scheme maps.	Senior Planner	A flood map is to be incorporated by an amendment to the Planning Scheme.
16/03/2020	076/20	Request To Remove Hedge: 833 Hobart Road, Breadalbane	That Council agree to the deferral of consideration of: the request to remove the hedge in accordance with condition 5 of planning permit P16-311, until after the Councillors bus tour which is scheduled to be held on 21 April 2020.	Senior Planner	Video to be provided to Council.
16/03/2020	Deferred item	C&D 5 Footpath Trading	Deferred to future meeting subject of the provision of additional information and tracked changes	Animal Control	Report to be relisted.
16/03/2020	072/20	Australian Mayoral Aviation Council (AMAC): 2020 Annual Conference	That Council endorse the attendance of one Councillor (attendee to be considered) at the AMAC conference, ... consideration be given to the matter in the 2020/21 budget.	Corporate Services Manager	Listed for consideration in the 2020/2021 budget.
16/03/2020	078/20	Closed Circuit Television System (CCTV) At Longford & Translink	That this matter be listed for budget consideration.	Corporate Services Manager	Further quotes to be sought.
16/03/2020	079/20	Food, Greenwaste & Organics Recycling	That this matter be listed for budget consideration.	Corporate Services Manager	Listed for consideration in the 2020/2021 budget.
16/03/2020	069/20	Future Expansion & Promotion of Translink & the Municipality	That 2) budget allocations for the installation of CCTV Cameras and LED Board be incorporated into the draft 2020/2021 Municipal Budget for consideration.	Corporate Services Manager	Listed for consideration in the 2020/2021 budget.
16/03/2020	070/20	Northern Tasmania Development Corporation NTDC: Draft Members Agreement 2020-2023	That Council ... B) Agree to continue to fund the Northern Tasmania Development Corporation's Population Attraction Coordinator position, which comprises an additional contribution of \$5,882 above the base contribution.	Corporate Services Manager	Listed for consideration in the 2020/2021 budget.
16/03/2020	080/20	Proposal To Provide A Recycling Trailer For Collection Of Recyclables From Schools	That this matter be listed for budget consideration.	Corporate Services Manager	Listed for consideration in the 2020/2021 budget.
16/03/2020	066/20	Recommendations Of Sub Committees - Longford Local District Committee	Flood Levee Bank - Council be asked to visit the flood levee with members of the LLDC during the yearly April Bus tour - consider the request	Corporate Services Manager	No further action to be taken at this time.
16/03/2020	076/20	Request To Remove Hedge: 833 Hobart Road, Breadalbane	include on bus tour	Corporate Services Manager	Video to be provided to Council.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Date	Min. Ref.	Details	Action Required	Officer	Current Status
16/09/2019	280/19	Northern Midlands Youth Advisory Group	That the matter be deferred to a workshop, in order to consider the inclusion of youth across the municipality who are in attendance at other schools which may be outside of the municipal area (inclusive of logistics).	Youth Officer	Officer to prepare report, inclusive of options.
16/03/2020	Deferred item	C&D 4 Conara Park Proposal	Deferred to provide opportunity to explore additional options	General Manager	In progress.
16/03/2020	069/20	Future Expansion & Promotion Of Translink & The Municipality	That 1) the General Manager meet with the property owners to discuss opportunities to fund the completion of Translink Avenue and report back to Council.	General Manager	In progress.
16/03/2020	Deferred item	GOV8 Overhanging Trees/Hedges: Evandale	Deferred to provide opportunity for the community to attend	General Manager	No further action to be taken at this time. Report to be relisted in due course.
19/08/2019	238/19	Local District Committees: Review of Memorandum of Understanding	That the matter be deferred to a workshop	General Manager	Advice formally provided to Committees for comment.
10/12/2018	361/18	Municipal Swimming Pools	That a decision be deferred subject to further information being available.	General Manager	Discussed at 28/10/2019 Special Projects Workshop. Awaiting outcome of grant funding application.
20/01/2020	008/20	Northern Midlands Council Local Recycling Committee: Terms of Reference	That Council endorse the Terms of Reference for the Local Recycling Committee.	General Manager	Report to Council.
16/03/2020	070/20	Northern Tasmania Development Corporation NTDC: Draft Members Agreement 2020-2023	That Council A) Endorse the draft Northern Tasmania Development Corporation Members' Agreement 2020-2023 and in doing so, agree to remain a member of Northern Tasmania Development Corporation for the duration of the agreement; and....	General Manager	Formal advice provided.
16/03/2020	075/20	Application To Purchase Crown Land: Rossarden	That Council agrees to the sale of Crown Land situated at 20 Nevin Street, Rossarden (CT 211850/12) to Macharla Goss and Matthew Williams and the Department of Primary Industries, Parks, Water and Environment be advised: a) the land is zoned Rural Resource and is located in a Bushfire Prone area; and b) any new access is subject to an application to Council for a driveway crossover.	Exec Assistant	Letter sent. Complete.
16/03/2020	071/20	Australian Local Government Association (ALGA): 2020 National General Assembly Of Local Government Call For Motions & Conference Attendance	That Council note the report; and subject to it being safe to do so, authorise the attendance of Mayor Mary Knowles or delegate and General Manager at the 2020 National General Assembly of Local Government to be held in Canberra from 14 to 17 June 2020.	Exec Assistant	Conference cancelled.
16/03/2020	072/20	Australian Mayoral Aviation Council (AMAC): 2020 Annual Conference	That Council endorse the attendance of one Councillor (attendee to be considered) at the AMAC conference, which has been postponed and has been rescheduled for November 2020, and	Exec Assistant	to be reconsidered when advice re revised dates received.
16/03/2020	066/20	Confirmation Of Minutes	Amendment of 17 February 2020 Council meeting minutes	Exec Assistant	Complete
21/10/2019	320/19	Street Libraries Project	ii) quotes be sought from the Mens Shed to build the street libraries and a report be presented to Council.	Exec Assistant	Quotes to be sought from Mens Sheds.
16/09/2019	281/19	Northern Midlands Further Education Bursary Program Update	That i) Council maintain its number of bursaries for this cycle (5 bursaries); and ii) Council workshop the review of the criteria for the award of bursaries in the new cycle; and iii) a report be presented to Council following workshop discussion.	Project Officer	Workshop date to be set.
19/11/2018	323/18	Tom Roberts Interpretation at Longford	That Council approve the proposal to develop a Tom Roberts interpretation panel for erection in the grounds of Christ Church Longford and a short Tom Roberts' video, and consider funding these items in the mid-year budget review process.	Project Officer	Interpretation panel delivered, awaiting installation. Video production being negotiated.
21/10/2019	313/19	Confirmation of Minutes - Ross Local District Committee - 7.1 Macquarie River	The Ross Local District Committee requests that the Northern Midlands Council progress the dual naming of the Macquarie River to Tinamirakuna which includes community consultation and investigation. - That Council support the proposal and progress the request	Corporate Services Manager	Information being sought to prepare appropriate community consultation.
16/03/2020	073/20	Councillor Attendance At Anzac Day Services	That following the cancellation of ANZAC Day ceremonies, Councillors elect to lay wreaths at cenotaphs to celebrate ANZAC Day	Executive & Comms Officer	Complete.
20/01/2020	024/20	Proposal to Relocate Lions Park Picnic Shelter to Perth Train Park	That the matter be deferred to the February meeting of Council and consultation with the Lions Club be undertaken; and, should the shelter not be relocated, the future of the shelter be determined.	Works Manager	Matter included in projects report to April Council Meeting.
17/02/2020	049/20(1)	Public Question Time - Perth Train Park & Heavy Vehicle Parking	Council officers consider Mr Moore's comments and investigate the matter and report to council to provide a response.	General Manager	Information report to Council meeting.
16/03/2020	066/20	Recommendations Of Sub Committees - Devon Hills Neighbourhood Watch and Residents Committee	Bus Shelter Seat - Council Officers investigate	Works Manager	Seat to be installed.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Date	Min. Ref.	Details	Action Required	Officer	Current Status
20/01/2020	005/20	Recommendations of Sub Committees - Longford Local District Committee	Wellington/Marlborough Street intersection at Sticky Beaks - That i) Council Officers request that the Department of State Growth review the intersection; ii) Council endorse the actions taken by Council officers; and iii) Council receive a formal report in 2 months time.	Works Manager	Council's officers liaising with DSG. DSG to investigate. Report to future Council meeting.

LONG TERM ACTIONS

Date	Min. Ref.	Details	Action Required	Officer	Current Status
10/04/2017	120/17	Perth Structure Plan	That Council endorse the Perth Structure Plan and draft amendments to the planning scheme be prepared.	Senior Planner	Quotes to be sought.
18/09/2017	293/17	Nomenclature – Naming of New Street: Effra Court, Perth (Off Edward Street)	That Council ii) develop guidelines for the naming of streets, with links to indigenous and old family names favoured.	Corporate Services Manager	Tas Place Naming Guidelines introduced list of local suggested names - listed for workshop.
17/09/2018	262/18	Nomenclature: Rescind Town Name "Lymington"; and Gazette Town Name "Nile"	That Council request assistance and proceed in proclaiming a new Town boundary of Nile.	Corporate Services Manager	Awaiting electoral office for procedure and process for elector poll.
8/12/2014	329/14	Economic Development	That Council facilitate meetings with the local businesses in each of the towns to explore business opportunities and other matters of interest.	General Manager	Community sessions held in June 2019 in Longford and Campbell Town. Report to Council meeting once finalised.
18/09/2017	279/17	Historical Records and Recognition: Service of Councillors	That Council, ...and ii) progress the following when the glass enclosed area at the front of the Council Chambers is nearing completion: Photograph/photographs of current Councillors – professional printing and framing; Archiving of historic photographs; Production of a photo book of historic photographs for display.	Exec Assistant	To be progressed.

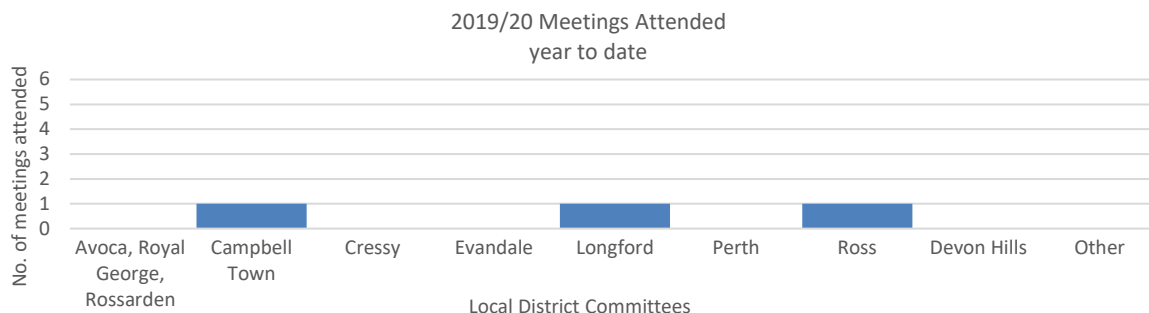
Matters that are grey shaded have been finalised and will be deleted from these schedules

11 KEY ISSUES BEING CONSIDERED: MANAGERS' REPORTS

1. GOVERNANCE

a. Meetings/Conferences

- Council meetings:
 - Ordinary Meeting 16 March
- Council Workshops:
 - Nil held
- Executive Management Team:
 - 10 March
- Staff Meetings (incl. Works and Child Care)
 - 3 March
 - 17 March
 - 19 March
 - 25 March
 - 31 March
- Community meetings:



- Meetings:
 - Attended New NTDC Director Induction
 - Met with Tourism Northern Tasmania
 - Met with Developers re Perth proposals

- Attended NTDC REDS Implementation Workshop
- Met with Alison Andrews, Editor Northern Midlands Courier
- Attended teleconference with LGAT and Regional General Manager's re COVID-19
- Attended teleconference with Regional General Manager's
- Attended teleconference with LGAT and General Manager's re COVID-19 stimulus package
- Attended LGAT General Meeting (web conference)

b. Emergency Management: COVID-19: Pandemic and Infectious Disease Outbreak

- Business Continuity Planning
- Daily updates with key personnel
- 18 March:
 - All Special Committees/Local District Committees meetings suspended until further notice
 - Community & Info Centres closed
- 19 March:
 - Closure of Council's buildings and facilities
 - Meeting rooms at the Council offices in Smith Street, Longford closed to the
 - Council operated child care facilities at Perth Early Learning Centre, Cressy and Avoca continue to operate
 - Non-essential capital works suspended where possible; only emergency maintenance and essential services to be maintained.
 - Animal Control Officers to fulfill normal duties
 - All non-essential meetings, programs and events including Youth Services cancelled
 - Temporary closure of some public toilet facilities
- 24 March
 - Closure of BBQs and playgrounds
- 26 March
 - Temporary closure of Council offices & depot to the general public
- 1 April
 - Closure of at Lake Leake & Tooms Lake
- 2 April
 - Staff commenced rostered working from home/office arrangements
- Easter Break (extended)
 - Council's administration offices closed from 5pm on Thursday, 9 April to 5pm on Friday, 17 April.

c. General Business:

- Health & Safety and Risk Management Review
- Legal issues, leases and agreement reviews
- Interim Planning Scheme matters
- Road Construction
- Engineering Services
- Drainage issues & TRANSlink stormwater
- Road and Traffic matters
- Resource Sharing
- Animal Control matters
- Buildings
- Tourism
- Management Agreements and Committee Administration
- Office improvements
- Media releases and news items
- Grant application administration and support letters
- Local District Committee project support
- Event management
- Emergency Management
- Strategic Plan
- Local Government Reform
- Citizenship ceremonies

- Newsletters
- General correspondence.

d. Human Resources

- Recruitment
 - Apprenticeship – Horticulture – Put on hold till COVID-19 pandemic settles
 - Program Facilitator (Campbell Town) – Appointed, will commence once COVID-19 pandemic settles
 - Community & Development Manager – Put on hold till COVID-19 pandemic settles
- Emergency Management – COVID-19 Pandemic Planning – regular meeting and actions arising from these meetings
- Corporate Voice and Organisational Branding Project – Implementing to staff during March 2020
- Employee Satisfaction Survey – Questions complete. Need to populate Survey Monkey
- Flexible Working Arrangements Policy, Home Office Self-Assessment and Working from Home – COVID-19 been developed and implemented to staff in response to current situation
- Family and Domestic Violence Policy – complete and with the General Manager for his review
- Reviewing Council Logo Policy, to ensure in line with branding project and implementation of the same
- WHS Training Confirmed for all staff – Put on hold till COVID-19 pandemic settles
- General human resource matters – ongoing
- Performance management and disciplinary matters – as required
- Employee learning and development – as required
- Development and implementation of new Human Resources Policies and Procedures – as required
- Continuous Improvement meeting – next meeting on 20 May 2020

e. Media and communications

- Preparation of Council pages in Northern Midlands Courier
- Preparation of articles for the LGAT newsletter and Local Government Focus Magazine
- Preparation of media releases, speeches and communications for website, newsletters and Facebook page

f. Council Volunteer committees and projects

- Attendance at Local District Committee meetings and provide secretarial support
- Liaising with Council's Management Committees
- Maintaining Council's Volunteer Register
- Requesting bi-monthly risk checklists be completed by facility committees of management
- Liaising with booking officers regarding booking of Council facilities

g. NRM

- On-going facilitation of Mill Dam Action Group and partnership relationships.
- Customer Requests response, including but not limited to: Local District Committee's, weed complaint support requests.
- On-going collaboration with Department of Primary Industries Parks Water and Environment, with particular focus on biosecurity regarding reported weed infestations.

2. COMMUNITY & DEVELOPMENT

a. Animal Control

- Respond and investigate complaints in respect to dog management, including issuing notices and fines
- Respond and investigate reported dog attacks
- Conduct routine dog patrols within the municipality
- Review and renew kennel licenses within the municipality
- Conduct dog microchipping service
- Ongoing dog registration audit and follow up investigation where re-registration has not occurred
- Chairing Cat Management Working Group meetings (NRM North, surrounding Councils and other relevant groups)
- Taking complaints regarding cat management and other animal related issues, including livestock matters
- Investigating development of Dog Management Plan for municipality

b. Building/Plumbing

- Plumbing and building inspections and assessments, as required
- Permit authority assessments

- Meeting with developers to discuss requirements, as required
- Attendance at Consumer, Building & Occupation Services Permit authority forums
- Participation in Planning & Building Portal
- Ongoing review of Building for Bushfire Bulletins
- Plumbing Surveyor stands as Vice Chair of Tasmanian Plumbing Surveyors Association
- Working on closing off or extending building files (from year 2000-2016) prior to 30 June 2020
- Permit Authority training

c. Planning

- Local Provisions Schedules for incorporation into statewide Planning Scheme submitted to Tasmanian Planning Commission, awaiting response from Commission
- Northern Midlands Land Use Strategy (endorsed, to be publicly advertised in line with Local Provisions Schedule)
- Participation in the Launceston Gateway Precinct Master Plan project working group
- Participation in Regional Planning Scheme issues
- Attendance at State Planning Provisions hearings
- Attendance at forums regarding State Planning Portal development
- Consideration of Planning Directives
- Consideration of proposed planning legislative amendments
- Ongoing review of procedures
- Management of Perth Structure Plan project
- Preparation of Perth Recreation Strategy brief
- Response to enquiries and development opportunities
- Amendments to Interim Scheme
- Assessment of development proposals
- Liaison with appellants and RMPAT regarding Planning Appeals and attendance at Tribunal hearings for Planning Appeals
- Review of policies, by-laws and procedures
- Drafting Guidelines for Seasonal Worker Accommodation to be workshopped by Council
- Progressing contact with surrounding Councils regarding the regulation of shipping containers

d. Compliance

- Ongoing review of all outstanding and arising compliance issues
- Undertake scheduled inspections and inspections arising from complaints regarding overhanging trees, issuing reminders and notices and engaging contractors to complete works, where required
- Conduct inspections of Council's free overnight camping facilities, following up on complaints and feedback and sharing information about the permit requirements
- Reviewing Council's Display of Goods on Highway By-Law, On Street Dining By-Law, Freestanding Sign By-Law which expires in 2020 and working to consolidate into one by-law
- Inspection and issue of Fire Abatement notices (seasonal).

e. Environmental Health

- Monitoring air, noise and water quality as required
- Advising in respect to development applications, as required
- Investigating reported breaches of environmental health matters
- Issuing food registrations and conducting inspections
- Responding to general enquiries from the public on health matters
- Issuing Place of Assembly licences for events, as required
- Investigating environmental incidents, as required
- Investigating notifiable diseases, as required
- Use of drone for capturing video of events, environmental monitoring and building development progress, as required
- Facilitation of School Immunisation Program.

f. Policy

- Review and update Council's Policy Manual as required
- Delegations register – review and update as required

- *Public Interest Disclosures Act* procedures
- Ongoing review of work programs and standard operating procedures
- Regular planning and building assessment unit meetings
- By-Law preparation

g. Events

- Liaising with various organisations and community groups regarding holding events within the Northern Midlands
- Postponed Northern Midlands Business and Volunteer Expo
- Reviewing and improving Council's Event Management Guide
- Participation in MAV Insurance forums relating to events.

h. Health & wellbeing

- Participating in the quarterly Northern Midlands Health Service Providers Forums
- Member of the Northern Region Sport and Recreation Committee
- Council's End Men's Violence Against Women Campaign.

i. Tourism

- Heritage Highway Tourism Region Association
 - Marketing activities, itineraries, newsletter and social media campaigns
 - Updating event directory
- Providing support and information for all Northern Midlands Visitor Centres and provision of information to Regional Tourism organisations and tourism operators
- Research and update of information signage, including information plaques in Campbell Town, various interpretation panels/signage opportunities throughout the municipality
- Northern Midlands Business Association
- Research and investigate various Tourism opportunities for the Northern Midlands
- Progressing wayfinding projects within Northern Midlands towns
- Progressing Perth Mural Project

3. CORPORATE SERVICES

a. Customer Service

- Member of the National Local Government Customer Service Network.
- Member of the State Local Government Rating Network.
- Administer the Service Tasmania contract for customer services in Campbell Town.
- Customer Service Charter and Policy reviews and survey feedback review.
- Telephone system and on-hold messages administration.
- MGB maintenance and allocation.

b. Finance

- Issue and collection of Rates and Animal registration and sundry fees and charges.
- Municipal valuation maintenance and adjustments, and supplementary valuations.
- Street numbering, address allocation and road and street naming.
- Cash, electronic receipting, and direct debit system administration.
- Rate interest and penalty calculations and administration.
- Pension rebates claims and maintenance, classification for two rebate maximums, verification of Centrelink data.
- Sundry Debtors, and aging account review.
- Creditor payments and enquiries. ABN administration. Electronic Ordering and committals.
- Payroll, ETP calculations, payroll tax, child support, maternity leave, one touch payroll process, superannuation, salary sacrifice, Workplace Legislation changes, EB provisions, salary reviews, staff training, leave accrual adjustments, leave loading calculations, Councillor allowances and expenses, Workers Compensation claims and payments, Award adjustments, sundry HR and policy issues.
- Debt Collection and issue Debt summons. Manage Agency Debt Collection contracted services.
- Municipal Budget and adjustments, End of Year Financials, KPI return, Asset Management, Fleet Hire, Long Term Financial Planning, Audit and Annual Report.
- Related Party Disclosures.

- Grants Commission administration, sundry grant reporting and auditing.
- Committee financial management support and auditing.
- Stimulus loan funding applications, administration and repayment procedures.
- Property purchases, ownership issues, licences and leases, and aged care unit tenancy.
- Unclaimed monies register and Public Land Register.
- Records Management, archives, scanning and disposal process, new resident's information, council information policies and procedures.
- Banking & Investments, borrowings administration. Direct Debit, Ezidebit, BPay Billing etc. and setup alterations.
- Rate System issues, 2019/20 Rating and instalments, coding and maintenance.
- General Finance issues, Grant Funding issues, Tax issues including GST, PAYG, FBT, Fuel & Land Tax, ATO Creditor information.
- Cemetery management, onsite map display and website databases.
- Roads to Recovery work schedules, mapping, quarterly and annual reports.
- General accounting, correspondence and reports.
- Audit, Internal Audit & Audit committee procedures, processes and support.
- Waste Transfer Station Management issues, kerbside waste collection contract issues and special clean-up service.
- Tooms Lake & Lake Leake ownership transfers, caretaker support, licence fee review issues, and contract issues.
- Street lighting contract & aurora pole reporting and maintenance.
- Community events and Special Projects support/funding.
- Light Fleet Management.
- Master plan development assistance where required.
- General Office support and attendance of meetings, reports, emails & phone enquiries.

c. Risk Management

- COVID-19 Business Continuity
- Risk Management register.
- Safety management and reporting.
- Drug & alcohol testing administration - suspended.
- Contractor and volunteer management/induction/audits – new system being implemented.
- SDS Register and database.
- Plant risk assessments.
- Swimming pool risk management.
- Incident reporting.
- Emergency Management meetings, EM Plan reviews, Emergency Risk Register, Strategic Fire Plan meetings, Emergency desktop exercise and general administration issues.

d. Insurance

- Insurance renewals and policy maintenance.
- Claims maintenance and review.

e. Information Technology

- Server and desktop maintenance, and server upgrade.
- New computer setup and minor upgrades of other IT equipment.
- Open Office Software upgrades and enhancement requests, strategic upgrade planning.
- GIS maintenance and training.
- Disaster Recovery & IT backup maintenance.
- Council Website, and Town / Local District Committee website maintenance and upgrades.
- Livepro System setup and development
- Support Open Office Town Planning & Development system
- Cemetery and Convict Brick database developed and ongoing maintenance.
- Office telephone system maintenance & mobile phone plan review.
- Sundry database creation and maintenance.
- Mobile device applications implementation, and remote access logins.
- Building security systems maintenance.
- Microsoft software maintenance.

- Maintain photocopiers and printers.
- Advanced IT security implementation and training.
- WiFi network and hotspots & CCTV camera setup and maintenance.
- Fleet tracking.
- ECM maintenance & training.
- Delegations software maintenance.
- Audio system improvements in community facilities
- Tech One Information System – cloud hosting monitoring
- Sundry IT reports, audits and analysis.
- COVID-19 Working from home IT systems, Zoom setup, remote electronic payroll and accounts payable.

f. Childcare

- Childcare management and support.
- Childcare financial reporting, audit, budgets & fee schedule reconciliations.
- Additional Perth School After School Care service reference group.
- Cressy School After School Care service.
- Longford After School Care service.
- Review new funding model
- Administer capital funding projects to improve services
- COVID-19 Management, funding support issues, staffing support.

4. WORKS & INFRASTRUCTURE

a. Asset Management

- New asset information collection and verifications– ongoing.
- Programmed inspections of flood levee and associated infrastructure – ongoing.

b. Traffic Management

- Liaising with Department of State Growth to resolve traffic issues within municipality.
- Traffic counts on roads throughout the municipality – ongoing.

c. Development Work

- 3 Lot Dixon Subdivision, Anstey Street, Longford has reached practical completion.
- 9 Lot Youl Road Subdivision, Perth at practical completion.
- 25 Lot Dixon Subdivision, Clarence Street, Perth has reached practical completion.

d. Waste Management

- Input into Regional Waste Management discussions – ongoing.
- Input into discussions on the format of a statewide waste authority – ongoing.
- Regular safety audits of all sites – ongoing.

e. Tenders and Contracts

- Tender for Sportsground Lighting – at practical completion.
- Gipps Creek Road and Storys Creek Road bridges in progress.
- Snow Hill Road an Royal George Road Bridges practically complete.

f. Flood levee

- Programmed monthly/bi-monthly inspections of flood levee carried out by Works and Infrastructure staff.

g. Engineering

- Hydraulic modelling of stormwater system in Western Junction Industrial Area – ongoing.
- Development of stormwater plans for all towns as required by the Urban Drainage Act 2013 – ongoing.
- Input into heavy vehicles and bridge working group with Department of State Growth and other Councils – ongoing.

h. Capital works

- Longford Sports Centre building – in progress.
- Paton Street, Longford reconstruction – kerb complete, sealing still to be completed.
- Valleyfield Road – In progress.

NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

12 RESOURCE SHARING SUMMARY: 01 JULY 2019 TO 30 JUNE 2020

Resource Sharing Summary 1/7/19 to 30/6/20 As at 31/3/20	Units Billed	Amount Billed GST Exclusive \$
Meander Valley Council		
Service Provided by NMC to MVC		
Street Sweeping Plant Operator Wages and Oncosts	250.50	13,659.58
Street Sweeper - Plant Hire Hours	227.00	19,386.56
Total Services Provided by NMC to Meander Valley Council		33,046.14
Service Provided by Meander Valley Council to NMC		
Wages and Oncosts		
Plumbing Inspector Services	495.70	37,015.27
Total Service Provided by MVC to NMC		37,015.27
Net Income Flow		- 3,969.13
Total Net		- 3,969.13
Private Works and Council Funded Works for External Organisations		
	Hours	
Economic & Community Development Department		
Northern Midlands Business Association		
Promotion Centre Expenditure		<i>Not Charged to Association Funded from Council Budget A/c 519035</i>
- Tourism Officer	56.00	
Works Department Private Works Carried Out	105.50	
	161.50	

13 VANDALISM

Prepared by: Jonathan Galbraith; Engineering Officer

Incident	Location	Estimated Cost of Damages		
		Mar 2020	Total 2019/20	Mar 2019
Vandalism at skate park	Longford	\$ 100		
COVID 19 posters removed / damaged	Various	\$ 250		
TOTAL COST VANDALISM		\$ 350	\$ 5,300	\$ Nil

14 YOUTH PROGRAM UPDATE

Council's Youth Program has been suspended until such time as the state of emergency has been lifted and Council's normal operations are resumed.

15 STRATEGIC PLANS UPDATE

Prepared by: Lorraine Green, Project Officer

CURRENT AS OF 8 APRIL 2020

Strategic Plans By Location & Consultant	Start Date	Completion Date	Current Status
Blessington			
Feasibility Study: Investment in Ben Lomond Skifield Northern Tasmania (TRC Tourism)	Jun-15		<ul style="list-style-type: none"> Ongoing collaboration with Parks and Wildlife Services and other key stakeholders to progress implementation of report recommendations. State Government budget included commitment of \$400,000 to upgrade the shuttle bus carpark below Jacob's Ladder. Project completed June 2019 Jan 2019: Nomination submitted for Ben Lomond to be the state's next iconic walk. Nomination unsuccessful.
Campbell Town			
War Memorial Oval Precinct Cenotaph redevelopment			<ul style="list-style-type: none"> Plans received Jan 2017 and state budget submission made for \$158,000 to fund the cenotaph precinct upgrade. Feb 2018: State liberal election commitment of \$70,000 towards the redevelopment

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Strategic Plans By Location & Consultant	Start Date	Completion Date	Current Status
Tennis/multi-purpose courts			<ul style="list-style-type: none"> of the cenotaph precinct. Final report due 31 Dec 2019. Work completed: acquittal report being prepared. September 2017: Funding application submitted to TCF for \$55,000 towards the courts development: application successful. Grant deed executed and funds received. Request submitted Feb 2020 for extension to deadline to enable completion of court surrounds work. November 2017: Funding application submitted to Sport & Recreation Tas for \$80,000 to assist with the courts development: application successful. Acquittal report submitted December 2019.
CBD Urban Design and Traffic Management Strategy (GHD) (Lange Design and Rare Innovations)	May-16		<ul style="list-style-type: none"> GHD contracted to prepare the strategy: final report accepted at November 2017 Council Meeting. Feb 2017: State Government budget submission made for matching funding for the implementation of the Main Street component of the urban design strategy Council secured \$1 million loan through the Northern Economic Stimulus package towards the implementation of the main street component of the strategy. 20.11.17; Lange Design and Rare Innovations Design contracted to prepare the design and construction tenders. Stage 1 concept plan received April 2018. June 2019: Landscape Works Technical Specification received.
Cressy			
Swimming Pool Master Plan (Loop Architecture)	Dec 15		<ul style="list-style-type: none"> Master Plan accepted at October 2017 Council meeting. Liberal election commitment of \$100,000 to upgrade the complex. Acquittal report due November 2020. Playground installation completed May 2019 externally funded by Tasmanian Community Fund and Stronger Communities Programme. Acquittal reports accepted. Plaque acknowledging funding partners to be installed. Nationals in Government funding commitment of \$400,000 made March 2019. Funding agreement signed January 2020. Design Consultant to be engaged April/May 2020 – November 2020 completion date anticipated.
Recreation Ground Master Plan (Lange Design & Loop Architecture)	Feb-17		<ul style="list-style-type: none"> 17 Jan 2017: confirmation that the state govt has approved \$220,000 for the ground upgrade through the Northern Economic Stimulus Package. Feb 2017: Lange Design and Loop Architecture contracted to develop the master plan. Master Plan accepted at April 2018 Council Meeting. Levelling the Playing Field grant for inclusive changerooms (\$354,076) secured October 2019 (to be matched by Council funding). First report due 30.6.20. October 2019: assisted Cressy Cricket Club with funding application to Stronger Communities Programme for clubrooms upgrade: funding secured. Facility upgrade design brief nearing completion. Design work underway. Anticipate onsite works start in June 2020: completion December 2020.
Evandale			
Honeysuckle Banks			<ul style="list-style-type: none"> At May 2017 Council meeting, Council i) accepted in principle the Honeysuckle Banks Plan; ii) consider funding the minor works components of the plan in future Council budgets, and iii) request Council Officers to seek to secure external grants to assist with the implementation of the full plan.
Morven Park Master Plan (Lange Design) Clubhouse	Nov-16 April 18	April -18	<ul style="list-style-type: none"> Nov 2016 Lange Design contracted to develop master plan. Council accepted 2030 Master Plan at April 2018 Council Meeting. State Liberal election commitment of \$158,000 towards facilities' upgrades. Progress reports submitted Dec 2018, March 2019 and Sept 2019. Feb 2019: funding of 50% matching grant by Council (\$430,300) secured under Levelling the Playing Field State Government Grant Program. First progress report submitted 7 Oct 2019. Final report due 30 June 2020. Extension of completion date requested (to end December 2020) AFL Tas funding commitment of \$60,000 secured – to be paid upon project completion. Development Application advertised 8 April 2020: anticipate onsite works start June 2020: completion December 2020.
Longford			
Community Sports Centre Master	Feb-15	Jun-15	<ul style="list-style-type: none"> 17 Jan 2017: Council advised State Govt has approved \$1,000,000 for the centre

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Strategic Plans By Location & Consultant	Start Date	Completion Date	Current Status
Plan (RT & NJ Construction Services)			<ul style="list-style-type: none"> upgrade through the Northern Economic Stimulus Package March 2018: Tender for new gym and amenities shed awarded to RT & NJ Construction Services. Work progressing within available funding. Handover to Council anticipated March 2020.
CBD Urban Design Strategy (Lange Design and Loop Architecture)	May-16	Oct-17	<ul style="list-style-type: none"> December 2016: Draft Urban Design Strategy received. Strategy and Guidelines manual accepted at the October 2017 Council Meeting. Negotiations underway February 2018 with State Growth towards development of a deed regarding the future maintenance of the Illawarra Road roundabout. Nationals in Government funding commitment of \$4 million made in March 2019. Documentation to secure funds submitted 3 October 2019. Anticipate Deed of Agreement will be negotiated April/May 2020
Memorial Hall & Village Green Infrastructure			<ul style="list-style-type: none"> Sept 17: Philp Lighton Architects contracted to undertake the study of the Council Offices, Memorial Hall, Town Hall and Library facilities. Report received. March 19: Nationals in Govt commitment of \$4m to Longford Urban Design Project memorial hall redevelopment and village green infrastructure upgrade are components of the project. Application to secure the funding commitment submitted 3 October 2019. Anticipate Deed of Agreement will be negotiated April/May 2020.
Perth			
Community Centre Development Plan/Perth Early Learning Centre Redevelopment (Loop Architecture)	Oct-15		<ul style="list-style-type: none"> Application for upgrade and expansion of child care centre submitted for the Building Better Regions Fund. Outcome unsuccessful. March 2019: Nationals in Government funding commitment of \$2.6million for the redevelopment of the Early Learning Centre. Documentation to secure funds submitted 4 Oct 2019. Deed of Agreement being negotiated.
CBD Precinct Concept Master Plan (Lange Design and Loop Architecture)	Apr-20		<ul style="list-style-type: none"> Consultancy Agreement signed 3 April 2020.
Ross			
Swimming Pool Master Plan (Loop Architecture)	Dec-15		<ul style="list-style-type: none"> Draft Master Plan received May 2016: structural assessment approved August 2016 Final plan received June 2017 Final report to be presented to workshop September 2017 Council resolved at October 2017 Meeting to undertake a survey of the use of the pool across the 2017-2018 swimming season. Pool usage data received May 2018.
Village Green Master Plan (Lange Design, Loop Architecture)	Jun-16	Dec-16	<ul style="list-style-type: none"> Master Plan accepted in principle at Council 12 December 2016 Meeting. Jan 2017: cost estimate for design and documentation, tender process and project management received from JMG. 17 Jan 2017: Council advised State Government has approved \$300,000 loan through the Northern Economic Stimulus Package for the implementation of the Master Plan. Feb 2017: Application lodged with Building Better Regions Fund for \$237,660 to enable the Master Plan to be implemented in its entirety. Application unsuccessful. Feb 2017: Lange Design and Loop Architecture contracted to manage the implementation of the master plan. Concept design presented to Council workshop on 8 May. Planning approval with conditions to be met passed at January 2018 Council Meeting. March 2018: Lange Design submitted full project package for Village Green, ready for planning application to be prepared by Council officers. Work progressing. Next stage – footpaths.
Western Junction			
Launceston Gateway Precinct Master Plan Freight Demand Analysis Report (SGS) Master Plan	Oct-15	May-16	<ul style="list-style-type: none"> Council approved the preparation of a brief for the precinct master plan at the Sept 2016 Council Meeting. Liberal election commitment of \$5.5million upgrade of Evandale Main Road between the Breadalbane roundabout and the airport, and \$1million for edge-widening and other works to improve safety along Evandale Main Road from the airport to Evandale.
TRANSlink Stormwater Upgrade Project			<ul style="list-style-type: none"> Applications lodged with National Stronger Regions Fund 2015/ 2016: unsuccessful. Application submitted Feb 2017 to the Building Better Regions Fund for \$2,741,402 (total project cost is \$5,482,805: council's contribution is \$1,525,623 and private investors \$1,215,780). Application unsuccessful.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Strategic Plans By Location & Consultant	Start Date	Completion Date	Current Status
			<ul style="list-style-type: none"> Application submitted December 2017 for Round Two Building Better Regions Fund: notified July 2018 unsuccessful. Purchase of parcel of land for stormwater detention purpose.
Municipal wide			
Integrated Priority Projects Plan (Luke Curtain, Jacobs)	Apr-20		<ul style="list-style-type: none"> Consultancy Agreement being finalised.

16 STATE GOVERNMENT ELECTION COMMITMENTS 2018

Prepared by: *Lorraine Green, Project Officer*

CURRENT AS OF 8 APRIL 2020

Election Commitment	Estimated Completion Date	Current Status
Ben Lomond		
Assisting to improve water supply to Ben Lomond Village and ski fields (\$60,000 commitment to Ben Lomond Committee)		Informal report May 2019 that the stakeholders are working to reach agreement with the way forward for this project.
Campbell Town		
Redevelopment of Cenotaph (\$70,000)	31/12/2019	13 June 2018: signed grant deed returned with tax invoice for the funds. Progress reports submitted Dec 2018 and June 2019. Work completed: acquittal report being prepared.
Midlands Highway pedestrian underpass (\$1.5million)		Project listed in the State Government 2019 Budget. Infrastructure Minister reported Feb 2020 that the project required more complex considerations about disability access, underground utilities and the limitations of various designs.
Cressy		
Infrastructure upgrade at Cressy Swimming Pool (\$100,000)	30/11/2020	13 June 2018: signed grant deed returned with tax invoice for the funds. Dec 2018: first progress report submitted. Completion date extended to November 2020 in light of securing Australian Govt grant of \$400,000. Design Consultant to be engaged April/May 2020 – November 2020 completion date anticipated.
Evandale		
Morven Park Recreation Ground Upgrades (\$158,000)	30/6/2020	Recipient information form submitted 16 July 2018. Grant deed signed Sept 2018. Election commitment first progress report submitted March 2019, second report submitted June 2019: third report submitted Sept 2019. Completion extension to be requested to December 2020.
Western Junction		
Duplication of road from Breadalbane roundabout to Airport roundabout (\$5.5million)		March 2018: Council wrote to State Growth to initiate participation in the design for the road duplication. Spring 2019: State Govt advises: design options have been identified and are currently under assessment. The preferred design will be presented to the wider community prior to preparation of the Development Application.

17 INVESTIGATION – PUBLIC QUESTION TIME MATTERS RAISED: LITTLE MULGRAVE STREET, PERTH – REQUEST TO INSTALL FENCE AND VEHICLES ACCESING VACANT LAND

Report prepared by: *Jonathan Galbraith, Engineering Officer*

During public question time at a recent Council Meeting, Mr Nick Moore of Little Mulgrave Street, Perth raised concerns regarding vehicles accessing the vacant land at the end of Little Mulgrave Street. Some of this land is privately owned by the owners of 27a and 29 Main Road and the remainder is a road reservation which is the responsibility of the Crown Land Services Department.

A portion of this land is maintained by TasRail as part of the rail corridor. TasRail requires access to this area to store rail ballast material. TasRail vehicles have not caused any damage to Council's infrastructure and can easily access the area as the kerb and channel does not extend to the end of the street as shown in the photos below.

The area is also used on occasion as a rear access to the property at 29 Main Road, Perth; however, there is no evidence of damage to Council's infrastructure as this property can be accessed from the end of the street where there is no kerb and channel. Members of the public are also known to occasionally drive through the property, but there is no reason for them to do so.

Mr Moore has suggested that a post and rail fence be constructed to prevent vehicles from driving onto the vacant land. The cost of installation of a fence 65 metres in length to prevent vehicle access would cost \$3,500; however, it is the view of Council officers that Council cannot put a fence along the frontage of private properties without the permission of the owners. Council would also need to allow access to TasRail contractors on condition that they do not damage Council Infrastructure.



18 TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2020

Report prepared by: Paul Godier, Senior Planner

The *Tasmanian Civil and Administrative Tribunal Bill 2020* was released for comment on 20 March 2020. Submission must be provided by 29 April 2020.

The Department of Justice advises that a Tasmanian Civil and Administrative Tribunal (TasCAT) will be established to streamline services and improve access to justice in Tasmania.

The following Tribunals and Boards will be co-locating at new tribunal premises at Barrack Street, Hobart later this year:

- The Anti-Discrimination Tribunal;
- The Asbestos Compensation Tribunal;
- The Forest Practices Tribunal;
- The Guardianship and Administration Board;
- The Health Practitioners Tribunal;
- The Mental Health Tribunal;
- The Motor Accident Compensation Tribunal;
- The Resource Management and Planning Appeal Tribunal; and
- The Workers Rehabilitation and Compensation Tribunal.

The *Tasmanian Civil and Administrative Tribunal Bill 2020* is the first of several Bills that will be necessary to establish TasCAT.

The Bill:

- Establishes TasCAT;
- Sets out TasCAT's objectives;
- Provides for membership and staffing of TasCAT;
- Sets out TasCAT's structure; and
- Assists with issues arising from co-location at the Barrack Street premises.

Future Bills will expand TasCAT's jurisdiction and will provide further powers, including: in relation to costs, diversity proceedings and alternative dispute resolution.

More information is available at <https://www.justice.tas.gov.au>

19 MARINUS LINK

Report prepared by: *Paul Godier, Senior Planner*

TasNetworks advises:

- Community feedback was collected in November 2019 on the preferred route for the Hampshire to Staverton transmission connection (North West Tasmania).
- It is preparing to seek further community feedback on all other proposed routes in Tasmania and Victoria in 2020.
- Landowners will be contacted in early 2020 to support investigations. Feedback will then be sought from the wider community when the routes are publicly released soon after.
- Details of engagement events and dates will be advertised once landowners have been contacted.

20 NORTHERN TASMANIA DEVELOPMENT CORPORATION (NTDC): QUARTERLY PROGRESS REPORT – JANUARY TO MARCH 2020

Report prepared by: *Des Jennings, General Manager*

The NTDC quarterly progress report is attached for information.

ATTACHMENTS

- Progress Report

21 POLICY: HUMAN RESOURCES – FLEXIBLE WORKING ARRANGEMENTS

Report prepared by: *Samantha Dhillon, People & Culture Business Partner*

A Flexible Working Arrangements Policy, a Home Office Self-Assessment Checklist (Appendix A) and Working from Home Guidelines – COVID-19 Pandemic (Appendix B) have been developed. These documents will be incorporated in the Human Resource Policy and Procedure Manual.

Flexible Working Arrangements Policy – recognises the need for and benefit of flexible working arrangements where reasonable and appropriate; outlines the considerations that Council would take into account when considering an employee's request for flexible working arrangements and the need for ongoing assessment and review of flexible working arrangements; provides a broad overarching policy that incorporates or overlaps some elements of other HR policies; and which operates in conjunction with applicable laws, industrial instrument (NMC EBA) and related Council documents.

Home Office Self-Assessment – where an assessment is not able to be completed by Council of the employee's home office set-up, this checklist will be utilised and completed by employees who have been authorised to work from home.

Working from Home Guidelines – COVID-19 Pandemic – this has been developed in response to the current Coronavirus pandemic with the aim of reducing the risk of COVID-19 transmission. This outlines the guidelines relating to working from home as well as the expectations Council has of its employees who are able to and have been authorised to work remotely.

ATTACHMENTS

- Flexible Working Arrangements
- Home Office Self-Assessment (Appendix A)
- Working from Home Guidelines – COVID-19 Pandemic

DECISION

Cr Brooks/Cr Goss

That the Information items be received.

Carried unanimously

FORESHADOWED

Cr Davis/Cr Lambert

That Council authorise the Local District Committees to meet via technological means during the current COVID-19 Pandemic circumstances.

Carried

Voting for the Motion:

Cr Adams, Cr Brooks, Cr Davis, Cr Goninon, Cr Lambert

Voting against the Motion:

Mayor Knowles, Cr Calvert, Cr Goss, Cr Polley

109/20 AVOCA PRIMARY SCHOOL

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of the report is for Council to consider whether it is interested in accepting ownership of the vacant Avoca Primary School property for ongoing community purposes.

2 INTRODUCTION/BACKGROUND

The Avoca Primary School closed in late 2019. The Education Department has approached Council advising of two options available regarding its disposal. These options include:

- Sale on the open market; or
- Transfer to Council for ongoing community purposes.

Initially, the YMCA Launceston informally approached Council's Mayor and the Education Department seeking access to the site for community purposes. A formal submission in this regard has been received by Council.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ♦ Budgets are responsible yet innovative
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Effective and efficient marketing, communications & IT
 - Workforce Standards
Core Strategies:
 - ♦ People & Culture Framework generates professionalism
 - ♦ Workplace Health & Safety is fully compliant
 - ♦ Emergency Management & Safety Plans work well
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ♦ Proactive engagement drives new enterprise
 - ♦ Collaborative partnerships attract key industries
 - ♦ Attract healthy, wealth-producing business & industry
 - Economic Development – Supporting Growth & Changes
 - ♦ Towns are enviable places to visit, live & work
 - ♦ Minimise industrial environment impact on amenity
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ♦ Meet environmental challenges

4 POLICY IMPLICATIONS

Creating a precedent where Council accepts significant State-owned assets that present a cost burden on the community.

5 STATUTORY REQUIREMENTS

N/a.

6 FINANCIAL IMPLICATIONS

The actual financial implications have not been determined at this time.

If Council wishes to give consideration to the request, Council officers will need to assess the site and its assets to adequately determine maintenance and replacement costs.

7 RISK ISSUES

A number of risks have been identified and include:

- Council accepting the cost of maintaining and renewal costs relating to a significant asset.
- The loss of services to the community that would be provided by YMCA Launceston if Council were not to accept ownership of the property.
- The risk that the Business Plan of the YMCA Launceston fails; and Council has no other identified opportunities for the utilisation of the site.

8 CONSULTATION WITH STATE GOVERNMENT

N/a.

9 COMMUNITY CONSULTATION

N/a.

10 OPTIONS FOR COUNCIL TO CONSIDER

Options include:

- agree or not agree to accept ownership of the property
- investigate the location of a Council owned /operated site for the Avoca Waste Transfer Station on a portion of this site.

11 OFFICER'S COMMENTS/CONCLUSION

A formal request for a Business Plan has been made to the YMCA Launceston, their submission has been received and is included as an attachment to the report.

Details on the property (marked confidential) have been provided by the Education Department and are included in the Closed Council attachments for information.

If Council agrees to consider the request Council officers will inspect the site and provide a detailed report on the maintenance and renewal costs associated with the property.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

12 ATTACHMENTS

12.1 Attachments have been provided in confidence and are included in CON INFO section of this agenda

RECOMMENDATION

That

- A) Council refuse the request, or
- B) Council officers prepare a report on the maintenance and renewal costs associated with the Avoca Primary School property, along with investigating the site as a possible location for the Avoca Waste Transfer Station; and
- C) Officers report back to Council.

DECISION

Cr Goninon/Cr Goss

That Council defer a decision on this matter subject to further information being available, with a further report to Council.

Carried unanimously

110/20 PROJECTS:
LONGFORD SPORTS CENTRE (STAGE 2);
CAMPBELL TOWN WAR MEMORIAL OVAL – TOILETS;
TALISKER STREET PERTH TOILET AMENITIES UPGRADE;
WILLIAM STREET RESERVE PERTH;
PERTH BARBECUE SHELTERS;
FOOTPATHS AND STORMWATER; AND
SECCOMBE STREET – PLAYGROUND TOILET

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of this report is to seek the authorisation for the immediate commencement of:

- Stage 2 of the redevelopment of the Longford Sports Centre, design and approvals complete;
- Campbell Town War Memorial Oval – toilets, design and approvals complete;
- Talisker Street, Perth – toilet amenities upgrade, inclusive of design and costing;
- William Street Reserve, Perth – bridge/path development, design to be finalised;
- Perth Barbecue Shelters – William Street, Seccombe Street and Train Park, inclusive of design and costing;
- Footpaths – new and renewal;
- Stormwater – side entry pit replacement program.

And supplementary item:

- Seccombe Street, Perth – playground toilet, inclusive of design and costing.

2 INTRODUCTION/BACKGROUND

The closure of a number of Council facilities due to the COVID-19 pandemic provides an opportunity for Council to undertake a number of works projects without disrupting business activity and inconveniencing the community. Further the projects will generate work for Council employees and local businesses, thus promoting economic activity in the Northern Midlands during this crisis.

The introduction confirms the current status of the projects:

2.1 Longford Sports Centre

The Northern Midlands Community Sports Centre Master Plan (2015) has served as the basis for the staged redevelopment of the facility.

Stage 1 of the Longford sports centre is now complete, Occupancy has been issued for the new extension which comprises of the new gym area, Kids play, aerobics, amenities and mezzanine structure. Some minor electrical/security items need to be addressed once lessee has been finalised.

Stage 2 building works comprise of the following

- Main entry foyer upgrade
- Hallway widened in front of existing squash courts for better functionality
- Massage room
- Reconfigure reception

- Meeting room
- Kitchenette
- Staff WC
- Access mobility/family change room
- Main switchboard/power supply upgrade to 200amp

This stage would bring the remainder of the facility up to meet current standards and alleviate ongoing maintenance issues.

Level one works would see the mezzanine turn into a large exercise area of approximately 254m². Floorcoverings, handrail, lift and two stairwells would complete this area.

Documentation and permits are all in place for stage 2 & carpark to commence. An amendment to the current building/planning permits would be required for the level one works to commence.

2.2 Campbell Town War Memorial Oval – toilets

The Campbell Town War Memorial Oval Precinct Development Plan (2014) has served as the basis for the staged redevelopment of the precinct.

A single Access mobility compliant toilet has been incorporated in the War memorial Oval Development and was part of the approvals associated with the tennis court relocation project. The project would see the demolition of the existing male and female toilet facilities adjacent from the skatepark/exercise area and be replaced with a standalone single toilet facility to complement the redevelopment.

The next priority project for the precinct is the construction of new public toilet amenities.

The Perth Structure Plan (2017) laid the foundation for the future development of Perth to capitalise on the opportunities arising from the bypass of the town. It includes recommendations for infrastructure upgrades and new developments to support new and enhanced business, enhance amenity and promote community cohesion. The Plan recommendations include the upgrading of the Talisker Street toilet amenities and the upgrading of the William Street river reserve walkway. The South Esk River Parklands Master Plan (2018) details the proposed features of the upgrade that includes a 2km shared use walking trail (a combination of concrete and compacted gravel pathways) requiring a footbridge to span the gully near the proposed George Street Park.

2.3 Talisker Street, Perth – toilet amenities upgrade

The toilets located at Talisker Street are required to be upgraded to cater for all access, the current amenities are outdated and do not have disabled access or parenting facilities.

It is proposed to replace the existing amenities with 2 unisex ambulant toilets, as well as a combined disabled access/ parenting facility. Access to the new facility is proposed to be from the existing carpark.

2.4 William Street Reserve, Perth - bridge/path development

The proposal is to provide a footpath and bridge to allow for pedestrian and cycle access from William Street to George Street. The bridge design to take into account the removal of the trees and to be above the flood level. Connectivity is important to the residents of Perth and the provision of this footpath and bridge will provide the important linkage between George and William streets.

2.5 Perth Barbecue Shelters – William Street, Seccombe Street and Train Park

The high user numbers of these reserves warrants the upgrade and/or provision of new barbecue facilities.

2.6 Footpaths – new and renewal

Council's usual program has a target of an annual expenditure of \$350,000 to construct new or renew footpaths improving safe footpath connectivity throughout the municipality.

It is recommended that commencing immediately, Council increase this program to \$500,000 To support local contractors

2.7 Stormwater

To improve the local stormwater infrastructure and environmental outcomes, it is recommended that Council allow \$100,000 for the immediate implementation of the side entry pit replacement program.

A report has been prepared to identify possible stormwater side entry pit improvements using information from Hydrodynamica stormwater reports from all towns, as well as using a risk-based approach, and to propose a priority list for expenditure.

Many stormwater pits within the municipality are non-standard pits. That is, they do not comply with the LGAT standards which show grated side-entry pits (SEPs). Grated SEPs have an enhanced capacity to remove stormwater from the kerb and channel and direct it to the stormwater pipes than do side-entry only or grate-only pits. LGAT standard pits are also less likely to get blocked by leaf litter and rubbish.

In most locations the stormwater system is operating adequately, however, in some locations roads are flooding during minor rainfall events and roadways are overtopping with stormwater flooding into private property. The most critical location for these pits is in the low-point (sag) in the road where stormwater and debris pond.

Council's recent stormwater modelling has identified multiple locations where private property is at risk from road flooding or road flooding poses a risk to traffic, and where the existing pits are inadequate. These funds will go towards the strategic upgrade and replacement of existing pits, and in some instance's construction of new pits.

2.8 Supplementary Item: Seccombe Street, Perth – playground toilet

The Seccombe Street playground was constructed in 2015. The high user numbers of the playground warrants the provision of toilet amenities. Currently, the closest amenities to the playground are those located at the Train Park in the main street of Perth. It is proposed to provide a single all accessibility unit with parenting facilities.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
 - Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
 - Core Strategies:
 - ♦ Council complies with all Government legislation
 - ♦ Continuous improvement is embedded in staff culture
 - ♦ Excellent standards of customer service
- Progress –
 - Economic Development – Supporting Growth & Changes
 - ♦ New & expanded small business is valued
 - ♦ Support new businesses to grow capacity & service
 - ♦ Towns are enviable places to visit, live & work
- People –

- Lifestyle – Strong, Vibrant, Safe and Connected Communities
- Core Strategies:
- ♦ Caring, Healthy, Safe Communities – Awareness, education & service

4 POLICY IMPLICATIONS

Council's agreed budget will be amended to incorporate new and reallocation of funding.

5 STATUTORY REQUIREMENTS

Planning and building approvals exist for a number of the developments; however, the Perth toilet amenities (Talisker and Seccombe streets) and the William Street Reserve bridge and path developments will require planning and building approvals.

6 FINANCIAL IMPLICATIONS

6.1 Longford Sports Centre

(planning and building approvals in place)

- | | |
|----------------------------|------------|
| • Front foyer and re-roof | \$ 440,000 |
| • Level 1 fit out and lift | \$ 260,000 |
| • Car park | \$ 100,000 |

Stage 1: New Gym and Amenities

A construction budget of \$1,216,944 for stage one works was allocated, expenditure to date is \$1,176,235 leaving a projected surplus of \$40,709. Some allowance needs to be allocated from the surplus for defect period, electrical/security and electrical items once lessee has been determined.

Stage 2 Front foyer, meeting room, amenities & re-roof

A construction cost of \$440,000 has been determined

- 228m² @ \$1929.82m²

Level One – Open plan exercise area

A construction budget of \$260,000

- | | |
|-------------------|------------|
| • Lift | \$ 120,000 |
| • Floor coverings | \$ 46,000 |
| • Handrail | \$ 24,000 |
| • Stairwells | \$ 70,000 |

New Carpark

Carpark budget allocation of \$59,311 with expenditure of \$11,417 to date, additional \$50,689 is required to complete the carpark. Total carpark cost of \$110,000

- | | |
|---|-----------|
| • 27 additional spaces @ \$3,000 per spaces | \$ 81,000 |
| • To make good existing | \$ 29,000 |

Upgrade of Existing Carpark

To upgrade existing carparks with kerb, kerb and channel, stormwater, landscaping, line marking and lighting – total cost \$190,730

- | | |
|---|------------|
| • Allocated in 2019/2020 budget | \$ 48,000 |
| • Balance allocated in 2020/2021 budget | \$ 142,730 |

6.2 Campbell Town War Memorial Oval

(planning and building approvals in place)

- | | |
|-----------|-----------|
| • toilets | \$ 75,000 |
|-----------|-----------|

6.3 Talisker Street, Perth

- toilet amenities upgrade \$ 100,000

6.4 William Street Reserve, Perth

- bridge/path development \$ 110,000

6.5 Perth Barbecue Shelters

- Seccombe Street, William Street and Train Park \$ 160,000

6.6 Footpaths

- new and renewal of footpaths \$ 500,000

6.7 Stormwater

- side entry pit replacement program \$ 100,000

6.8 Seccombe Street, Perth

- playground toilet \$ 60,000

7 RISK ISSUES

Risk issues include:

- the bringing forward of unfunded projects
- the utilisation of reserve funding
- if the works are not completed through the COVID-19 closure, the business when recommencing will be unnecessarily inconvenienced.

8 CONSULTATION WITH STATE GOVERNMENT

N/a.

9 COMMUNITY CONSULTATION

Extensive community and business consultation underpinned the development of the Northern Midlands Community Sports Centre Master Plan (2015), Perth Structure Plan (2017), and the Campbell Town War Memorial Oval Precinct Development Plan (2014).

The three Perth projects will require development application approvals and subsequent community comment.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council may support or not support the immediate progression of any or all of the following projects listed:

- Stage 2 of the redevelopment of the Longford Sports Centre, design and approvals complete;
- Campbell Town War Memorial Oval – toilets, design and approvals complete;
- Talisker Street, Perth – toilet amenities upgrade, inclusive of design and costing;
- William Street Reserve, Perth – bridge/path development , design to be finalised;
- Perth Barbecue Shelters – William Street, Seccombe Street and Train Park, inclusive of design and costing;
- Footpaths – new and renewal;
- Stormwater – side entry pit replacement program;

And supplementary Item:

- Seccombe Street, Perth – playground toilet, inclusive of design and costing.

11 OFFICER'S COMMENTS/CONCLUSION

The closure of a number of Council facilities due to the COVID-19 pandemic provides an opportunity for Council to undertake a number of works projects without disrupting business activity and inconveniencing the community. Further the projects will generate work for Council employees and local businesses, thus promoting economic activity in the Northern Midlands during this crisis.

Council will play an essential role in the community, economic and social recovery of the Northern Midlands when the shift occurs into the pandemic recovery phase. The completion of these works will ensure enhanced community infrastructure is in place to assist community members to re-engage with their communities and return to out-of-home physical and social activities.

It is now essential that Council supports the immediate implementation of a number of projects that will utilise Council's resources and local trades that would be experiencing a reduction in work.

The projects will require the purchase of materials and utilisation of a number of external trades, including concreters, bricklayers, plumbers and electricians.

A number of larger projects are in-train, and include:

- Cressy Recreation Ground – new change rooms;
- Evandale, Morven Park – new change rooms;;
- Perth – new child care centre;
- Longford – Memorial Hall redevelopment;
- Cressy – Swimming Pool redevelopment.

It is appropriate to progress works that will support local businesses and mitigate inconvenience to business and local clubs as they come back online at a future date.

12 ATTACHMENTS

Nil.

RECOMMENDATION

That

A) Council authorise the commencement of the following projects:

- Stage 2 of the redevelopment of the Longford Sports Centre, design and approvals complete;
- Campbell Town War Memorial Oval – toilets, design and approvals complete;
- Talisker Street, Perth – toilet amenities upgrade, inclusive of design and costing;
- William Street Reserve, Perth – bridge/path development, design to be finalised;
- Perth Barbecue Shelters – William Street, Seccombe Street and Train Park, inclusive of design and costing;
- New and renewal of footpaths;
- Stormwater side entry pit replacement program.

B) Council authorise the commencement of the following supplementary item:

- Seccombe Street, Perth – playground toilet, inclusive of design and costing.

C) the projects be progressed with urgency to support the Council's workforce and the engagement of other tradespeople.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

DECISION

Cr Adams/Cr Calvert

That

- A) Council authorise the commencement of the following projects:
- Stage 2 of the redevelopment of the Longford Sports Centre, design and approvals complete;
 - Campbell Town War Memorial Oval – toilets, design and approvals complete;
 - Talisker Street, Perth – toilet amenities upgrade, inclusive of design and costing;
 - William Street Reserve, Perth – bridge/path development, design to be finalised;
 - Perth Barbecue Shelters – William Street, Seccombe Street and Train Park, inclusive of design and costing;
 - New and renewal of footpaths;
 - Stormwater side entry pit replacement program.
- B) Council authorise the commencement of the following supplementary item:
- Seccombe Street, Perth – playground toilet, inclusive of design and costing.
- C) the projects be progressed with urgency to support the Council's workforce and the engagement of other tradespeople.
- D) subject to a further report relating to the incorporation of the items into the budget.

Cr Calvert withdrew his support for the motion

The motion lapsed for want of a seconder

FORESHADOWED

Cr Davis/Cr Polley

That Council officers provide a further report including full costings and plans for the projects, budgetary consideration, a business plan in relation to funding the projects and possible sources of funding.

Carried unanimously

111/20 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

1 PURPOSE OF REPORT

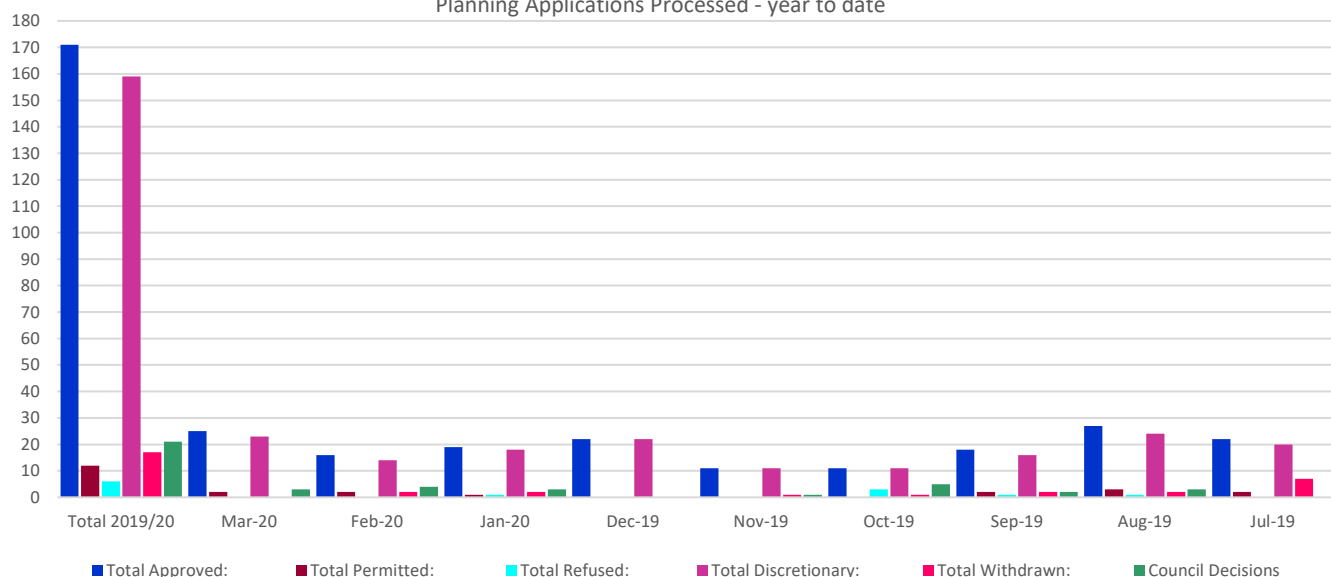
The purpose of this report is to present the Development Services activities as at the month end.

2 DEVELOPMENT SERVICES REPORTING

2.1 Planning Decisions

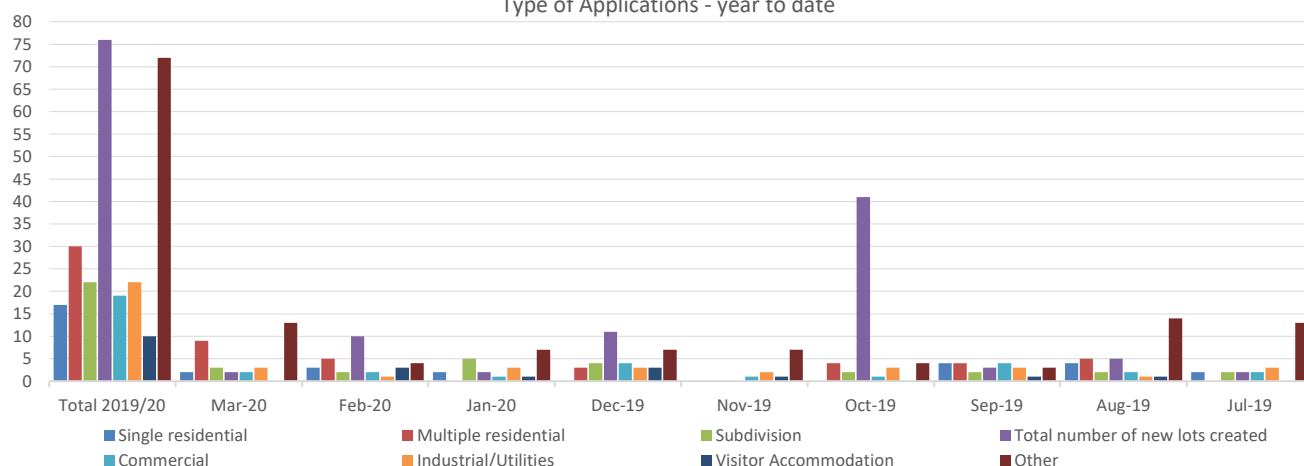
Planning decisions	Total 2019/20	Feb-20	Jan-20	Dec-19	Nov-19	Oct-19	Sep-19	Aug-19	Jul-19
Number of valid applications	120	16	12	11	18	11	11	18	23
Single residential	15	3	2	0	0	0	4	4	2
Multiple residential	21	5	0	3	0	4	4	5	0
Subdivision	19	2	5	4	0	2	2	2	2
Total number of new lots created	74	10	2	11	0	41	3	5	2
Commercial	17	2	1	4	1	1	4	2	2
Industrial/Utilities	19	1	3	3	2	3	3	1	3
Visitor Accommodation	10	3	1	3	1	0	1	1	0
Total permitted	1	1	0	0	0	0	0	0	0
Total discretionary	9	2	1	3	1	0	1	1	0
Other	59	4	7	7	7	4	3	14	13
Total Approved:	146	16	19	22	11	11	18	27	22
Total Permitted:	10	2	1	0	0	0	2	3	2
Average Days for Permitted		24	22	-	-	-	28	25	25
Days allowed for approval by LUPAA		28	28	28	28	28	28	28	28
Total Exempt under IPS:	35	2	6	2	9	5	0	4	7
Total Refused:	6	0	1	0	0	3	1	1	0
Total Discretionary:	136	14	18	22	11	11	16	24	20
Average Days for Discretionary:		38	39	39	36	40	38	41	40
Days allowed for approval under LUPAA:		42	42	42	42	42	42	42	42
Total Withdrawn:	17	2	2	0	1	1	2	2	7
Council Decisions	18	4	3	0	1	5	2	3	0
Appeals lodged by the Applicant	4	1	0	0	1	0	1	0	1
Appeals lodged by third party	1	0	0	0	1	0	0	0	0

Planning Applications Processed - year to date

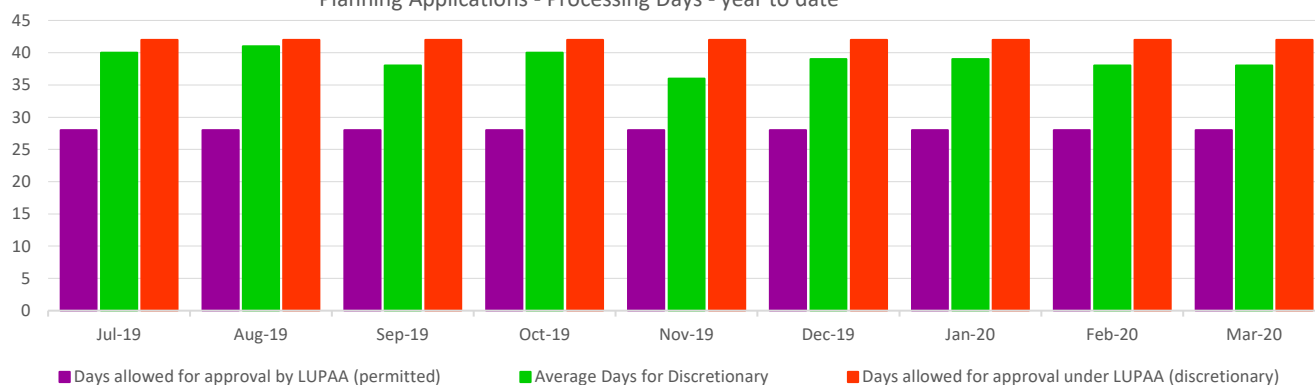


NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

Type of Applications - year to date



Planning Applications - Processing Days - year to date



March 2020

Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
PLN-19-0252	2-lot subdivision to allow for bus turning circle (Utilities)	390 Illawarra Road, Longford TAS 7301	Mountford Nominees Pty Ltd	42	D
PLN-20-0017	carport (vary side [S] setback)	22 Coachmans Road, Evandale TAS 7212	Engineering Plus	44	D
PLN-20-0023	2 side wall signs	5 Wellington Street, Longford TAS 7301	United Petroleum	41	D
PLN-20-0036	Shed (retrospective) (vary rear setback)	7 Park Street, Longford TAS 7301	Michael & Kaye Long	38	D
PLN-20-0041	Minor Boundary Adjustment	U 3/76 Wellington Street, Longford TAS 7301	D J McCulloch Surveying	17	P
PLN-19-0246	Parking Bay, Pathway and signage	CT16542/4 and Hobart Road, opposite 483 & 531 Hobart Road and north of Kerry Lodge Bridge, Hobart Rd, YOUNGTOWN TAS 7249	PDA Surveyors	43	D
PLN-20-0013	Dwelling (private open space within western frontage, vary fence height on western frontage)	13 George Street, Perth TAS 7300	Wilson Homes	42	D
PLN-20-0025	Dwelling addition (Heritage-listed place)	750 Deddington Road, Deddington TAS 7212	David Denman & Associates	38	D
PLN-20-0033	Refurbishment of existing playground (heritage listed place, Road & Railway Assets Code)	Museum Old School, 16 Blenheim Street, Avoca TAS 7213	Northern Midlands Council	33	D
PLN-20-0035	Removal of 1 Gum Tree & 1 Blackwood Tree (native vegetation)	59 Devon Hills Road, Devon Hills TAS 7300	Mr Paul Sterpin	36	D
PLN-20-0037	Pergola over deck	13 Devon Hills Road, Devon Hills TAS 7300	Outside Concepts Building Launceston	25	P
PLN-19-0235	Sign (other - information panel) (heritage listed property in heritage precinct)	2A William Street, Longford TAS 7301	Northern Midlands Council	45	D



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

March 2020

Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
PLN-19-0237	Multiple Dwellings x 3 (1 existing) and carport (vary side and rear setback & parking location)	23 Bulwer Street, Longford TAS 7301	Mr Ricky Tarrant	44	D
PLN-20-0011	Extension to dwelling (vary side [S] setback & building envelope)	86 Marlborough Street, Longford TAS 7301	Design to Live	41	D
PLN-20-0028	Deck (retrospective, vary side [S] setback)	98 Main Street, Cressy TAS 7302	Mr Leon Robson	29	D
PLN-20-0029	Carport (vary side [S] setback and height)	10 Catherine Street, Longford TAS 7301	Mr Ricky Tarrant	42	D
PLN-20-0031	Shed 12m x 11m (combined floor area of outbuildings greater than 80m2)	22 Devon Hills Road, Devon Hills TAS 7300	Paul & Nanette Hawkins	32	D
PLN-20-0020	Garage (vary rear setback)	26 Muirton Way, Perth TAS 7300	Broc Turner & Juanita Stevenson	42	D
PLN-20-0032	Carport and garage (vary side [W] setback)	12 Maxwell Avenue, Poatina TAS 7302	Nicholas Fitsialos	42	D
PLN-20-0039	8m x 8m Shed (vary rear setback)	8 Shervan Court, Perth TAS 7300	Mr Joseph Walters	29	D
PLN-20-0042	Dwelling (vary setback in rural zone)	Auburn Road (CT 175975/1), Ross TAS 7209	Richard Szklarz Architects	28	D
PLN-20-0022	2-lot subdivision (vary lot size & setbacks to existing buildings; heritage listed place within heritage precinct)	20 Talisker Street, Perth TAS 7300	Woolcott Surveys	35	D
COUNCIL DECISIONS					
PLN-19-0193	Multiple Dwellings (6) & concrete plinth (vary private open space (within frontage) & front fence provisions)	42-44 Pakenham Street, Longford TAS 7301	Bianca Cook	42	C
PLN-19-0242	Partial Change of use to Manufacturing and processing (upholstery business) & signage (building fascia & other) (Heritage Precinct)	75 Wellington Street, Longford TAS 7301	Mr Jamon Murray	42	C
PLN-20-0034	Partial change of use to Business and Professional Services, replace window with post boxes, remove gate, install Australia Post sign (vary parking provisions, heritage code, heritage precincts specific area plan)	16 Russell Street, Evandale TAS 7212	Design to Live	23	C
COUNCIL DECISIONS - REFUSAL					
RMPAT DECISIONS					
TPC DECISIONS					
PLN-19-0228	Amendment 07/2019 Rezone from Recreation to General Residential	12 Pedder Street, Campbell Town TAS 7210	Commercial Project Delivery		

2.2 Value of Planning Approvals

	2019/2020					2018/2019	2017/2018
	Council	State	Residential	Business	Total	Total	Total
July	30,500	0	721,500	677,000	1,429,000	2,863,500	15,790,718
August	0	0	2,595,000	908,000	3,503,000	3,369,300	64,268,900
September	0	22,600,000	1,999,000	858,550	25,457,550	3,704,400	2,749,945
October	20,900	0	491,000	206,000	717,900	1,282,500	1,922,200
November	2,000	0	180,000	466,500	648,500	3,079,000	5,671,000
December	295,000	0	827,000	151,400	2,636,000	4,499,500	2,660,300
January	490,000	370,000	668,700	1,302,000	2,830,700	2,965,400	2,293,255
February	0	200,000	1,716,000	1,000,000	2,916,000	4,090,500	4,787,200
March	108,000	0	3,261,000	56,000	3,425,000	5,537,000	1,637,850
YTD Total	838,400	23,170,000	9,198,200	6,932,050	40,138,650	31,391,100	101,781,368
Annual Total						36,482,950	108,049,468

NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020



2.3 Matters Awaiting Decision by TPC & RMPAT

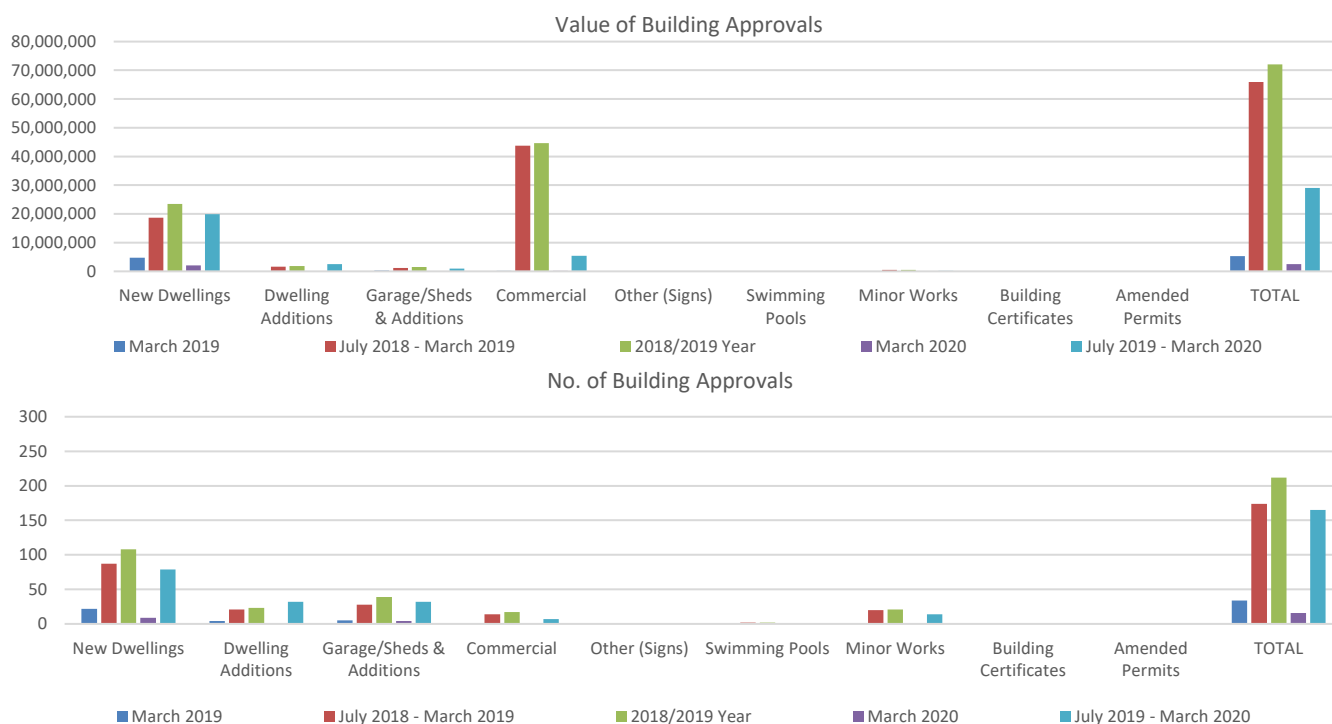
TPC	TASMANIAN PLANNING COMMISSION
TPS	Tasmanian Planning Scheme – State Planning Provisions (SPPs). The SPPs came into effect on 2/3/2017 as part of the Tasmanian Planning Scheme. They will have no practical effect until Local Provisions Schedule (LPS) is in effect in a municipal area. Northern Midlands Council's Draft Local Provisions Schedule submitted to TPC 19 December 2019.
02/2019	PLN19-0070, 86 Burghley St Longford, rezone to General Residential and s43A application for 7 Lot Subdivision. Hearing held 13 December 2019. Additional information provided to TPC on 21 January 2020. TPC advised it is having flood report reviewed.
RMPAT	RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL
PLN19-0115	Appeal 118/19P, 495 Nile Road, Evandale, Visitor Accommodation. Preliminary Conference held 10 December 2019. Mediation continuing. Hearing date vacated.
Decisions received	
TPC	
-	-
RMPAT	
PLN19-0216	Appeal 08/20P, 72 Main Street, Cressy, Visitor Accommodation. Preliminary Conference held 14 February 2020. Appellant has withdrawn the appeal.
PLN19-0182	Appeal 116/19P, Road Reserve adjacent to and opposite 55a Main St Perth, 2 bus stops, Dept State Growth. Preliminary Conference held 20 November 2019. Hearing adjourned to allow consideration of alternative sites. Appellant has withdrawn the appeal.
PLN-18-037	Appeal 60/18P - 10 Russell Street – The Appellants to pay 60% of Council's costs of an incidental to the Appeal from 31 July 2018 to 3 December 2018.

2.4 Building Approvals

The following table provides a comparison of the number and total value of building works for 2018/2019 – 2019/2020:

	YEAR: 2018-2019				YEAR				YEAR 2019-2020			
	March 2019		July 2018 – Mar 2019		July 2018 – June 2019		March 2020		July 2019 – Mar 2020			
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$		
New Dwellings	22	4,701,281	87	18,640,806	108	23,419,306	9	2,104,236	79	19,879,287		
Dwelling Additions	4	109,872	21	1,646,538	23	1,846,538	1	38,000	32	2,547,001		
Garage/Sheds & Additions	5	274,000	28	1,221,820	39	1,536,420	4	116,000	32	941,142		
Commercial	1	220,000	14	43,782,414	17	44,672,414	1	200,000	7	5,420,000		
Other (Signs)	1	10,000	1	10,000	1	10,000	0	0	1	5,000		
Swimming Pools	0	0	2	98,000	2	98,000	0	0	0	0		
Minor Works	1	19,000	20	474,864	21	479,264	1	5,000	14	219,657		
Building Certificates	0	0	0	0	0	0	0	0	0	0		
Amended Permits	0	0	1	35,000	1	35,000	0	0	0	0		
TOTAL	34	5,334,153	174	65,909,442	212	72,096,942	16	2,463,236	165	29,012,087		
Inspections												
Building	1		7		9		0		6			
Plumbing	35		241		317		26		215			

NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020



2.5 Planning and Building Compliance – Permit Review

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

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

Planning Permit Reviews		This Month	2019/2020	Total 2018/2019
Number of Inspections			39	47
Property owner not home or only recently started			1	
Complying with all conditions / signed off			20	28
Not complying with all conditions				1
Re-inspection required			14	6
Notice of Intention to Issue Enforcement Notice				
Enforcement Notices issued				
Enforcement Orders issued				
Infringement Notice				1
No Further Action Required			4	16
Building Permit Reviews		This Month	2019/2020	Total 2018/2019
Number of Inspections			21	42
Property owner not home or only recently started				
Complying with all conditions / signed off			5	3
Not complying with all conditions			1	
Re-inspection required			5	
Building Notices issued				
Building Orders issued				
No Further Action Required			9	34
Illegal Works - Building		This Month	2019/2020	Total 2018/2019
Number of Inspections			21	14
Commitment provided to submit required documentation			1	3
Re-inspection required			4	4
Building Notices issued			3	3
Building Orders issued			2	3

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Illegal Works - Building	This Month	2019/2020	Total 2018/2019
Emergency Order			
No Further Action Required		10	2
Illegal Works - Planning	This Month	2019/2020	Total 2018/2019
Number of Inspections	5	64	17
Commitment provided to submit required documentation		6	5
Re-inspection required	4	37	5
Enforcement Notices issued			3
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued	1	5	1
No Further Action Required	1	13	5

3 STRATEGIC PLAN 2017-2027

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

- Progress – Economic Health and Wealth – Grow and Prosper
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
A Land Use and Development Strategy to direct growth
 - Economic Development – Supporting Growth and Change
Core Strategies:
 - ♦ Towns are enviable places to visit, live and work
- People – Culture and Society – A Vibrant Future that Respects the Past
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ♦ Planning benchmarks achieve desirable development
 - ♦ Council nurtures and respects historical culture
 - ♦ Developments enhance existing cultural amenity
- Place – Nurture our Heritage Environment
 - Environment – Cherish and Sustain our Landscapes
Core Strategies:
 - ♦ Meet environmental challenges
 - History – Preserve and Protect our Built Heritage for Tomorrow
 - ♦ Our heritage villages and towns are high value assets
- Core Departmental Responsibilities
 - Planning and Development

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.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

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

To date there have been 7 commercial building approvals valued at \$5,420,000 for 2019/2020 (year to date), compared to 14 commercial building approvals valued at \$43,782,414 (year to date) for 2018/2019.

In total, there were 165 building approvals valued at \$29,012,087 (year to date) for 2019/2020, compared to 174 building approvals valued at \$65,909,442 (year to date) for 2018/2019.

RECOMMENDATION

That the report be noted.

DECISION

Cr Goss/Cr Polley

That the report be noted.

Carried unanimously

**112/20 DRAFT LAND USE PLANNING AND APPROVALS AMENDMENT
(MAJOR PROJECTS) BILL 2020**

File: 02/031
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 PURPOSE OF REPORT

This report seeks Council's comment on the draft *Land Use Planning and Approvals Amendment (Major Projects) Bill 2020*.

2 BACKGROUND

The Minister for Planning, Hon Roger Jaensch MP has written to Council advising that the proposed Major Projects assessment process has been developed to replace the current Project of Regional Significance assessment process under the *Land Use Planning and Approvals Act 1993* and inviting feedback on the draft *Land Use Planning and Approvals Amendment (Major Projects) Bill 2020*. The period for consultation on the draft Major Projects Bill has been extended until Friday, 15 May 2020.

The draft Bill has been subject to two rounds of consultation.

First round of consultation

Northern Midlands Council provided the following submission to the first round in September 2017:

- 1) *The legislation needs to be clear on what public exhibition is required. Section 60XM (1) states that the Panel must give notice of the public exhibition of a major project in a newspaper that is published, and circulates generally, in Tasmania. Section 60XM (4) states that the planning authority must arrange in the prescribed manner the public exhibition, but it is not clear what the prescribed manner is. Section 60XM (6) indicates that exhibition includes a notice on the subject land. Public exhibition should be:*
 - a) *Advertised in a daily newspaper circulating generally in the area in which the project is to take place.*
 - b) *Displayed on the land to which the project relates on a notice in a size not less than A4 and as near as possible to each public boundary.*
 - c) *Given by notice to the owners and occupiers of all properties adjoining the subject land.*
- 2) *As the planning authority will be responsible for monitoring and enforcing planning conditions, the planning authority needs to assess if the conditions are reasonable. The legislation should allow the planning authority to charge an assessment fee.*

Points 1 b) and c) were incorporated into the draft Bill.

Second round of consultation

Northern Midlands Council provided the following in its submission to the second round in January 2018:

The following two matters remain of concern to Northern Midlands Council:

- 1) *Section 60ZZB (1) states that the Panel must give notice of the public exhibition of a major project. Section 60ZZB (3)(b) states that a notice is given for the purposes of subsection (1) in relation to a major project if the notice is placed in a newspaper that is published, and circulates generally, in Tasmania.*

The Council's concern with this is demonstrated in the following examples:

If a major project is to be undertake in the Devonport or Burnie area it is considered that most people with an interest in the project would see notice of it in the Advocate, rather than the Mercury or the Examiner. If a major

project is to be undertaken in the Launceston area, it is considered that most people with an interest in the project would see notice of it in the Examiner, rather than the Mercury or the Advocate. If a major project is to be undertaken in the Hobart area, it is considered that most people with an interest in the project would see notice of it in the Mercury, rather than the Advocate or The Examiner.

For these reasons the Northern Midlands Council recommends that Section 60ZZB (3)(b) should read:

Placed in a newspaper that is published and circulates generally in the area in which the project is to take place.

- 1) *As the planning authority will be responsible for monitoring and enforcing planning conditions, the planning authority needs to assess if the conditions are reasonable. It is requested that the legislation allow the planning authority to charge an assessment fee, in the manner allowed for the EPA Board and the Heritage Council at sections 60ZF (2) and 60ZZY (1).*

Current consultation

After the second round of consultation, Council has faced issues of timelines legislated under the *Major Infrastructure Development Approvals Act 1999* not allowing for matters to be considered at a Council meeting.

The timelines for the Major Projects Assessment Process are attached. These include:

Minister consults with planning authorities regarding eligibility of a project to be declared a major project – 28 days to respond to minister

Section 11 (3) A planning authority that is provided under this section with a major project proposal in relation to a major project may, within 28 days, by notice in writing to the Minister, advise the Minister as to whether the planning authority considers that the Minister ought not to be of the opinion that the project is eligible to be declared a major project, and the reasons why the planning authority is of that opinion.

The Commission establishes a Development Assessment Panel – 28 days for Council's to nominate a member

Section 60U the Commission must establish a Development Assessment Panel.

Section 60V (1)(b) The Commission is to establish under section 60U a Panel in relation to a major project by appointing to be members of the panel a person, with appropriate qualifications and experience, who is nominated by the councils for the municipal areas that are likely to be affected by the major project if it proceeds.

Section 60V (4) The Commission is to request the councils for municipal areas that are likely to be affected by the major project if it proceeds to together nominate, within 28 days after receiving the request, a person for the purposes of subsection (1)(b).

Section 60V (5) If the councils have not nominated a person within 28 days after receiving under subsection (4) a request to do so, the Commission may appoint a person for the purposes of subsection (1)(b), even though the person has not been nominated by the councils, if the person satisfies the requirements of subsection (3).

The Commission seeks comments in relation to draft assessment guidelines

Section 60ZJ - The Commission must request the relevant planning authority and each planning authority that is not a relevant planning authority to, within 14 days after the request is made, provide their comments as to what should be specified in the assessment guidelines to be addressed in the major project impact statement in relation to the major project.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
 - Core Strategies:

- ♦ Communicate – Connect with the community
- ♦ Lead – Councillors represent honestly with integrity
- ♦ Manage – Management is efficient and responsive
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ♦ Strategic, sustainable, infrastructure is progressive
 - ♦ Proactive engagement drives new enterprise
 - ♦ Collaborative partnerships attract key industries
 - ♦ Attract healthy, wealth-producing business & industry
 - Economic Development – Supporting Growth & Changes
 - ♦ Minimise industrial environment impact on amenity
 - ♦ Developers address climate change challenges
- People –
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ♦ Planning benchmarks achieve desirable development
 - ♦ Developments enhance existing cultural amenity
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ♦ Participate – Communities engage in future planning
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ♦ Cherish & sustain our landscapes
 - ♦ Meet environmental challenges

4 POLICY IMPLICATIONS

There are no policy implications.

5 STATUTORY REQUIREMENTS

Draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2020. Council's comments on the draft Bill are sought.

6 FINANCIAL IMPLICATIONS

No financial implications are identified.

7 RISK ISSUES

No risk issues are identified.

8 CONSULTATION WITH STATE GOVERNMENT

The State Government is undertaking consultation.

9 COMMUNITY CONSULTATION

The State Government is undertaking consultation.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can:

- a) Reiterate its submission that public exhibition should be advertised in a daily newspaper that is published and circulates generally in the area in which the project is to take place; and/or
- b) Reiterate its submission as the planning authority will be responsible for monitoring and enforcing planning conditions, the planning authority needs to assess if the conditions are reasonable. The legislation should allow the planning authority to charge an assessment fee; and/or
- c) Make a new submission, that councils should be given 42 days to advise whether a project should be declared a major project under section 11 (3), 42 days to nominate a member of the Development Assessment Panel under section 60 V, and 42 days to provide comments as to what should be specified in the draft assessment guidelines under section 60ZJ.

11 OFFICER'S COMMENTS/CONCLUSION

The draft bill gives timelines of 28 days to advise whether a project should be declared a major project, 28 days to nominate a member of the development assessment panel, and 14 days to provide comment as to what should be specified in the assessment guidelines.

If Council receives a request on the day agenda closes it is generally around 40 days until the following council meeting. It is therefore recommended that councils be given 42 days to respond.

12 ATTACHMENTS

12.1 Letter from the Minister for Planning.

RECOMMENDATION

That Council advise the Planning Policy Unit that:

Councils should be given 42 days to advise whether a project should be declared a major project under section 11 (3), 42 days to nominate a member of the Development Assessment Panel under section 60 V, and 42 days to provide comments as to what should be specified in the draft assessment guidelines under section 60ZJ.

DECISION

Cr Goss/Cr Calvert

That Council advise the Planning Policy Unit that:

Councils should be given 42 days to advise whether a project should be declared a major project under section 11 (3), 42 days to nominate a member of the Development Assessment Panel under section 60 V, and 42 days to provide comments as to what should be specified in the draft assessment guidelines under section 60ZJ.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

113/20 SOUTH LONGFORD EXPANSION: PROJECT BRIEF

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of this report is to endorse the attached South Longford Expansion Project Brief and the initiation of tenders from appropriately qualified and experienced consultants to produce the South Longford Expansion Strategy.

The primary purpose of the strategy is to inform land use planning decisions for the area south of Longford for the next 20 years.

2 INTRODUCTION/BACKGROUND

The Northern Midlands Council Land Use and Development Strategy 2018 – 2038 notes that rezoning of Rural Resource land to Low Density Residential zone south of Longford was considered in the preparation of the draft Local Provisions Schedule zoning maps however the Northern Tasmania Regional Land Use Strategy does not identify support for such changes and the Guidelines preclude the inclusion of such changes as part of the draft LPS implementation.

The Land Use and Development Strategy 2018-2038 recommends that Council consider developing a more detailed scope document to determine the feasibility of such a rezoning.

At the Council meeting held on 21 October 2019 a report titled *Draft Northern Midlands Local Provisions Schedule* (minute reference 334/19) was tabled, at which time, the following was the decision of Council:

Cr Goss/Cr Goninon

- 1 *That council determines, in accordance with section 35(7) of the Land Use Planning & Approvals Act 1993, that it is satisfied that the draft Northern Midlands Local Provisions Schedule meets the local provisions criteria in section 34 of the Land Use Planning & Approvals Act 1993;*

and

- 2 *Submits the draft Northern Midlands Local Provisions Schedule and supporting information to the Tasmanian Planning Commission in accordance with section 35(1) of the Land Use Planning & Approvals Act 1993, subject to the following amendments being completed, along with any associated updates to the supporting documentation:*

- (1) Rectification of spot zoning of Rural Zone to Agriculture Zone.*
- (2) Remove Particular Purpose Zones NOR P2.0 at 16523 Midland Highway and retain as Rural Zone.*
- (3) Apply the Agriculture Zone to the entire title on which a mining lease is located.*
- (4) Apply the Agriculture Zone to the entire title on which a private timber reserve or permanent timber production zone is located, where the primary use of the lot is an agricultural (non-forestry).*
- (5) Amend CT122927/2 (1696 Cressy Road, Cressy) to be zoned Agriculture not Rural.*
- (6) Amend CT143422/1 and CT164539/1 (opposite property on Powranna Road) to be zoned Agriculture not Rural.*
- (7) Amend portion of CT173776/1 (triangle of land adjacent to 44 Phillip Street, Perth), CT23463/1 (44 Phillip Street, Perth) and CT23463/1 (38 Phillip Street, Perth) to be zoned General Residential not Rural and Future Urban, subject to confirmation from TasWater that infrastructure is capable of servicing these sites.*
- (8) Apply the Rural Living Zone where there is an existing pattern of Rural Living with a Specific Area Plan to prevent subdivision where required.*
- (9) Removal of Landscape Conservation Zone where there is a more appropriate zone reflecting the use of the land.*

and

- 3 *That the General Manager be authorised to make any minor procedural or technical changes including any formatting, minor typographical alterations and corrections to the draft Northern Midlands Local Provisions*

Schedule and attachments consistent with the current draft;

and

- 4** *That officers prepare a brief and seek quotes for the preparation of a strategic planning document supporting the expansion of Longford to the south.*

Carried unanimously

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
 - Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
- Progress –
 - Economic Development – Supporting Growth & Changes
 - ♦ New & expanded small business is valued
 - ♦ Support new businesses to grow capacity & service
- People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
 - Core Strategies:
 - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
 - ♦ Communicate – Communities speak & leaders listen
 - ♦ Participate – Communities engage in future planning

4 POLICY IMPLICATIONS

The strategy will reflect the Northern Regional Land Use Strategy and provides rationale for any recommended variation from the Northern Regional land Use Strategy.

5 STATUTORY REQUIREMENTS

The Strategy must be sufficiently detailed to enable rezoning and Planning Scheme amendments to be supported.

Section 34 (1) (b) (former provisions) of the *Land Use Planning & Approvals Act 1993* states:

A planning authority may of its own motion, initiate an amendment of a planning scheme administered by it.

6 FINANCIAL IMPLICATIONS

Tenders to be called and report back to Council as not actual estimate is known at this time.

7 RISK ISSUES

Risk issues identified include:

- Insufficient detail is provided within the Strategy to enable rezoning and planning scheme amendments
- That the Strategy does not meet its primary purpose to inform land use planning decisions for the area south of Longford for the next 20 years.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

8 CONSULTATION WITH STATE GOVERNMENT

The successful consultant will undertake consultation with relevant state government departments.

9 COMMUNITY CONSULTATION

The consultant will undertake community consultation on the draft strategy in accordance with the consultant's proposed consultation strategy in response to this brief, or as otherwise agreed with the council in writing.

In conjunction with the consultation strategy, the council will undertake public exhibition of the draft strategy by:

- placing public notices in the Examiner,
- displaying the draft strategy on the Council's website and at the Council offices in Longford; and
- providing to the Longford and Cressy Local District Committees for comment.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council may either endorse the project brief or not, for the purpose of calling tender from appropriately qualified and experienced consultants.

11 OFFICER'S COMMENTS/CONCLUSION

Council endorsed the Northern Midlands Land Use and Development Strategy at its meeting of 21 October 2019.

However, that strategy does not look specifically at the future expansion of the township of Longford over the next 20 years, rather it recommends that Council consider developing a more detailed scope document to determine the feasibility of such a rezoning. That document is attached for Council's consideration and endorsement.

12 ATTACHMENTS

12.1 South Longford Expansion Project Brief

RECOMMENDATION

That Council

- a) endorse the South Longford Expansion: Project Brief
- b) invite tenders from appropriately qualified and experienced consultants to produce the South Longford Expansion Strategy and report to Council.

DECISION

Cr Goss/Cr Calvert

That the matter be discussed.

Carried unanimously

Cr Goss/Cr Calvert

That Council

- a) endorse the South Longford Expansion: Project Brief (the brief to include other areas for expansion, including east Longford); and
- b) invite tenders from appropriately qualified and experienced consultants to produce the South Longford Expansion Strategy (inclusive of other areas identified); and
- c) receive a further report.

Carried



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Goss, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Davis

Mayor Knowles adjourned the meeting for a short break at 6.11pm.

Mayor Knowles reconvened the meeting after the break at 6.20pm.

NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

114/20 MONTHLY FINANCIAL STATEMENT

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

1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 31 March 2020.

2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 31 March 2020 is circulated for information.

3 ALTERATIONS TO 2019-20 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-Mar-20 9

A. Operating Income and Expenditure						
	Budget	Year to Date Budget	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$11,311,634	-\$11,311,634	-\$11,345,662	\$34	100.3%	
Recurrent Grant Revenue	-\$4,318,501	-\$3,238,876	-\$2,503,040	-\$736	77.3%	Advanced grants to come
Fees and Charges Revenue	-\$1,991,837	-\$1,493,878	-\$1,638,076	\$144	109.7%	
Interest Revenue	-\$904,007	-\$678,006	-\$707,943	\$30	104.4%	
Reimbursements Revenue	-\$74,681	-\$56,011	-\$54,337	-\$2	97.0%	
Other Revenue	-\$1,492,710	-\$1,119,533	-\$845,533	-\$274	75.5%	TasWater dividends to come
	-\$20,093,370	-\$17,897,937	-\$17,094,591	-\$803	95.5%	
Employee costs	\$5,701,031	\$4,275,773	\$3,975,729	\$300	93.0%	
Material & Services Expenditure	\$5,168,753	\$3,876,565	\$3,568,426	\$308	92.1%	
Depreciation Expenditure	\$5,458,770	\$4,094,078	\$4,094,022	\$0	100.0%	
Government Levies & Charges	\$851,614	\$638,711	\$663,707	-\$25	103.9%	
Councillors Expenditure	\$204,330	\$153,248	\$158,322	-\$5	103.3%	
Interest on Borrowings	\$272,007	\$204,005	\$254,000	-\$50	124.5%	
Other Expenditure	\$1,316,100	\$987,075	\$832,711	\$154	84.4%	Pension rebates for full year
Plant Expenditure Paid	\$519,210	\$389,408	\$450,583	-\$61	115.7%	
	\$19,491,815	\$14,618,861	\$13,997,500	\$621	95.7%	
	-\$601,555	-\$3,279,076	-\$3,097,091			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$566,317	\$0	\$0	\$0	0.0%	
Underlying (Surplus) / Deficit	-\$35,238	-\$3,279,076	-\$3,097,091			1*
	-	-	-			
Capital Grant Revenue	-\$2,778,383	-\$2,083,787	-\$1,312,997	-\$771	63.0%	
Subdivider Contributions	-\$640,962	\$0	-\$97,215	\$97		
Capital Revenue	-\$3,419,345	-\$2,083,787	-\$1,410,212			
	-	-	-			

Budget Alteration Requests

- For Council authorisation by absolute majority

Budget Operating	Budget Capital	Actuals
---------------------	-------------------	---------

Capital works budget variances above 10% or \$10,000 are highlighted

Mar		
Asphalt Footpath replacements	750000	-\$50,000
Lfd - Rec Ground landscaping / sealing		\$50,000
Feb		
January		

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

December			
Original Budget Operating Surplus	-\$173,033		1*
- Interest on Investments	-\$41,000		1 Additional interest expected
- Youth Bursary reimbursements from Cape Hope	-\$8,000		3 Contribution for existing burseries
- Election roll maintenance	\$6,340		4 Budget allocation required
- NTDC Population Program	\$5,360		5 Budget allocation required
- Youth Program Grant Youth Camp	-\$3,000		6 Grant funding
- Youth Program Grant Active NM Youth	-\$34,410		6 Grant funding
- Youth Program Grant Free2b Girls	-\$35,888		6 Grant funding
- Youth Grant funding expenditure	\$73,298		6 Grant funding expenditure
- Supplementary Rates	-\$40,000		7 Rate revenue above budget
- General Financial Assistance Grant Revenue	-\$7,000		8 Allocation above budget
- Rate Certificate revenue	-\$10,000		9 Allocation above budget
- Property Revaluation	\$117,450		10 Budget allocation required not billed in 18/19
- Economic Development Plan	\$2,462		11 Budget allocation required not billed in 18/19
- Lfd Sports Centre plumbing works	\$5,106		PBIFund from Public Building Improvements
- Evandale Community Centre rising damp/painting	\$6,082		PBIFund from Public Building Improvements
- Street Banner maintenance	\$3,988		12 Budget allocation required
- Planning Fees	-\$80,000		13 Revenue incl \$50k from TasWater
- Planning appeal reimbursements	-\$12,500		14 Valleyfield cost reimbursement
- Planning Appeal costs	\$80,000		15 Additional allocation
- Planning Advice costs	\$12,500		16 Additional allocation
- Works trainee reimbursements	-\$20,000		17 Budget allocation required
- Ct Rec Special Ctee reimbursement	-\$11,496		18 Committee ceased to operate
- Morven Park Ctee reimbursement for works	-\$13,602		19 Reimbursement for works performed
- Ctown Tennis Club contribution to Tennis Court Development	-\$60,000		20 Donation
- Evandale Community Centre glass roof contribution	-\$35,000		21 Contribution
- Cressy Rec Amenities Upgrade Grant	-\$354,076		22 Grant revenue
- Public Open Space revenue	-\$25,000		23 Additional revenue allocation
- Strata Development contributions	\$15,192		24 Delete budget no longer levied
- Strata Development contributions refunded	\$19,200		25 Budget allocation required
- Maintenance for Sheepwash Creek & Lions Park extension	\$4,000		26 Budget allocation required
- Abandoned Vehicle removals	\$3,000		27 Additional budget
- Grant Avoca Hall supper room improvements	-\$15,641		28 Grant funding
- Special Projects 2018/19 not carried forward	\$10,738		29 Budget allocation required
- Longford Fred Davies Grandstand repairs	\$21,433	fund from Public Bid ImprovPBIFund	Approval Minute Ref: 377/19
additional stiffening joist at the mid span, to make decking safe for public use	\$5,000	fund from Public Bid ImprovPBIFund	Additional Budget required
New Items			
- Integrated Priority Projects Report	not approved	\$40,000	- Minute Ref: 426/19
- Internal Audit function	not approved	\$4,000	2 Additional functions audited
- Manager Planning & Development	\$88,542		- Prorata budget - \$200,000 per annum
- Perth Streetscape Concept Plan	not approved	\$17,820	- Consultancy
- Anzac Day Banners for four towns	not approved	\$6,000	-
- Additional Donation to Just Cats Assoc.	not approved	\$5,000	- Second donation of \$5,000
New Operating Surplus	-\$35,238		1*
Capital			
- Parklets tables/seating	707987	\$15,000	Budget reallocation
- Street Furniture	715255	-\$15,000	Budget reallocation
- Fleet 1 Utility	700001	\$21,460	Budget reallocation
- Fleet 66 Reach Arm Slasher	700066	\$78,309	Budget reallocation
- Fleet 154 Slasher head	700154	\$10,525	Budget reallocation
- Fleet 65 Reach Arm Tractor	700065	-\$110,294	Budget reallocation
- Rossarden Shipping Container for storage	720206	\$5,440	Budget reallocation
- Small Plant	715320	-\$5,440	Budget reallocation
- PBI allocation of projects to operating	715350	\$37,621	Budget reallocation
- Rec Ground Lighting	708000	\$7,522	Budget reallocation
- Power Pole Replacements	707801	-\$7,522	Budget reallocation
- Ctown Rec Scoreboard	707805.42	\$22,698	Budget reallocation
- Ctown Rec Power Poles	707805.44	-\$20,000	Budget reallocation
- Ctown Rec Irrigation	707805.41	-\$2,698	Budget reallocation
- Ctown Rec Landscaping	707805.85	\$60,000	Budget reallocation
- Ctown Rec Site Works	707805.31	-\$40,000	Budget reallocation
- Ctown Rec Footpaths	707805.32	-\$20,000	Budget reallocation
- Evan High Street Stormwater	788617	\$12,500	Budget reallocation
- Stormwater unallocated projects	788575	-\$12,500	Budget reallocation
New Capital Items			
- Perth Bypass Grant associated works funding	-\$924,000		Grant revenue
- Perth Bypass Grant expenditure	\$924,000		Grant funded
- Nth Waste Management Group solar bin contribution	-\$4,429		Grant revenue
- Nth Waste Management Group solar bin expenditure	\$4,429		Grant funded



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

- Roads - Seccombe Street connection to roundabout		\$200,000		Budget allocation required
- Roads - Carins Street reconstruction deferred	750235	-\$175,000	reduce to fund Seccombe St	Defer Carins Street project
- Roads - Resheeting		-\$25,000	reduce to fund Seccombe St	Reduce program to fund balance required
- Ctown Hall Exterior painting/improvements	not approved	\$100,000	funded original budget	Take budget off HOLD status
- Perth Main Street flowering pots	707814	\$10,000	fund from Street Trees	New Budget Item -Minute Ref: 316/19
- Perth Train Park shelter		\$0	awaiting design/decision	Defer to Budget 2020/21 Minute Ref: 162/19

November

State Growth - Bus Shelter Grant 325043 -\$22,830

Teddy Sheean Grant - Campbell Town War Memorial 515772 -\$900

October

September

August

Carried Forward budgets

Lfd - Parklet actual exp plus \$10k instal 707987 \$61,716

Grant - R&R Childcare Capital Shed / Bathroom 791099 \$7,362

Evan - Lamp Posts Main Street 707774 \$15,000

Street Tree Program 707814 \$38,500

Evan - Town Entrance Statement 707855 \$3,141

Cry - Recreation Ground Building Redevelopment 707923 \$12,795

Ross - Town Square Development 707972 \$21,262

Grant - Avoca Museum Solar Panels and Heat Pump 707994 \$23,000

Lfd - Rec Ground Grandstand Improvements 707962 \$161,239

Lfd - Recreation Ground Amenities Redevelopment 707995 \$2,408,386

Lfd - Recreation Ground Carpark Upgrade 708008 \$33,022

Ctown - Recreation Ground Redevelopment 707805 \$3,484,792

Lfd - Longford Community Sports Centre Redevelopment 707990 \$1,000,000

Perth - Bus Shelter 707877.2 \$9,914

Lfd - Council Chambers Toilet and Kitchen Upgrade 720117 \$34,168

Pth - Old Punt Rd Midlands Hwy to William St Footpaths 750971.6 \$92,000

Ctown - High St Streetscape Improvements

(Bridge St to King St) 750544 \$110,000

Evan - Morven Park Amenities Redevelopment 720119 -\$6,557

Total c/fwds \$7,509,740

Ctown - War Memorial Oval Upgrade - Audio Equip 707805.9 \$30,000

Ctown - War Memorial Oval Upgrade - Curtains 707805.9 \$10,000

Ctown - War Memorial Oval Upgrade - Irrigation 707805.44 -\$40,000

Waste - Kerbside Collection additional 321800 \$11,500

July

HR Consultancy - transfer budget allocation 100500 -\$3,000

Media Consultancy - for Corporate branding review 103700 \$3,000

B. Balance Sheet Items

	Year to Date Actual		Monthly Change		Same time last year	Comments
Cash & Cash Equivalents Balance						
- Opening Cash balance	\$16,539,074		\$19,959,056			
- Cash Inflow	\$17,892,095		\$1,554,797			
- Cash Payments	-\$14,854,462		-\$1,937,146			
- Closing Cash balance	\$19,576,706		\$19,576,706			
	-		-			
Account Breakdown						
- Trading Accounts	\$1,360,358					
- Investments	\$18,216,348					
	\$19,576,706					
	-					
Summary of Investments	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value	
Tasmanian Public Finance Corporation Call Account	19/03/2020	31/03/2020	0.25	\$5,382	\$5,383	
CBA Call Account	27/03/2020	31/03/2020	0.15	\$2,869,113	\$2,869,160	
Westpac	15/01/2020	15/04/2020	1.60	\$2,500,000	\$2,509,959	
Westpac	3/02/2020	5/05/2020	1.38	\$500,000	\$501,739	
Westpac	20/02/2020	22/05/2020	1.44	\$800,000	\$802,904	
My State Financial	25/12/2019	25/05/2020	2.00	\$1,292,668	\$1,303,434	
Bank of Us (B&E)	24/01/2020	25/05/2020	1.70	\$676,956	\$680,802	
Westpac	10/03/2020	9/06/2020	1.09	\$2,500,000	\$2,506,794	
Bank of Us	30/03/2020	29/01/2021	2.00	\$522,229	\$530,957	
Westpac	6/01/2020	4/07/2022	3.37	\$5,500,000	\$5,962,105	
Westpac	30/03/2020	29/06/2023	3.30	\$1,050,000	\$1,162,589	



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

Total Investments
Total Investments

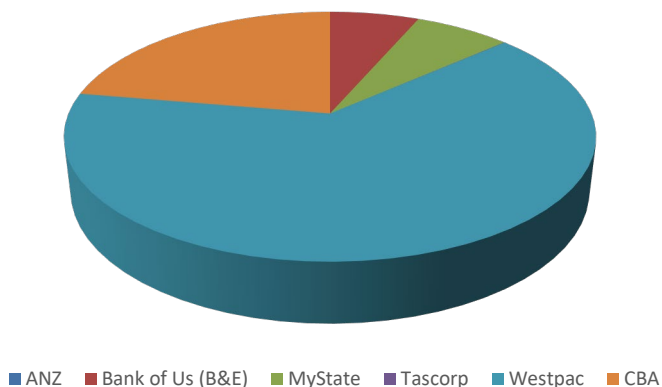
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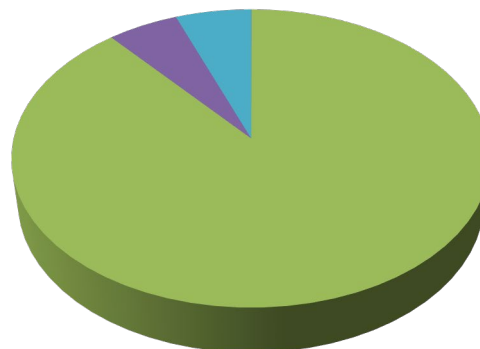
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\$18,216,348 \$18,835,826
\$18,895,618 \$19,650,857

Investments by Institution

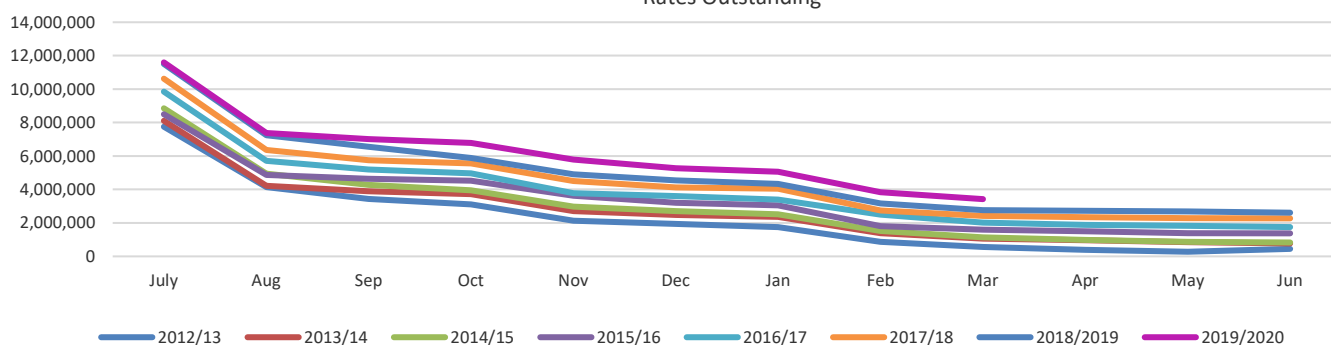


Total Investments by Rating (Standard & Poor's)



Rate Debtors	2019/20	% to Raised	Last Year Same Time	% to Raised
Balance b/fwd	\$2,275,315		\$2,245,313	
Rates Raised	\$11,550,467		\$10,681,725	
	\$13,825,783		\$12,927,038	
Rates collected	\$10,162,069	84.1%	\$9,429,338	88.3%
Pension Rebates	\$457,503	4.0%	\$449,650	4.2%
Discount & Remissions	\$41,067	0.4%	\$101,080	1.0%
	\$10,660,640		\$9,980,068	
Rates Outstanding	\$3,424,133	33.3%	\$3,173,987	29.7%
Advance Payments received	-\$258,878	2.0%	-\$227,017	2.1%

Rates Outstanding



Trade Debtors

Current balance	\$175,207
- 30 Days	\$125,329
- 60 Days	\$1,146
- 90 Days	-\$504
- More than 90 days	\$49,235

Summary of Accounts more than 90 days:

- Norfolk Plains Book sales	171	Paid by outlet as sold
- Hire/lease of facilities	72	
- Removal of fire hazards	7,212	
- Dog Registrations & Fines	15,097	Send to Fines Enforcement where possible
- Private Works	18,058	
- Regulatory Fees	641	
- Govt Reimbursements	8,128	
	-	

C.

Capital Program

Budget	Actual (\$,000)	Target 75%	Comments
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NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

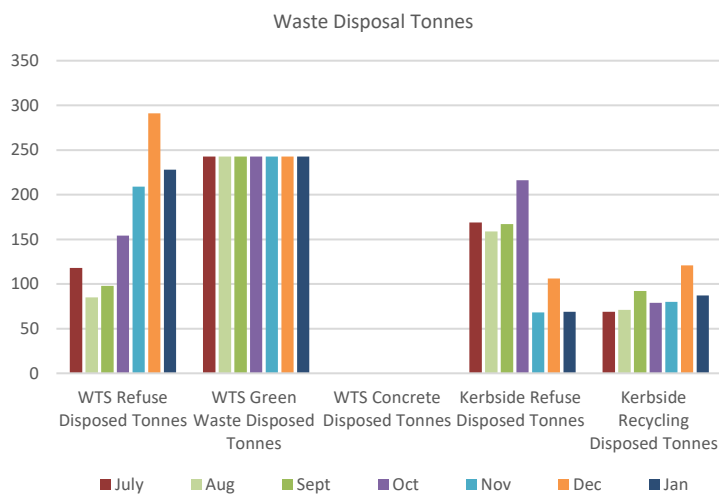
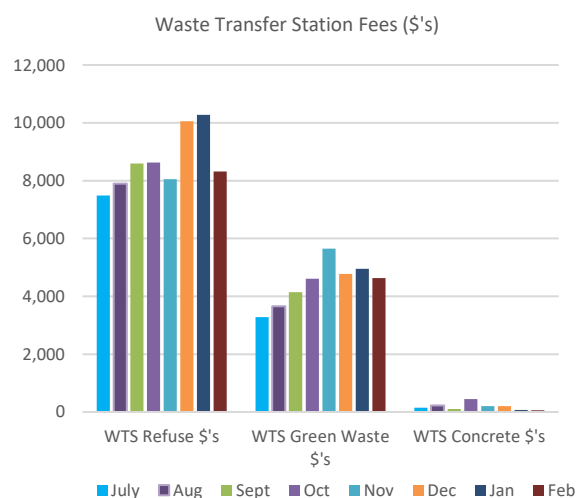
Renewal	\$12,836,098	\$7,788,179	61%
New assets	\$7,945,922	\$3,128,627	39%
Total	\$20,782,020	\$10,916,806	53%
Major projects:			
- Campbell Town Rec Ground	\$4,002,292	\$3,896,158incl c/fwds	97% Substantially complete
- Longford Sports Centre Extension	\$1,276,255	\$1,173,777incl c/fwds	92% Substantially complete
- Campbell Town Main Street Improvements	\$1,000,000	\$125,741incl c/fwds	13% Design stage
- Sheepwash Creek development	\$998,500	\$223,098incl c/fwds	22% In progress
- Evandale Rec Ground Amenities	\$962,043	\$48,902	5% Design stage
- Office extension/upgrades	\$744,168	\$336,867incl c/fwds	45% In progress
- Cressy Rec Ground Amenities	\$720,950	\$13,249	2% Design stage
- Saundridge Road reconstruction	\$588,542	\$416,435	71% Complete
- Valleyfield Road reconstruction	\$200,000	\$233,014	117% Substantially complete
- Bridge Replacements			
- Bridge 2057 Gipps Crk Road, Unnamed Crk	184,832	\$80,350	43% Design & Construct
- Bridge 4000 Storys Crk Road, Tasmania Crk	153,445	\$410	0% Design & Construct
- Bridge 5028 Old Coach Road,	136,723	\$106,377	78% Commenced
- Bridge 2150 Snow Hill Road	125,000	\$108,533	87% Commenced

* Full year to date capital expenditure for 2019/20 provided as an attachment.

D. Financial Health Indicators				
	Target	Actual	Variance	Trend
Financial Ratios				
- Rate Revenue / Total Revenue	56.3%	66.4%	-10.1%	⬇
- Own Source Revenue / Total Revenue	79%	85%	-6.8%	⬇
Sustainability Ratio				
- Operating Surplus / Operating Revenue	0.2%	18.1%	-17.9%	⬇
- Debt / Own Source Revenue	47.0%	50.9%	-3.8%	↔
Efficiency Ratios				
- Receivables / Own Source Revenue	22.8%	21.8%	1.1%	⬇
- Employee costs / Revenue	28.4%	23.3%	5.1%	⬆
- Renewal / Depreciation	235.1%	190.2%	44.9%	⬆
Unit Costs				
- Waste Collection per bin	\$10.53	\$11.24		↔
- Employee costs per hour	\$47.51	\$38.43		⬆
- Rate Revenue per property	\$1,592.29	\$1,597.08		↔
- IT per employee hour	\$3.30	\$3.08		⬇

E. Employee & WHS scorecard		
	YTD	This Month
Number of Employees	100	100
New Employees	28	1
Resignations	13	5
Total hours worked	103452	10661
Lost Time Injuries	0	0
Lost Time Days	0	0
Safety Incidents Reported	22	4
Hazards Reported	76	10
Risk Incidents Reported	1	1
Insurance claims - Public Liability	0	0
Insurance claims - Industrial	0	0
Insurance claims - Motor Vehicle	1	1
IT - Unplanned lost time	1	0
Open W/Comp claims	1	0

F. Waste Management				
Waste Transfer Station	2017/18	2018/19	2019/20 Budget	2019/20
Takings				
- Refuse	\$96,262	\$93,411	\$69,458	\$69,304
- Green Waste	\$55,282	\$52,960	\$38,247	\$35,690
- Concrete	\$1,333	\$2,376	\$1,163	\$1,453
Total Takings	\$143,942	\$152,877	\$107,087	\$106,447
Tonnes Disposed				
WTS Refuse Disposed Tonnes	1510	1325	1105	1183
WTS Green Waste Disposed Tonnes	4123	5200	3932	1700
WTS Concrete Disposed Tonnes	0	0	0	0
Kerbside Refuse Disposed Tonnes	2201	2217	1431	954
Kerbside Recycling Disposed Tonnes	1037	1051	715	599
Total Waste Tonnes Disposed	8871	9793	7183	4436



4 OFFICER COMMENTS

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

5 ATTACHMENTS

- 5.1 Income & Expenditure Summary for period ending March 2020.
- 5.2 Capital Works Report to end March 2020.

RECOMMENDATION

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 March 2020.
- ii) authorise budget allocation changes listed in 3 above.

DECISION

Cr Adams/Cr Polley

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 March 2020.
- ii) authorise budget allocation changes listed in 3 above.

Carried unanimously

115/20 COVID-19 PANDEMIC RESPONSE SUMMARY

Responsible Officer: Des Jennings, General Manager & Maree Bricknell, Corporate Services Manager
Report prepared by: Maree Bricknell, Corporate Services Manager

1 PURPOSE OF REPORT

This report updates Council on COVID-19 and outlines related impacts and responses to date.

This report summarises the Council's role in a pandemic, actions taken to date in response to the latest information, advice and directives from the Australian and Tasmanian Governments.

The report is current as of 20 April 2020.

2 INTRODUCTION/BACKGROUND

The Premier declared a State of Emergency on 17 March 2020. The lead agency responding to COVID-19 in Tasmania - known as the Response Management Authority - is the Tasmanian Department of Health (DoH).

Council's responsibilities in responding to COVID-19 are in line with the Emergency Management Act and the Northern Midlands Emergency Management Plan.

Those responsibilities are to:

- Distribute warnings and other relevant advice to the community, ensuring consistency of messaging with DoH and Tasmania Police.
- Assist as requested and required by the State/Regional/Emergency Operations Controller.
- Provide regular information/situation reports to the State/Regional Controller if requested.
- Provide liaison officers to the Emergency Operations Centre (EOC) as requested.
- Maintain essential services to the community, as detailed in business continuity plans.

Following the declaration, the Regional Controller (Commander Brett Smith) convened a meeting of the Regional Emergency Management Committee (NREMC). Council's Emergency Management representatives attended this meeting, and subsequent meetings via electronic means.

The State Controller is Tas Police Commissioner, Darren Hine.

Local Government is represented by LGAT in the State EOC.

COVID-19 is beginning to have a significant impact on Council operations.

Outlined below is a summary of the actions being taken to date -

1. Emergency Response

Emergency Management Coordinators are participating in the NREMC meetings which play an important role in co-ordinating the regional response.

A Council Incident Team meets at least twice weekly to identify business continuity actions at various trigger points during this pandemic; support of activities associated with lead agencies (Departments of Health) and community engagement.

In addition, Council has participated in the Regional Community Recovery Committee which is co-ordinating actions for a regional recovery response.

2. Business Continuity Planning

Identifying critical services and how they are maintained is considered through the Incident Team. This situation is evolving to ensure compliance with government directives.

Various mechanisms have been identified to comply with the government and public health directives i.e. social distancing, non-essential meetings, facility and amenity closures etc.

The Premier recently announced changes to the Local Government Act regarding Council meetings and operation as a Planning Authority.

LGAT advised on 3 April that the first Notices will include provisions for council to meet remotely, the electronic signing of documents and allowing the public exhibition of documents via a website. Noting the latter two aspects cover the LG Act and Meeting Regulations only at this stage.

In relation to council meetings, they will not be required to be open to the public, but the Notice will require that an electronic recording of the meeting is available, for viewing by members of the public, on a councils website and the electronic recording be made so available for viewing contemporaneously with the meeting, as far as reasonably practicable. LGAT is currently preparing some guidance on how to deal with these provisions.

LGAT are expecting further notices to cover statutory timeframes and the advertising of Development Applications etc electronically to be progressively prepared over coming weeks.

Staff and elected members continue to remain informed of the evolving pandemic situation through the daily distribution of local briefings given by Premier Gutwein and Prime Minister Morrison. This advice forms the basis of discussion at the Incident Team meetings.

3. Social Distancing

Social distancing guidelines prepared by the Australian Government Department of Health are being applied within the Council workplace and with any public interaction. Details in regard to the latest social distancing guidelines can be found at <https://www.health.gov.au/resources/publications/coronavirus-covid-19-information-on-social-distancing>.

Non-essential meetings are being deferred or conducted by teleconferencing or other means wherever possible.

4. Employees

Staff meetings are held on a regular basis to provide staff with situational reports.

Advice has been given regarding provision of pandemic leave/other leave to all employees to ensure anyone who is required to self-isolate does so.

Staff are being supported and policies developed to work from home where possible, and they have been given accessibility to Council's IT platforms as needed.

5. Community Impact

Council has provided "self isolation" signs for residents for their front gate from the office (pick up only).

Tourism

As advised by the Premier, Tasmanian borders have been restricted. Basically, any non-essential traveller entering Tasmania after midnight 29 March must self-quarantine for 14 days. Tourism has effectively shut down for the state.

Schools

Education Department has responsibility in this field. Schools are currently closed for the remainder of term with online and home schooling offered. A plan for Term 2 is being pursued for further online learning, but open for children of essential workers.

Health professionals

The Department of Health are working directly with that sector. Council's Environmental Health Officer is liaising with the Department on an ongoing basis with issues raised.

Service Delivery Impacts

In line with the Council's business continuity planning, staff are closely monitoring ongoing needs for the provision of critical services. Where circumstances change, consideration will be given to reallocating resources to best meet specific needs at any particular time.

Council's Childcare services have been interrupted greatly by the pandemic and officers are currently assessing the recent government childcare assistance package and how this will assist the continuation of the service, at least on a reduced level of service to the community.

Council's Capital Works program has been stalled, but will now continue with the workforce split into several separate teams.

Youth Program and Tourism/Events have been suspended with staff currently on leave.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ♦ Budgets are responsible yet innovative
 - ♦ Improve community assets responsibly and sustainably
 - Workforce Standards
Core Strategies:
 - ♦ Emergency Management & Safety Plans work well

4 POLICY IMPLICATIONS

Not applicable.

5 STATUTORY REQUIREMENTS

Council's responsibilities in responding to COVID-19 are in line with the Emergency Management Act 2006.

6 FINANCIAL IMPLICATIONS

Some Councils are developing support packages considering financial relief in area such as:

- Rate relief for some Commercial and Sport / Recreation land use categories
- Fees and charges for use of Council facilities
- Rents paid by tenants in Council premises
- Procurement/support to local businesses
- Capital works stimulus
- Rates & Charges hardship policy

These issues are considered in conjunction with the “hardship” Policy which has been developed by the LGAT for Council’s potential adoption and through Council’s forthcoming budget process.

A further report will be provided to Council demonstrating the financing effects of COVID-19.

7 RISK ISSUES

The COVID-19 pandemic has severely impacted our community and will continue to do so for some time. Council will need to take measures to ease the financial burden of ratepayers and residents.

8 CONSULTATION WITH STATE GOVERNMENT

LGAT has been liaising with the State Government on behalf of all Councils regarding the many issues arising from the COVID-19 pandemic.

9 COMMUNITY CONSULTATION

Management continue to work through appropriate avenues for disseminating COVID-19 information as it comes to hand.

Councillors and all staff are receiving a copy of the daily public information released by the Department of Premier and Cabinet is now online with daily highlights continuing to be circulated. You are now able to refer people to that website – www.coronavirus.tas.gov.au – which is the single source of truth in relation to Tasmania’s fight against COVID-19.

The Prime Minister announced 29 March the following single source of truth avenues in relation to Australia’s fight against COVID-19 –

Stay up-to-date with the latest information and advice through the new Australian Government Coronavirus app, launched today.

iOS download here: <https://apps.apple.com/.../app/coronavirus-austr.../id1503846231>

Android download here: <https://play.google.com/store/apps/details...>

A new WhatsApp channel has also been launched to supply you with the latest information. To access it go to www.aus.gov.au/whatsapp

A link to these sites is included on both Council’s Facebook pages and Council’s websites.

Additionally, notes from LGAT of Premier Gutwein and Prime Minister Morrison’s briefings are provided to all staff and elected members of both Councils shortly after they are announced.

Information on council facility closures, event updates, support services, etc are included on Council’s websites and promoted via social media.

11 OFFICER’S COMMENTS/CONCLUSION

In line with the Council’s business continuity planning, staff are closely monitoring ongoing needs for the provision of critical services. Where circumstances change, consideration is given to reallocating resources to best meet specific needs at any particular time.

Very few Council facilities remain open, in compliance with government directives. Council closed its face-to-face reception facilities at 5.00pm on Thursday 26 March however staff are still working behind the closed doors in two shifts alternatively at home and in the office.

Summary of COVID-19 actions to date:

- 18 March
 - letter sent to Council's Special Committees/Local District Committees advising of cancellation of all meetings until further notice
 - Community & Info Centres at Evandale and JJ's were closed
- 19 March
 - advice sent to Committee/Business Operators/Lessee's re closure of Council's buildings
 - advised Councillors through Media release of closures, information included:
Measures introduced in relation to Council facilities and buildings include:
 - Council managed buildings, swimming pools and information centres are closed to the public.
 - The meeting rooms at the Council offices in Smith Street, Longford will be closed to the public for meetings until further notice.
 - Council operated child care facilities at Perth Early Learning Centre, Cressy and Avoca will continue to operate as usual until further notice.
 - *Council buildings and facilities that are managed by committees or privately leased:*
 - Sports facility clubrooms, caravan parks, libraries (Ross, Longford & Campbell Town), Longford Community Sports Centre (Health Revival Gym), Falls Park, Campbell Town & District Men's Shed at Ross, etc. are the responsibility of the management committee, business operator or lessee to manage in regard to the COVID-19 pandemic. These operators should provide separate advice as to their day to day operations and any possible closures.
 - *In addition, Council has:*
 - Suspended all non-essential capital works where possible. Only emergency maintenance and essential services are to be maintained.
 - Animal Control Officers will fulfill normal duties responding to dogs wandering at large and dog attacks until further notice.
 - Cancelled all non-essential meetings, programs and events including Youth Services, Local District Committees and Special Committees of Council.
 - Some public toilet facilities have been temporarily closed, to facilitate more frequent and thorough cleaning at those facilities that remain open.
- 23 March
 - second advice sent to Committee/Business Operators/Lessee's reinforcing the decision to close Council's buildings following reports of function being held & enquiries received
 - second advice letter forwarded to Councillors
- 24 March
 - Media release re closure of BBQs and playgrounds circulated
- 24 March – Attended LGAT webinar
 - All councils participated, including Mayors and General Managers
 - Discussions related to an agreed approach to stimulus package for the community and what this may include
 - Possible opportunities discussed:
 - Zero rate increase
 - No charge increases
 - No penalties
 - Freeze or partial reduction in 2020/2021 wage increase
 - Review of hardship policy
 - Special Projects grant funding for those directly impacted
 - Seeking advice on the Federal Financial Assistance Grants (FAGs), will these be maintained

- Clarity on the impact on Council's annual TasWater dividends
- Suggested that the \$50M stimulus package promoted by the State Government be grants, rather than a loan to be repaid
- Advice is expected Friday from the State Government regarding the methods under which Council may hold Council meetings, along with statutory matters with timelines that we are responsible for
- A further LGAT webinar will be held on Friday and additional advice will be provided at that time.
- 26 March
 - Media release re Northern Midlands Council announces the temporary closure of its offices & depot to the general public - circulated.
 - Advice sought from Council's insurers re cover of buildings which have been locked down.
- 30 March
 - LGAT requested that Council identify essential services for each town.
 - Insurers advised that given the circumstances, they would be maintaining insurance terms & conditions for the current policy period and requested a listing re the status of Council buildings.
- 1 April
 - Letter advising of closure of sites sent to all Shack Owners/Licencees at Lake Leake & Tooms Lake (noted that 4 shack owners & caretaker at Lake Leake to remain in residence at the site)
- 2 April
 - Staff commenced rostered working from home/office arrangements (work on a 50/50 basis from home/office on a 2 week roster basis).
 - Complete list of status of Council buildings forwarded to Council's insurers.
- Extended Easter Break
 - Council's administration offices closed from 5pm on Thursday, 9 April to 5pm on Friday, 17 April; reopening on Monday 20 April. Following the legislated Easter break (Friday, 10 April to Tuesday, 14 April) Council officers are taking annual leave for 15-17 April to make this closure possible.
- 16 April
 - Letter from the Premier advising *"Local Governments, like State and Federal Governments are in a unique position to use their balance sheets to support the economy and the community during this time. Local Governments also have a number of tools to hand that can help with local community economic support and we are now seeing a range of these community care packages being released. We strongly encourage all councils to consider their individual packages and provide support to their community as a matter of urgency. It is vital that all councils agree to measures including rate increase freezes and generous hardship policies. These measures will provide much needed relief to Tasmania's local businesses and rate payers and send a strong message that all levels of government are playing their part to support the community at this unprecedented time."*
 - The Premier also provided *"we have ensured that councils with payrolls less than \$5 million per annum that have been impacted by coronavirus will pay no payroll taxes for the entire 2019-20 year. The Government has also frozen, waived or capped fees and charges for small businesses, which includes some councils. These measures mean that:*
 - *Water and electricity bills will be waived for the first quarterly bill received after 1 April this year for small business customers on Tariff 22, 94, 82 or 75, including those small businesses on market contracts that could access those tariffs.*
 - *Electricity prices will be capped, and water prices will be frozen next financial year."*
 - The Tasmanian Government has extended the \$50 million interest free loan scheme for Local Government to \$150 million. The program provides for loan interest rebates for three years to local

government authorities to encourage investment in and employment of more Tasmanians to undertake upgrades, renovations and necessary maintenance to improve existing Local Government infrastructure.

- 20 April
 - The latest Premier, Health Minister, Director of Public Health Report on COVID-19 issues for the state of Tasmania was issued (copy attached).

COVID-19 is an ever-evolving situation and this report provides the most up-to-date information as of 20 April 2020.

12 ATTACHMENTS

- The latest Premier, Health Minister, Director of Public Health Report on COVID-19 issues for the state of Tasmania
- Letter from Premier Peter Gutwein and Minister Mark Shelton dated 16 April 2020

RECOMMENDATION

That the Council note the situation report summary on COVID-19.

DECISION

Cr Goninon/Cr Lambert

That the Council note the situation report summary on COVID-19.

Carried unanimously

116/20 COVID-19 PANDEMIC: COMMUNITY RECOVERY AND CARE PACKAGE

Responsible Officer: Des Jennings, General Manager & Maree Bricknell, Corporate Services Manager
Report prepared by: Maree Bricknell, Corporate Services Manager

1 PURPOSE OF REPORT

To consider a Community Care and Recovery Package in respect to the declared COVID-19 Pandemic.

2 INTRODUCTION/BACKGROUND

Along with the other levels of Government, the Northern Midlands Council is actively working to prevent the spread of COVID-19 within our community. There is no doubt that the COVID-19 pandemic is now fully disruptive of our everyday lives and the situation is changing on a daily basis.

The Council's response to the pandemic is being guided by advice from the Tasmanian Department of Health and other emergency service providers, as well as the *Northern Midlands Council's Emergency Pandemic Business Continuity Plan*, which has the following objectives:

- Support our people going home safe and well;
- Maintain the essential services that Council provides to the community;
- Communicate with the community about Council core business; and
- Support other government agencies to manage the impact of a pandemic.

The Council's responsibilities under the *Emergency Management Act* and the Municipal Emergency Management Plan in a pandemic are to:

- Support distribution warnings and other relevant advice to the community, ensuring consistency with messaging from Tasmanian Health & Tasmania Police;
- Assist as requested by the State/Regional/ Emergency Operations Controller, as required;
- Provide regular information/situation reports to the State/Regional Controller, if requested;
- Provide liaison officers to the Emergency Operations Centre (EOC), when requested; and
- Maintain essential services to the community, as detailed in business continuity and action plans, which are currently reviewed on a regular basis (COVID-19 committee meeting as required but at least Tuesday and Thursday).

Another important role for the three levels of government is to contribute to the rapid and confident recovery of individuals, communities and services.

The Local Government Association of Tasmania (LGAT) held a General Meeting on Friday 27th March 2020 via a web conference.

A late item on the agenda was the possible approaches for relief that could be agreed as a Local Government sector.

The State Government has indicated through addresses in Parliament and Legislation, that there is an expectation that Local Government will assist in addressing the burden on communities, triggered by COVID-19 emergency actions.

Some Councils raised concerns that not all Councils were equally in a position to provide the full range of relief discussed.

The following motions were passed at the LGAT meeting for a Local Government COVID-19 Community Recovery Package:

- No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020.

- Rent relief on Council owned buildings where tenants are experiencing financial hardship until 30 June 2020.
- A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with Councils.
- Community grants to be re-focussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.
- As a means of supporting local business recovery and injecting funds into communities in a timely manner, Councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.
- A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.
- Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.

In addition to the above it is suggested that Northern Midlands Council provide:

- A remission of the general rates for a period of four (4) months (1st instalment for 2020/21) for the Commercial and Sport / Recreation general rates categories. However, it needs to be acknowledged that not all businesses within these categories have been as severely impacted by the pandemic and it is proposed to exclude the following groups from the remission:
 - Supermarkets
 - Multi-national fast food establishments
 - Bottle Shops
 - Butchers
 - Chemists
 - Petrol stations
 - Churches
 - Banks
 - Post Offices
 - Schools
 - Storage sheds/showrooms
 - Workshops
 - Offices
 - Saleyards
 - Funeral parlours
 - telecommunications
 - Federal & State Govt owned/leased buildings
 - Doctors Surgeries (health providers)
 - Commercial properties used for residential purposes.

It should be noted that while it has been necessary to target the rate remission package to those rate classes which are most in need of support, all other ratepayers (including residential and excluded commercial businesses etc.) in financial distress will be able to apply for relief under a new *Rates and Charges Hardship Policy*.

- After 1st April no interest be imposed on the current rates outstanding and no outstanding rates and charges or accounts be referred for legal recovery until 30th September 2020.
- A lease holiday be granted for sporting clubs/community groups using Council sporting or recreation facilities for the period 1 April 2020 until 30th September 2020.
- A licence holiday be granted for Lake Leake and Tooms Lake equivalent to xx weeks whilst the lakes are closed by reducing the 2020/21 licence.
- Council adopt the LGAT Financial Hardship Assistance Model Policy (as attached).
- Agree that accounts owing by Clubs/Organisations to the Council be held over until the 30th September 2020.

- Expand the Special Event annual grant allocation to **\$75,000** to help organizations recover from the cost of cancelled events and also to assist with the delivery of new community events during the recovery phase.
- A further allocation of **\$25,000** community grant program will be available to help support business innovation which would include a focus on the development of digital capability (i.e. on-line services) or anything that will help businesses implement a solution to help them keep doing business (up to \$1,000 per applicant).
- Work with aged care services and disability service providers to identify any opportunities to assist or reduce the feelings of social isolation amongst their people.
- Council settle creditor invoices within a maximum of **10 days** or sooner.
- Council model its budget on a 0% increase in the General Rate in the dollar of AAV. It is intended to defer the delivery of the final draft 2020/2021 Budget slightly to allow time to more fully understand the implications of the emergency and enable changes to be made as a result of the COVID-19 financial strategies.
- Suspension of any increase for 2020/21 in planning, building fees and a **fee holiday for health licensing fees for a period of 6 months** (incl Food Business Registrations, public health risk activities, on-street dining, Food vendors - mobile vans).
- Await more details in the option for relaxation of depreciation requirements.
- Implement an accelerated capital works program by adjusting the FY21 capital projects to ensuring funding goes to deliverable projects and bring forward projects from our two/three-year delivery program.

This COVID-19 Community Recovery Package is a considered and a targeted response to the economic impacts of the pandemic which will assist our community to both manage and recover from the impacts.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Lead – Councillors represent honestly with integrity
 - ♦ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ♦ Budgets are responsible yet innovative
 - ♦ Improve community assets responsibly and sustainably
 - Workforce Standards
Core Strategies:
 - ♦ Emergency Management & Safety Plans work well

4 POLICY IMPLICATIONS

This may not strictly follow the current Rating Policy, therefore the policy may need to be amended for the 2020/21 financial rating period.

5 STATUTORY REQUIREMENTS

Council's responsibilities in responding to COVID-19 are in line with the Local Government Act and the Emergency Management Act 2006.

6 FINANCIAL IMPLICATIONS

The overall cost of the COVID-19 Community Recovery Package is estimated at \$1.1 million (or 10% of 2018/19 rate revenue) as detailed in the following table:

6 Months Relief \$000	
Rate Interest Relief	110
Rental Relief	90
Rates Hardship (estimate)	400
Grants program	100
0% Rate increase in 2020/2021 vs 3.0% proposal	300
Fee Relief (estimate)	90
Vulnerable People support	10
Total	1,100

The LTFP does not contemplate the financial impacts associated with the management and recovery of an emergency situation such as the COVID-19 Pandemic, and will need to be re-assessed in detail during the 2020/21 Budget process.

The Council is currently being, and will continue to be impacted by losses in revenue from 'shocks' such reduced rental income from Council owned buildings, caravan parks etc as well as reduced revenues from fees and charges such as ground / hall hire fees, and the like. At this stage it is difficult to quantify these impacts, however for the purposes of considering the COVID-19 Community Recovery Package and for the 2020/21 Budget, professional estimates have been made. Equally, the Council is incurring additional costs associated with the management of the pandemic and with the bringing forward of capital works, and similarly, professional estimates will have to be made.

To fund the COVID-19 Community Recovery Package, which includes the accelerated capital project initiative, the Council will seek to find savings, reallocate funding and minimise new initiatives/services for the immediate future.

7 RISK ISSUES

The COVID-19 pandemic has severely impacted our community and will continue to do so for some time. Council will need to take measures to ease the financial burden of ratepayers and residents.

8 CONSULTATION WITH STATE GOVERNMENT

LGAT has been liaising with the State Government on behalf of all Councils regarding the many issues arising from the COVID-19 pandemic.

9 COMMUNITY CONSULTATION

Not at this stage in relation to the COVID-19 Community Recovery Package, however the LGAT and some other councils have already released similar support packages.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can agree or not agree to the introduction of some, or all, of the initiatives included in the COVID-19 Community Recovery Package in respect to the declared COVID-19 Pandemic.

11 OFFICER'S COMMENTS/CONCLUSION

In summary despite an expected underlying deficit in 2020/21 due to the COVID-19 Community Recovery Package, given Council's good balance sheet position it should be able to manage to remain in a strong financial position by continuing to employ sound financial strategies to ensure the LTFP returns to small underlying surpluses in future years, whilst importantly continuing to consult with ratepayers in the process.

12 ATTACHMENTS

LGAT Financial Hardship Assistance Model Policy.

RECOMMENDATION

That the Council agree to support the Local Government COVID-19 Community Recovery Package with the Northern Midlands specific adjustments/provisions for delivery of assistance to our community to both manage and recover from the impacts of the COVID-19 Pandemic:

Local Government COVID-19 Community Recovery Package:

- No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020.
- Rent relief on Council owned buildings where tenants are experiencing financial hardship until 30 June 2020.
- A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with Councils.
- Community grants to be re-focussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.
- As a means of supporting local business recovery and injecting funds into communities in a timely manner, Councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.
- A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.
- Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.

In addition to the above it is suggested that Northern Midlands Council provide the following provisions:

- A remission of the general rates for a period of four (4) months (1st instalment for 2020/21) for the Commercial and Sport and Recreation general rates categories. However, it needs to be acknowledged that not all businesses within these categories have been as severely impacted by the pandemic and it is proposed to exclude the following groups from the remission:
 - Supermarkets
 - Multi-national fast food establishments
 - Bottle Shops
 - Butchers
 - Chemists
 - Petrol stations
 - Churches
 - Banks
 - Post Offices
 - Schools
 - Storage sheds/showrooms
 - Workshops
 - Offices
 - Saleyards
 - Funeral parlours
 - telecommunications
 - Federal & State Govt owned/leased buildings
 - Doctors Surgeries (health providers)
 - Commercial properties used for residential purposes.

It should be noted that while it has been necessary to target the rate remission package to those rate classes which are most in need of support, all other ratepayers (including residential and excluded commercial businesses etc.) in financial distress will be able to apply for relief under a new **Rates and Charges Hardship Policy**

- After 1st April no interest be imposed on the current rates outstanding and no outstanding rates and charges or accounts be referred for legal recovery until 30th September 2020.
- A lease holiday be granted for sporting clubs/community groups using Council sporting or recreation facilities for the period 1 April 2020 until 30th September 2020.
- A licence holiday be granted for Lake Leake and Tooms Lake equivalent to xx weeks whilst the lakes are closed by reducing the 2020/21 licence.
- Council adopt the LGAT Financial Hardship Assistance Model Policy (as attached).
- Agree that accounts owing by Clubs/Organisations to the Council be held over until the 30th September 2020.
- Expand the Special Event annual grant allocation to \$75,000 to help organizations recover from the cost of cancelled events and also to assist with the delivery of new community events during the recovery phase.
- A further allocation of \$25,000 community grant program will be available to help support business innovation which would include a focus on the development of digital capability (i.e. on-line services) or anything that will help businesses implement a solution to help them keep doing business (up to \$1,000 per applicant).
- Work with aged care services and disability service providers to identify any opportunities to assist or reduce the feelings of social isolation amongst their people.
- Council settle creditor invoices within a maximum of 10 days or sooner.
- Council model its budget on a 0% increase in the General Rate in the dollar of AAV. It is intended to defer the delivery of the final draft 2020/2021 Budget slightly to allow time to more fully understand the implications of the emergency and enable changes to be made as a result of the COVID-19 financial strategies.
- Suspension of any increase for 2020/21 in planning, building fees and a fee holiday for health licensing fees for a period of 6 months (incl Food Business Registrations, public health risk activities, on-street dining, Food vendors - mobile vans).
- Await more details in the option for relaxation of depreciation requirements.
- Implement an accelerated capital works program by adjusting the FY21 capital projects to ensuring funding goes to deliverable projects and bring forward projects from our two/three-year delivery program.

DECISION

That the Council agree to support the Local Government COVID-19 Community Recovery Package with the Northern Midlands specific adjustments/provisions for delivery of assistance to our community to both manage and recover from the impacts of the COVID-19 Pandemic:

Cr Goss/Cr Davis

Local Government COVID-19 Community Recovery Package:

- No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020.
- Rent relief on Council owned buildings where tenants are experiencing financial hardship until 30 June 2020.
- A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with Councils.
- Community grants to be re-focussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.
- As a means of supporting local business recovery and injecting funds into communities in a timely manner, Councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.
- A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

- Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.

Carried unanimously

In addition to the above it is suggested that Northern Midlands Council provide the following provisions:

Cr Goss/Cr Adams

- A remission of the general rates for a period of four (4) months (1st instalment for 2020/21) for the Commercial and Sport and Recreation general rates categories. However, it needs to be acknowledged that not all businesses within these categories have been as severely impacted by the pandemic and it is proposed to exclude the following groups from the remission:
 - Supermarkets
 - Multi-national fast food establishments
 - Bottle Shops
 - Butchers
 - Chemists
 - Petrol stations
 - Churches
 - Banks
 - Post Offices
 - Schools
 - Storage sheds/showrooms
 - Workshops
 - Offices
 - Saleyards
 - Funeral parlours
 - Telecommunications
 - Federal & State Govt owned/leased buildings
 - Doctors Surgeries (health providers)
 - Commercial properties used for residential purposes.

It should be noted that while it has been necessary to target the rate remission package to those rate classes which are most in need of support, all other ratepayers (including residential and excluded commercial businesses etc.) in financial distress will be able to apply for relief under a new *Rates and Charges Hardship Policy*

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Goss, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Davis

Cr Goss/Cr Goninon

- After 1st April no interest be imposed on the current rates outstanding and no outstanding rates and charges or accounts be referred for legal recovery until 30th September 2020.

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Goninon, Cr Goss, Cr Lambert,

Voting against the Motion:

Cr Brooks, Cr Calvert, Cr Davis, Cr Polley



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Cr Goss/Cr Goninon

- A lease holiday be granted for sporting clubs/community groups and tenants using Council sporting/recreation facilities and premises for the period 1 April 2020 until 30th September 2020.

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Goss, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Davis

Cr Calvert/Cr Polley

- Not grant** a licence holiday for Lake Leake and Tooms Lake whilst the lakes are closed by reducing the 2020/21 licence.

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Calvert, Cr Davis, Cr Goninon, Cr Goss, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Brooks

Cr Davis/Cr Brooks

- Council adopt the LGAT Financial Hardship Assistance Model Policy (as attached).

Carried unanimously

Cr Polley/Cr Lambert

- Agree that accounts owing by Clubs/Organisations to the Council be held over until the 30th September 2020.

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Goss, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Davis

Cr Polley/Cr Goninon

- Expand the Special Event annual grant allocation to \$75,000 to help organizations recover from the cost of cancelled events and also to assist with the delivery of new community events during the recovery phase; and that a further report be presented to Council in relation to the criteria and funding.

Carried unanimously

Cr Goninon/Cr Polley

That a further report be tabled at a future council meeting in relation to

- A further allocation of \$25,000 community grant program will be available to help support business innovation which would include a focus on the development of digital capability (i.e. on-line services) or anything that will help businesses implement a solution to help them keep doing business (up to \$1,000 per applicant).

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Goninon, Cr Goss, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Calvert, Cr Davis



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

Cr Goss/Cr Calvert

- Work with aged care services and disability service providers to identify any opportunities to assist or reduce the feelings of social isolation amongst their people.

Carried unanimously

Cr Calvert/Cr Polley

- Council settle creditor invoices within a maximum of 10 days or sooner.

Carried unanimously

Cr Goninon/Cr Goss

- Council model its budget on a 0% increase in the General Rate in the dollar of AAV. It is intended to defer the delivery of the final draft 2020/2021 Budget slightly to allow time to more fully understand the implications of the emergency and enable changes to be made as a result of the COVID-19 financial strategies.

Carried unanimously

Cr Polley/Cr Calvert

- Suspension of any increase for 2020/21 in planning, building fees and a fee holiday for health licensing fees for a period of 6 months (incl Food Business Registrations, public health risk activities, on-street dining, Food vendors – mobile vans).

Carried unanimously

And Council RESOLVED to note the following:

- Await more details in the option for relaxation of depreciation requirements.
- Implement an accelerated capital works program by adjusting the FY21 capital projects to ensuring funding goes to deliverable projects and bring forward projects from our two/three-year delivery program.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

117/20 DRAFT CAPITAL WORKS PROGRAM 2020/2021

Responsible Officer: Des Jennings, General Manager & Maree Bricknell, Corporate Services Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

1 PURPOSE OF REPORT

To consider the items contained in the Draft Capital Works Program for the 2020/21 financial year.

2 INTRODUCTION / BACKGROUND

The Draft Capital Works Program 2020/21 has been drafted from Road Asset Management plans, Building and Reserve Master Plan priorities, feedback from Local District Committees, staff, and members of the community.

3 FINANCIAL IMPLICATIONS

Due to the large amount of works put forward for the 2020/21 budget period some projects have been identified and 'deferred' (as indicated in the last column).

It is estimated that completion of all these projects would use all Council cash reserves without further borrowings, however a further report will be provided when the Operating Budget is finalised and the Longer Term Financial Plan is updated.

4 ATTACHMENTS

- Draft Capital Works Program 2020-2021
- Local District Committee – list of requests for Capital Works Program 2020-2021

RECOMMENDATION

That Council consider and discuss the Draft Capital Works Program for 2020-2021.

DECISION

Cr Goninon/Cr Calvert

That Council note the report.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

118/20 NOMENCLATURE: NEW ROAD NAME – ESKLEIGH ROAD PERTH

File: 34/007
Responsible Officer: Maree Bricknell, Corporate Services Manager
Report Prepared by: Natalie Horne, Administration Officer

1 PURPOSE OF REPORT

This report considers the request from the Department of State Growth to name new road created to service Eskleigh Home and the Perth township.

2 INTRODUCTION/BACKGROUND

Council has received the following email request from the project coordinator of the Perth Link Roads Project in regard to the official naming of the Eskleigh road:

With regard the road name “Eskleigh Road”, State Growth, as part of our Perth Link roads project, has recently installed new directional signage that includes this road name, however a search of the nomenclature data indicates this road does not officially exist. As this road is not a State Road I have been informed that local councils are responsible for submitting, to the nomenclature board, the names of roads. Could you let me know if NMC is able to undertake liaising with the nomenclature board to have this road officially named. If the name of the road changes from “Eskleigh Road” then obviously our new directional signs will need to be updated.

The Department of State Growth in constructing the Perth link roads has necessitated the official naming of new road created to service Eskleigh Home. This road/driveway has been locally known as Eskleigh Road and now requires official confirmation from the nomenclature board. A search of the official placenames site indicated the name Eskleigh Road is not already taken.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
Core Strategies:
 - ♦ Communicate – Connect with the community
 - ♦ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
Core Strategies:
 - ♦ Council complies with all Government legislation
 - ♦ Excellent standards of customer service
- People –
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ♦ Council nurtures and respects historical culture

4 STATUTORY REQUIREMENTS

As this name is within a Town Boundary under section 20E of the Act, urban roads which are wholly contained within a proclaimed town boundary, Council has authority to assign the name.

5 FINANCIAL IMPLICATIONS

The Department of State Growth has erected directional and street signage. Council will need to assign new addresses to

2 properties.

6 RISK ISSUES

The Nomenclature Board's guiding principles for the assignment of place names state:

Existing road names should not be duplicated within adjoining municipalities and ideally within the state. More critically they should not be duplicated within adjoining localities or suburbs (as recently gazetted for addressing purposes). Even the re-arrangement of the generic or type from say "Court" to "Place" may still result in potential misinformation and confusion to the user.

Properties affected:

- Eskleigh Home – 16087 Midland Highway, Perth
- Mr B Einoder – 35 Drummond Street, Perth
- Adams Whisky Distillery – part of 35 Drummond Street, Perth

7 ATTACHMENTS

7.1 Location plan.

RECOMMENDATION

That Council agree to the assignment of the name Eskleigh Road to the road created as a result of the construction of the Perth Link Roads Project.

DECISION

Cr Calvert/Cr Polley

That Council agree to the assignment of the name Eskleigh Road to the road created as a result of the construction of the Perth Link Roads Project.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

119/20 COUNCIL ACTING AS A PLANNING AUTHORITY

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

DECISION

Cr Goninon/Cr Lambert

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda item/s PLAN 1 – PLAN 8.

Carried unanimously

2 STATEMENTS

PLAN 1 PLANNING APPLICATION PLN20-0026: 19 PEEL STREET LONGFORD

Peter Thompson, Project Manager: Department of Police, Fire and Emergency Management (for the proponent)

Mr Thompson submitted a brief letter from the Department of Police, Fire and Emergency Management which was read by Council's Senior Planner, as follows:

The Tasmanian Government has committed \$5.0 million for the construction of a new police station that will provide the Longford and greater Northern Midlands Council community with contemporary policing and public safety services for many years to come.

It is anticipated that the new Longford Police Station once will become the new Divisional Headquarters, being centrally located within all 3 local government boundaries.

The current Longford police station was built in the 1970's and has been assessed as unsuitable for further development. The new station proposal will allow the current station to remain fully staffed and operational, with staff decanted into the new building once complete.

The Department of Police, Fire & Emergency Management note and support the recommendation for approval with the associated conditions and are happy to work with council to progress the project.

Should you have any queries or require any additional information please don't hesitate to contact Peter Thompson, Project Manager – Property and Procurement Services ...

PLAN 2 PLANNING APPLICATION PLN19-0192: TANNERY ROAD, LONGFORD

Mark Jackson, Longford (representor)

Mr Jackson submitted the following statement which was read by Council's Urban & Regional Planner:

We firstly thank the Council for making every effort to maintain a suitable level of community engagement during this times of pandemic.

This statement is provided in addition to our written representation against planning application PLN19-0192. The proposed development, which will sit only 30 meters from our property boundary, will not only impact us during the construction phase (due to noise, dust traffic impositions and other factors), but will then pose a significant ongoing affect to our lives due to its proximity to our block, the visual amenity and privacy impact it will have due to its size, height and location, and the failure to address or mitigate the risk that the proposed berm and building will have on our property in the event of a flooding event such as that experienced in 2016.

We understand that the proponent of PLN19-0192 has a desire, and to an extent a right, to use his property within the bounds of the relevant legislation and planning schemes. However, in addition to all the concerns raised in our representation, we think it pertinent to also highlight that the proponent in fact owns all the land that surrounds our titles, and we therefore question why he has chosen to build directly adjacent to our block when he has approximately 10 hectares of land to choose from. Adding further to this query is the basis that a

large portion of his titles are significantly more elevated than the selected location and would therefore not require the significant civil engineering work to create a berm.

Finally, we would like to finish by stating that when we made the decision to purchase the Rivers Edge Café in 2015 and convert it into our home, we did so having fallen in love with the building itself, its gardens, but also its greater surrounds which promised a “bucolic” life. Since then we have loved our benign and somewhat isolated existence which has enabled us to live and work unencumbered. We further believe that this development will have impacts beyond our immediate concerns, in that its unsympathetic nature will have an effect on the overall character of this area and therefore impact areas of concern for the council such as the amenity of the Heritage Highway and the broader community.

We thank the Council members for their time and commit our representation for their consideration. Thank you.

Robert Duff-Silsby (proponent)

Mr Duff-Silsby submitted the following statement which was read by Council’s Urban & Regional Planner:

To begin with, I appreciate the opportunity to still provide a statement despite the understandable need to conduct the April Council Meeting electronically.

Considering the number of experts consulted in order to satisfy the strict building requirements for this location, I only want to make a short comment to address the underlying issues raised in the representation, which would not be included in a typical building application. Namely, the impact of the new residence on the lifestyle of neighbouring properties.

Firstly, we felt that re-building on the exact location of the existing house site didn’t provide the level of seclusion and connection with the land that attracted us to the idea of settling our family here. This satisfied our need to be impacted as little as possible from existing dwellings, but allowed us to remain inside of the boundaries of the existing building site. By setting the building back, we are also able to hide the property better behind the hedge row and existing shrubbery to passing traffic, but also increase the distance from the neighbours. We would also still be able to keep the majority of the new dwelling hidden from the taller neighbouring property at 38 Tannery Rd by the trees running along their border.

All that we want to emphasise here, is that our goal is live a more sustainable and secluded lifestyle. Rather than building a house out of a catalogue, we have employed experts to ensure that we are not only complying with the building code, but are doing so in a way that allows us to be impacted as little as possible from the properties around us. This has the consequence of therefore having as little impact on them as possible as well.

Thank you for your time.

PLAN 3 PLANNING APPLICATION PLN-20-0038: 42 MARLBOROUGH STREET, LONGFORD

Gary Swinton (representor)

Mr Swinton submitted the following statement which was read by Council’s Urban & Regional Planner:

Despite amendments to the building's streetscape, the bulk and scale of the proposed building has not changed. It retains its floor area of over 31 squares, with over 5½ squares of porches/decks, by building to within 1.2ms of the rear boundary of the 611m² block.

Self-evidently, the building remains large, bulky, and incompatible with the area and its neighbours - see photographs at 1-324 to 1-327. It will obliterate the views and the rural spaciousness. It overbears its block and the entire street.

The Heritage Adviser has produced 2 reports. The first, dated 26/08/2019, should be referenced. He observed:

"The proposal does not reflect the existing building stock, and significantly diminishes the ability to read that stock as a whole, and its place in the landscape, resulting in an adverse impact on the heritage qualities of the streetscape and the precinct".

"The proposal is unsympathetic to the Character and layout of the lots in the area, and immediately adjacent".

"The immediately adjacent properties will lose their original context of space between buildings and of vistas between resulting in a loss of historic heritage significance at an urban scale..."

His comments are perfectly true. The proposal is so totally at odds with the concept of the Precinct that it could never have been in contemplation. It offends the very essence of a Heritage Precinct.

His second report is dated 03/03/2020. He finds the amendments acceptable. We disagree. Firstly, his comments as reproduced above are as applicable to the new proposal as they were to the earlier. Secondly, his report adopts a very narrow focus, primarily upon the streetscape amendments.

This is not a mere streetscape issue. The visual impacts of the apparent scale, bulk or proportions of dwellings; and their compatibility with adjoining lots and more generally, are equally important. All the legislation mandates this. The Heritage Code; the Tasmanian State Planning Scheme Provisions at C6.7.3 P1.1; and local Planning Directive 4.1.

These provisions should be given their full operation.

We cannot imagine that the efforts which produced the plans for a Heritage Precinct would have contemplated a building of the height and scale currently proposed, no matter what the streetscape. To allow exceptions like this one, so non-conformist, is to set a precedent that destroys these values. The exception will destroy the rule.

PLAN 4	PLANNING APPLICATION PLN-20-0002: 995 BISHOPSBOURNE ROAD, BISHOPSBOURNE
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[Ashley Brook, Planning Consultant, 6ty° Pty Ltd \(for the proponent\)](#)

Mr Brook submitted the following statement which was read by Council's Urban & Regional Planner:

- *The proposed subdivision has been designed to accord with the requirements of Council's planning scheme. We note that five representations have been received. In determining whether to issue a permit, Council's planning authority has an obligation to consider the issues raised in the representations but only insofar as each issue is relevant to the discretions being exercised.*
- *We have given our own consideration to the issues raised. No changes to the application are considered to be required to provide compliance with the performance criteria which give rise to the discretions being exercised.*
- *The subdivision involves five residential lots ranging between 4,019m² and 5,792m², and a balance lot of 2.235ha which will contain the existing development on the property. Each lot is significantly larger than the 800m² minimum lot size for the Village zone. Additionally, the lot sizes and the width of the bushfire hazard management areas identified in the application ensures that future dwellings will be setback more than the 3m minimum required from side and rear boundaries.*
- *There is no standard in the planning scheme which requires minimisation of the number of lot boundaries that will be shared with the Rural*
- *Resource-zoned land to the north. The three lots that will share a boundary with this land will have a minimum depth of 119.95m. This aspect of the subdivision design ensures that future dwellings on those lots will be capable of being located to minimise the potential for land use conflict.*
- *The subdivision has sought to provide each lot with a public road frontage. The number of proposed accesses off Coach Lane complies with the performance criteria in Clause E4.7.2 P2 of the Scheme. The Traffic Impact Assessment which accompanies the application identifies that Coach Lane is fit for purpose as a rural access road with adequate spare capacity, and its safety and efficiency will not be reduced.*
- *The provision of access to the new lots will affect the existing hawthorn hedge along the Coach Lane frontage. There are no requirements in the planning scheme or Historic Cultural Heritage Act 1995 which provide that the hedge cannot be disturbed or removed. The application has sought approval through a performance criteria pathway, in relation to sight distances, to minimise the extent of the hedge that will be affected. Further retention of the hedge would be achievable by undertaking extensive trimming to lower its height. It is intended that this will occur in constructing the proposed accesses.*
- *Finally, the TIA identifies that, based on the low traffic volumes within Coach Lane currently and as a result of the proposal, there is no specific requirement widen or seal the road. However, our clients have recently advised Council officers they would be agreeable to making a contribution to sealing the section which adjoins their property to mitigate dust.*
- *In conclusion, having regard to the proposed lot sizes, configuration and density, partial hedge retention and*



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

road sealing contribution, the application is considered to provide for compliance which goes beyond what the planning scheme can otherwise reasonably require.

Simon and Sue Bewg (representors)

Mr and Mrs Bewg submitted the following statement which was read by Council's Urban & Regional Planner:

Thank you for notifying us that this development application PLN-20-0002 is to be discussed during the Council meeting of 27/04/2020.

The application has not changed and so our objection to it similarly has not changed.

Also, we would appreciate the Council noting in its meeting that this application is not supported by any neighbour to the proposal.

However, we did read with interest the requests made by Council in an email dated 30/03/2020 to the owner and developers of an alternative layout for their consideration.

While we do not support this development application as we have previously stated, the alternative layout proposed by Council would be preferred to the existing proposal if Council decide to proceed, despite the concerns of all neighbours, and approve a development.

We appreciate the opportunity to contribute to this ongoing assessment.

PLAN 5 DRAFT PLANNING SCHEME AMENDMENT 02/2020 & PLANNING APPLICATION PLN-20-0049: 21 NAPOLEON STREET, PERTH

Ashley Brook, Planning Consultant, 6ty° Pty Ltd (for the proponent)

Mr Brook submitted the following statement which was read by Council's Senior Planner:

- The application seeks to rezone the subject land to General Residential and undertake a 2-lot subdivision. Whilst the site is zoned Light Industrial, it has historically been used for residential purposes. The Perth Structure Plan recommends that, in order to remove the potential for land use conflicts, the light industrial land in the north-west portion of the township is rezoned to enable future residential development.*
- The proposal is consistent with the Northern Tasmania Regional Land Use Strategy. The Perth township is identified as a satellite settlement in the regional strategy and its existing urban area is identified within a Supporting Consolidation Area. The proposal represents consolidation and residential infill within the settlement.*
- The proposed subdivision is assessed as compliant with the applicable provisions in Council's planning scheme.*
- If the amendment is initiated as per the recommendation, this will enable the application to be placed on public exhibition and ultimately undergo a further rigorous assessment process undertaken by the Tasmanian Planning Commission.*

PLAN 7 INITIATION OF DRAFT PLANNING SCHEME AMENDMENT 03/2020: FOOD SERVICES IN TRANSLINK SPECIFIC AREA PLAN

Coralie Miller, Evandale Crane & Contracting PL & Annie's Takeaway

Ms Miller submitted the following statement which was read by Council's Senior Planner:

My name is Coralie Miller, I am the Office Manager of Annie's Takeaway located in Richard Street, Western Junction. My mother Lynda Rigby, has owned and operated Annie's Takeaway since its initial construction in 2004, since this time we have serviced the local trades, freight, car rental and other various businesses in the area with their breakfast and lunch needs. We have employed numerous locals over this period, juniors as their first job, older individuals and put through several trainees with their retail certificates.

We are writing to you to voice our concerns over the proposed changes being considered to the way in which food vans can operate in our area. We feel that changes to restrictions on these types of businesses would have severe impact on our business.

Currently for mobile food businesses I believe, time of operation is restricted to hours of 4pm - 8pm and that



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

they are not allowed to operate on private property in the Northern Midlands Council area. Quite recently we have had a food van parking "permanently" on private property in the Translink area - I am not sure how this was allowed to operate given the current policy requirements.

The current time allocation is of no concern to us, and we are more than happy for food vans to park in and around Translink during these times.

Should this policy be changed, I feel would not only impact our small business in the short term, but also open the door for broader operation in the NMC area in towns such as Longford, Cressy and Campbell Town, where they too have long-serving small businesses.

As this is our first issue we have had, I hope that I have addressed this correctly and that you will consider our position when making final decisions on these changes.

...

PLAN 8 REQUEST TO EXTEND PLANNING PERMIT P17-293: 16523 MIDLAND HIGHWAY, PERTH

James Stewart, Senior Town Planner, Woolcott Surveys (for the proponent)

Mr Stewart submitted the following statement which was read by Council's Senior Planner:

Unfortunately the current regulations prevent us from speaking in person to this item.

This statement is therefore provided in support of the recommendation of Councils Senior Planner, Paul Godier, in relation to the application for permit extension of P17-293. As stated in the supporting documentation, we would be willing to provide a statement to Council in relation to substantial commencement of P15-270. We encourage the Council to follow the officers recommendation put forward in relation to this matter.

If Council wishes to discuss either of the applications with us we are happy to do so.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

120/20 PLANNING APPLICATION PLN20-0026: 19 PEEL STREET LONGFORD

File Number: 103300.15
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report assesses an application for 19 Peel Street, Longford to construct a police station.

2 BACKGROUND

Applicant: All Urban Planning Pty Ltd	Owner: Grace Margaret Baldisserotto & Lyndon Tubb
Zone: Rural Resource	Codes: Road & Railway Assets Code; Car Parking & Sustainable Transport Code
Classification under the Scheme: Emergency Services	Existing Use: Vacant
Deemed Approval Date: 2 May 2020	Recommendation: Approve

Discretionary Aspects of the Application:

- Emergency services is a discretionary use in the Rural Resource zone. Clause 8.10.2 requires the planning authority to have regard to the purpose of the zone and any relevant local area objective or desired future character statement. As discussed in this report the proposal is in accordance with the relevant local area objective and desired future character statement.
- Vary setback of building from Cressy Road boundary from 50m to 23m (clause 26.4.1 A2 (a)). This is supported as the reduced setback is not likely to constrain adjoining primary industry operations.
- Vary setback of building from Peel Street boundary from 50m to 30m. (clause 26.4.1 A2 (a)). This is supported as the reduced setback is not likely to constrain adjoining primary industry operations.
- Construct new access to Cressy Road (clauses E4.6.1 A3 and E4.7.2 A2). This is supported as the traffic impact assessment finds that the new access is designed and located to maintain an adequate level of safety and efficiency for all road users.
- Removal of trees for Emergency Services in the Rural Resource zone. Clause 8.10.2 requires the planning authority to have regard to the purpose of the zone and any relevant local area objective or desired future character statement. The tree removal is supported as replacement trees will be planted in accordance with the proposed landscape plan.

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013, Version 29, Effective from 3 June 2020

Preliminary Discussion:

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

Subject site from corner of Cressy Road and Peel Street



3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application).

Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required without such permit.

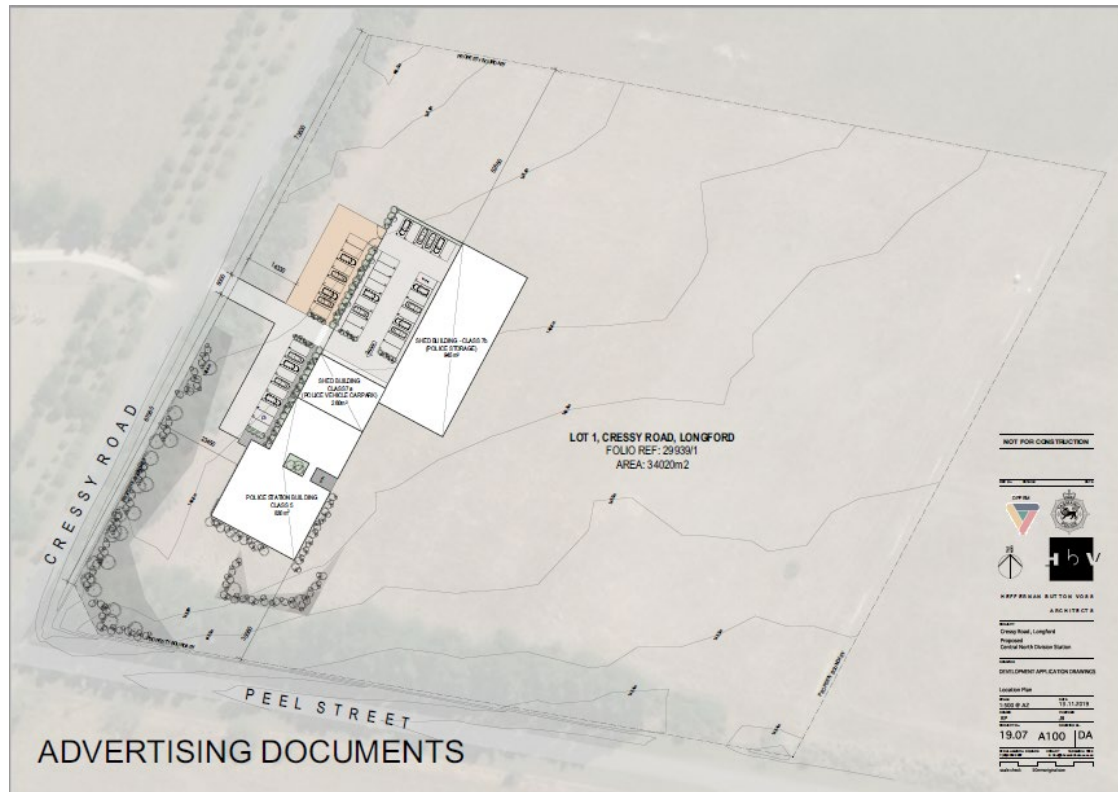
4 ASSESSMENT

4.1 Proposal

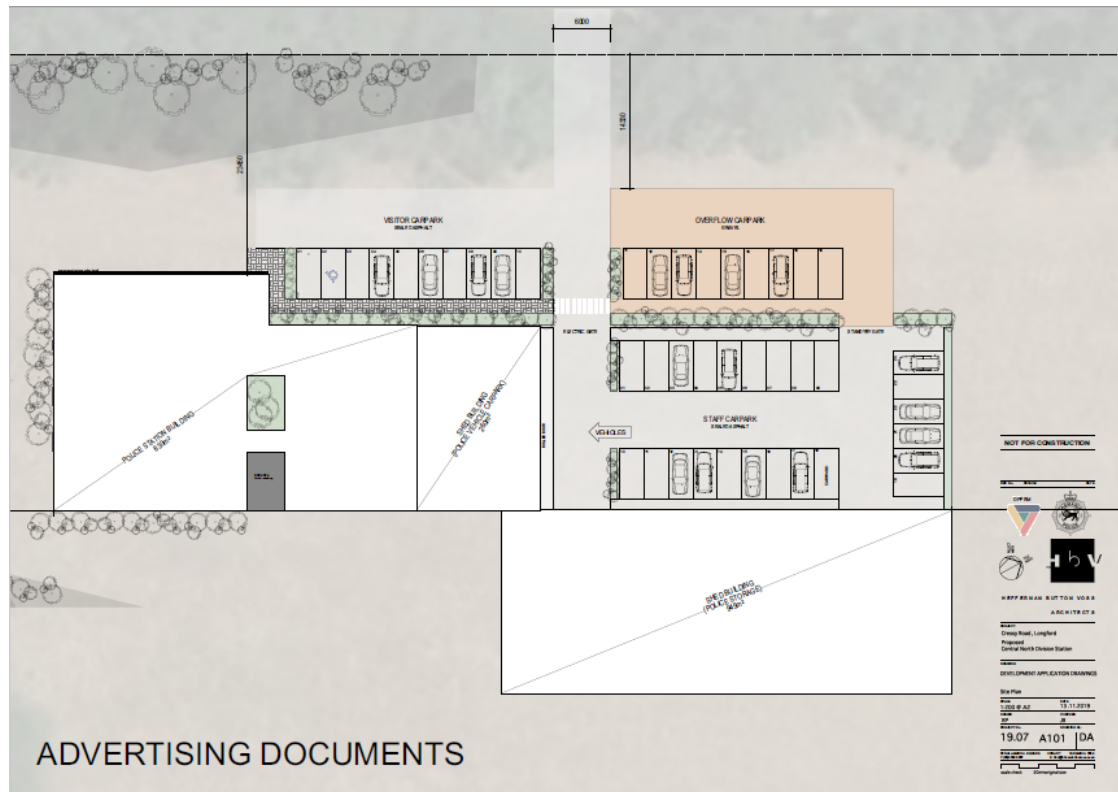
It is proposed to:

- Develop and use a police station (emergency services);
- Vary the setbacks from Cressy Road and Peel Street;
- Construct a new access to Cressy Road;
- Remove trees.

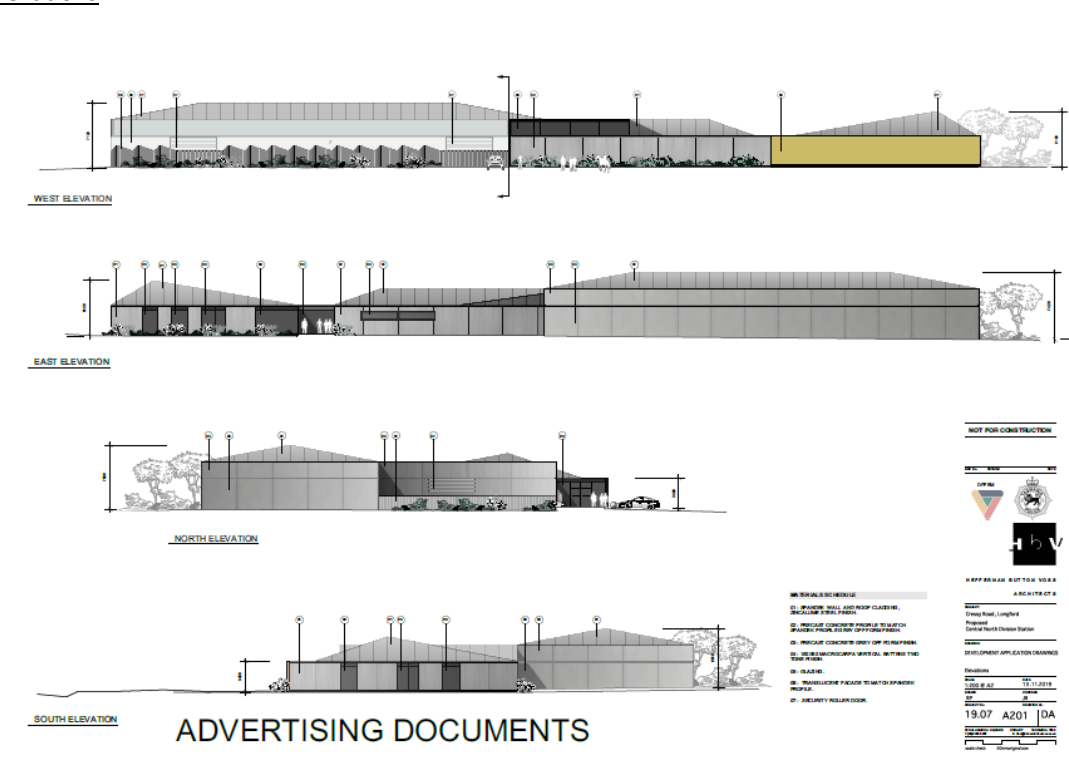
Location Plan



Site Plan

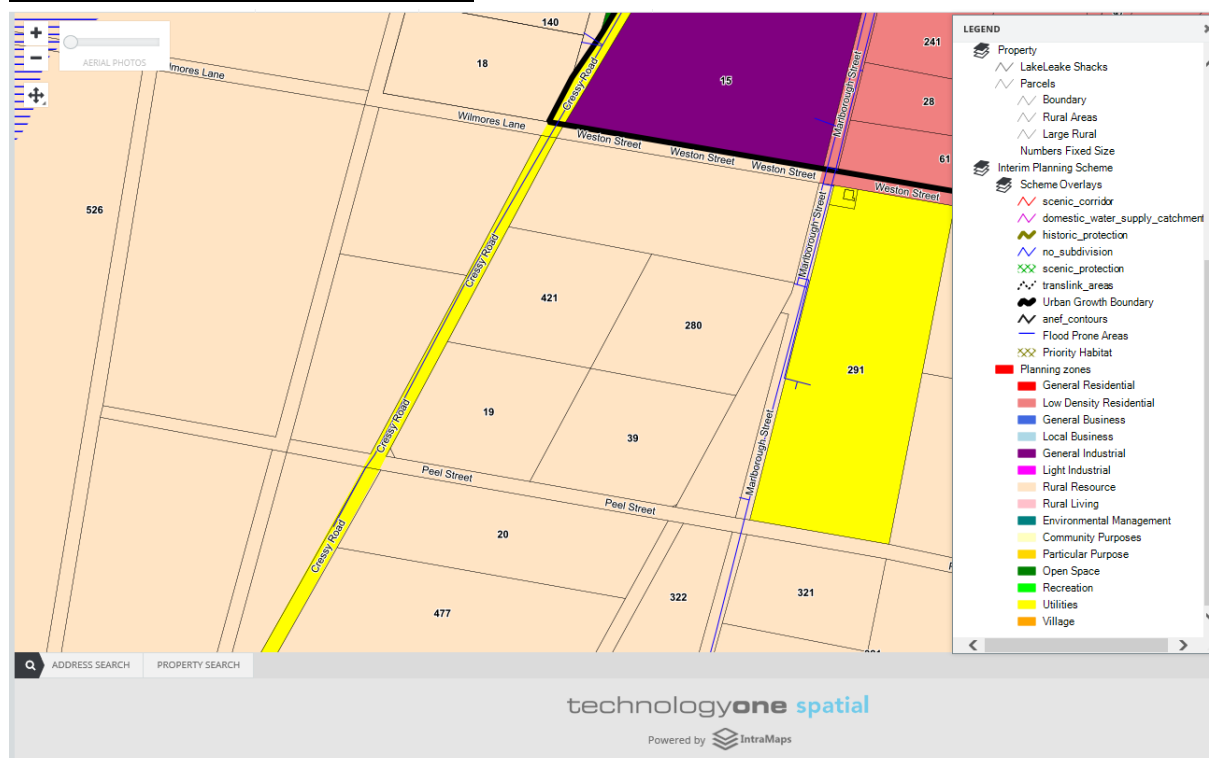


Elevations



4.2 Zone and land use

Zone Map – 19 Peel Street - Rural Resource



The land is zoned Rural Resource. The relevant Planning Scheme definition is:

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.
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Emergency services is Discretionary in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on 2 March 2020. The site contains trees and grass as does the property to the east. The property to the north is used for bus parking. The property to the north-west contains a house. Over Cressy Road and over Peel Street are houses on around 4 ha. Over Cressy Road to the south-west is a cemetery.

Aerial photograph of area



Photographs of subject site





4.4 Permit/site history

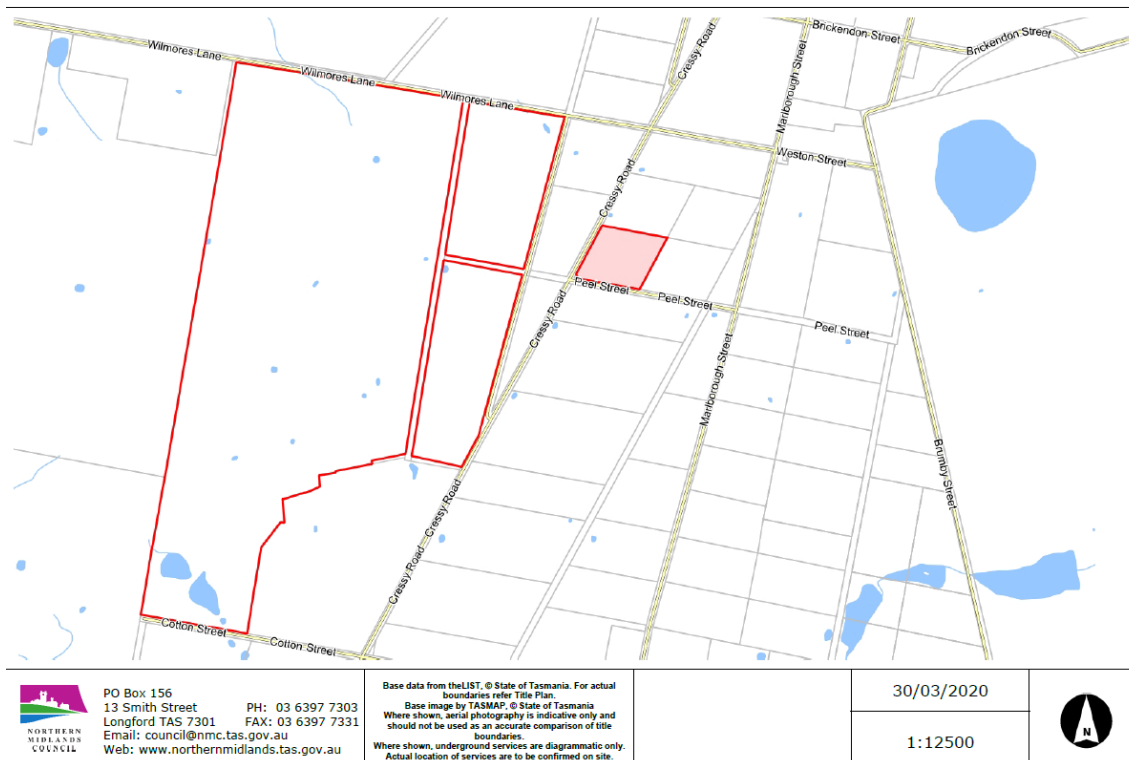
None relevant to this application.

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:

- Diana Lord, 526 Cressy Road, Longford

Map showing location of representor's property outline in red in relation to subject site highlighted in red



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

Traffic issues

- Application refers to 200 vehicle movements a day and this is what happens at the existing police station in Longford. Is this correct?
- Cars do up to 100k/hour in this section of Cressy Road, it is used to overtake slow traffic.
- Entrance is just about opposite the entrance to the residence next to the cemetery.

Planner's comment: It appears that there are not 200 vehicle movement a day at the existing police station in Longford. The applicants traffic engineer advises:

The driveway is slightly offset from the proposed development access. This is shown in the attached plan. In an urban environment this is considered relatively normal. Sight lines are very good for both accesses and the presence of vehicles entering or exiting either access will be clear and obvious for road users.

The driveway access appears to be for a residential dwelling and as such will have very few traffic movements per day (typically & to 10) movements per day, with a peak of one vehicle per hour.

From a traffic engineering perspective there are no significant road safety issues, capacity issues, or constraints associated with the location of the access.

The Department of State Growth and Council's Works Department have reviewed the application and have raised no concern with the access location.

Noise

- What is the policy for the use of sirens when going to a distant emergency?

Planner's comment: Tasmania Police advises that sirens would generally not be used from the site other than in the unlikely event of traffic congestion in the vicinity of the site.

Stormwater

- Runoff will cause a significant increase in the flow along the side of Wilmores Lane and cause flooding of the representor's farm Kelton.

Planner's comment: Council's hydrologist advises that there is a relatively large catchment draining down Wilmores Lane and as such any increase flooding on that land would be marginal at worst.

Use of zinalume on walls and roof

- Zinalume in the countryside is a very glary and is not a preferred building material. Thinks zinalume would give a very bright outside effect especially at different times of the day. It would not be suitable for the landscape, especially for surrounding houses. Zinalume does not blend with the environment.

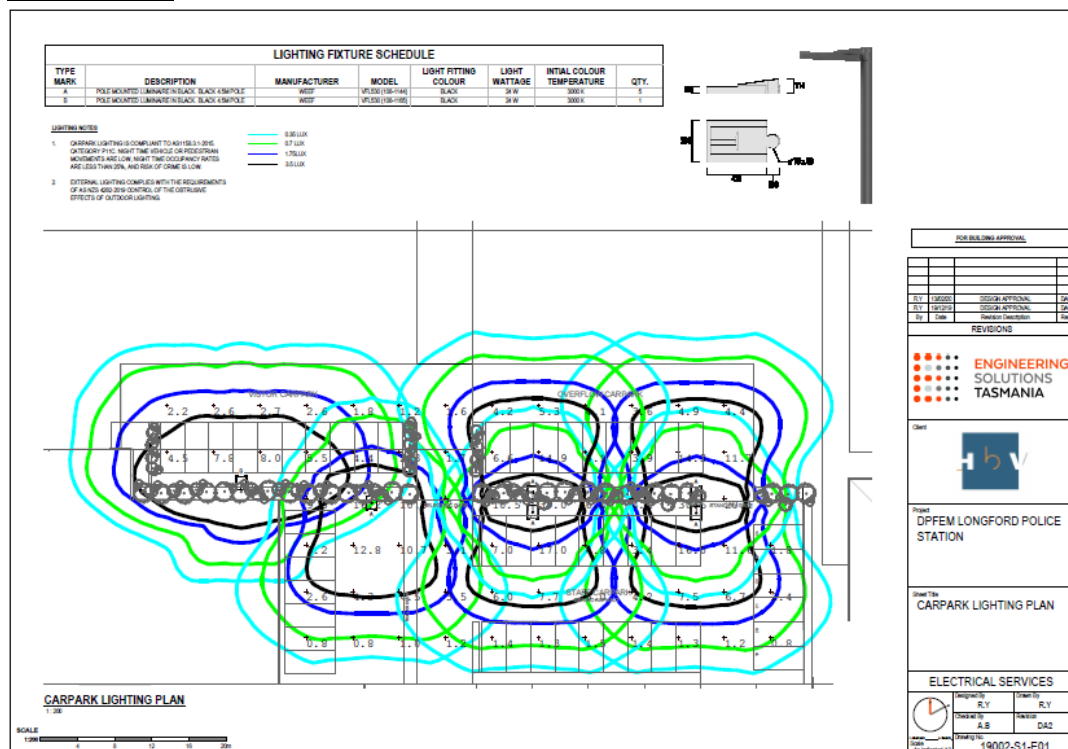
Planner's comment: Zinalume is known to have a high level of reflectance. However, the applicant proposes to screen the building by retaining trees and planting trees with a mature height of 8 – 25m.

Night time lighting

- Will the station and grounds be illuminated during the night? If it is, this is most unsatisfactory for a country area and the residences nearby.

Planner's comment: The application provided a lighting design which shows that external lighting will comply with the requirements of AS NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting.

Lighting Design



4.6 Referrals

Council's Works Department

Council's Engineering Officer, Jonathan Galbraith, provided the attached response. The recommended conditions are included in the conditions of approval.

Council's Hydrologist advised:

There is a relatively large catchment draining down Wilmores Lane and as such any increase flooding on than land would be marginal at worst.

The designer is proposing some nominal detention tanks to slow down roof runoff with the hardstand being shed straight off the site, though the overall peak flows will increase. Is this something they have volunteered or something we have asked for? (Developer volunteered it, it is not a requirement of the planning scheme.)

Peel Street doesn't seem to have an open drain and would need something formal constructed to accept flows from a piped outlet

The Cressy Road open drain is very flat, and choked up in places. Council's Works Manager has mentioned it floods currently. Cleaning up, or regrading to the Cressy Road culverts may improve this

Department of State Growth:

The Department requested that the following condition and note be included in the permit:

Detailed engineering construction drawings for the new site access and basic right turn road pavement widening as indicated by the applicant's Traffic Impact Assessment must be provided to the Department of State Growth for review and acceptance prior to application for a works permit (see note).

Note: A valid works permit is required for all works undertaken in the State Road reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/road/permits/road-access. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

Environmental Health Officer

Council's Environmental Health Officer, Chris Wicks, advises that a design report for on-site wastewater management for the proposed development has been provided by GES Geo – Environmental Solutions. The report has been prepared in accordance with the Director's Specified List and Wastewater Guidelines. The calculations within the report are based on a very conservative estimation of water use with capacity factored in to allow for future increase in user numbers. The report satisfactorily demonstrates that all wastewater from the proposed development can be safely managed on site.

4.7 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 7.4m. Materials include spandek wall and roof cladding with a zincalume steel finish, grey precast concrete, timber battens, and glazing. Trees and shrubs are proposed to be planted. 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
Emergency Services	

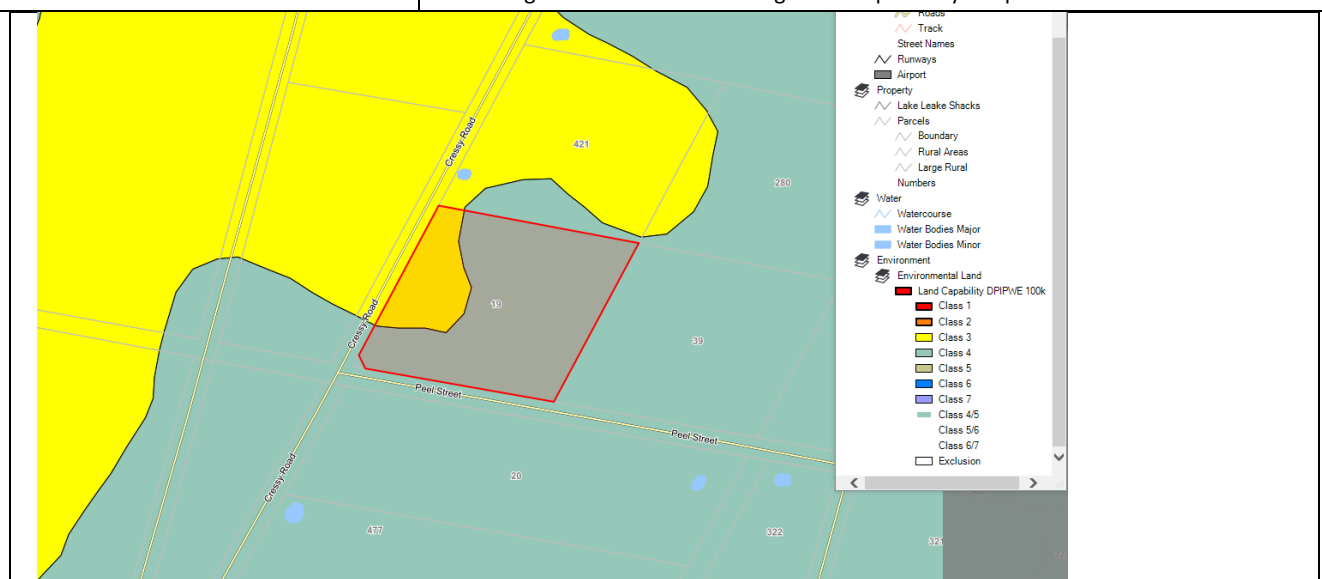
26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Objective

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

Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.</p>
Comment: Does not comply.	<p>Comment:</p> <p>P1.1 The use is consistent with the Local Areas Objectives for Rural Communities under Clause 26.1.2 in that it will provide services to the rural locality.</p> <p>P1.2 Not applicable.</p>
A2 If for permitted or no permit required uses.	<p>P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</p> <ol style="list-style-type: none"> i) amount of land alienated/converted is minimised; and ii) location is reasonably required for operational efficiency; and <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>
Comment: Does not comply.	<p>Comment:</p> <p>P2.1 Not applicable. The proposal is not for one of these uses.</p> <p>P2.2 The title has a portion of Class 3 (prime agricultural) land. The use will result in a significant benefit to the region as required by the performance criteria.</p>



A3	If for permitted or no permit required uses.	P3	The conversion of non-prime agricultural to non-agricultural use must demonstrate that: a) the amount of land converted is minimised having regard to: i) existing use and development on the land; and ii) surrounding use and development; and iii) topographical constraints; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry; or c) the location of the use on the site is reasonably required for operational efficiency.
Comment: Does not comply.		Comment: The property has an area of 3.4 ha. This is like the adjoining properties to the north and east. The property to the north is used for bus parking. The proposal is considered to satisfy this criterion in that the land is relatively small title surrounded on two boundaries by roads such that it is incapable of supporting agricultural use.	
A4	If for permitted or no permit required uses.	P4	It must demonstrated that: a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and c) the capacity of the local road network can accommodate the traffic generated by the use.
Comment: Does not comply.		Comment: No significant noise or other emissions are likely to result from the site. The use will not unreasonably confine or restrain primary industry from conducting normal operations. The Traffic Impact Assessment demonstrates that the use can be accommodated within the surrounding road network. The proposal satisfies the performance criterion.	
A5	The use must: a) be permitted or no permit required; or b) be located in an existing building.	P5	It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to: a) the impacts on skylines and ridgelines; and b) visibility from public roads; and c) the visual impacts of storage of materials or equipment; and d) the visual impacts of vegetation clearance or retention; and e) the desired future character statements.
Comment: Does not comply.		Comment: It is considered that the design of the building, and the proposed landscaping means it is consistent with these requirements.	

26.3.2 Dwellings

Comment: Not applicable – not a dwelling

26.3.3 Irrigation Districts

Comment: Not applicable – not in 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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
Comment: Complies – maximum height of 7.42m.	Not applicable.
<p>A2 Buildings must be set back a minimum of:</p> <p>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</p> <p>b) 200m where a sensitive use is proposed; or</p> <p>c) the same as existing for replacement of an existing dwelling.</p>	<p>P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:</p> <p>a) the topography of the land; and</p> <p>b) buffers created by natural or other features; and</p> <p>c) the location of development on adjoining lots; and</p> <p>d) the nature of existing and potential adjoining uses; and</p> <p>e) the ability to accommodate a lesser setback to the road having regard to:</p> <p>i) the design of the development and landscaping; and</p> <p>ii) the potential for future upgrading of the road; and</p> <p>iii) potential traffic safety hazards; and</p> <p>iv) appropriate noise attenuation.</p>
Comment: Does not comply. Proposed setback of 23m from Cressy Road boundary and 30m from the Peel Street boundary.	<p>Comment:</p> <p>a) There are no particular topographical features relevant to this proposal.</p> <p>b) The building is sited on the corner of two roads with some of the existing trees to be retained.</p> <p>c) There is a dwelling located on the opposite side of Cressy Road and bus storage on the property to the north.</p> <p>d) Adjoining land is divided into lots of similar size as the subject lot such that they are unlikely to be used for intensive agricultural activities; and</p> <p>e) The design of the development and landscaping support a lesser setback to the road frontages and there will be no traffic or noise attenuation matters for the proposed use.</p>

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	See code assessment below.
E.5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	See code assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

ASSESSMENT AGAINST E4.0 ROAD & RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
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: <ul style="list-style-type: none"> 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: Does not comply.	Comment: The applicant's Traffic Impact Assessment states: <ul style="list-style-type: none"> a. Category 1 road access. Not applicable. Cressy Road is classified as a Category 4 road. b. New access to category 1, 2 or 3 road. Not applicable. Cressy Road is classified as a Category 4 road. c. New access design. The new access will be clear and obvious for all road users. Cressy Road is a low volume road with clear sight lines on both approaches to the access. The proposal satisfies the performance criteria.

E4.7 Development Standards

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

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to: <ul style="list-style-type: none"> 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.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

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>Objective</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>
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 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>
<p>Comment: Does not comply.</p>	<p>Comment: The applicant's Traffic Impact Assessment states:</p> <p>a. Category 1 road access. Not applicable. Cressy Road is classified as a Category 4 road.</p> <p>b. New access to category 1, 2 or 3 road. Not applicable. Cressy Road is classified as a Category 4 road.</p> <p>c. New access design. The new access will be clear and obvious for all road users. Cressy Road is a low volume road with clear sight lines on both approaches to the access.</p> <p>The proposal satisfies the performance criteria.</p>

E4.7.3 Management of Rail Level Crossings

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 <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.
Comment: The applicant's Traffic Impact Assessment states: <i>Assuming the vehicle speed is equal to the posted speed limit of 100-km/h, then the required SISD is 250 metres. The available sight distance at the access's junction with Cressy Road exceeds this minimum requirement. The available sight distance therefore complies with the Acceptable Solution. Whilst not considered a requirement of the development it would be beneficial to reduce the speed limit from 100-km/h to 80-km/h to improve access for the proposed development. The SISD requirement reduces to 175 metres if the speed limit were reduced to 80-km/h</i>	

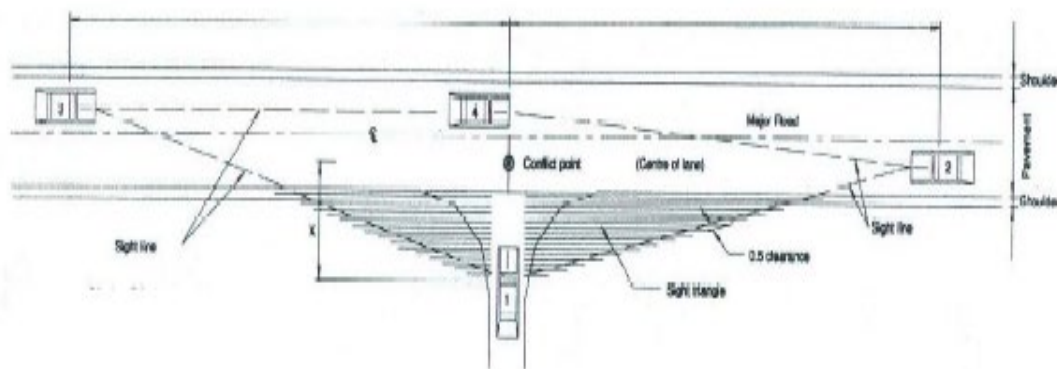


Figure E4.7.4 Sight Lines for Accesses and Junctions

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

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

Table E4.7.4 Safe Intersection Sight Distance (SISD)

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

Notes:

- (a) Vehicle speed is the actual or recorded speed of traffic passing along the road and is the speed at or below which 85% of passing vehicles travel.
- (b) For safe intersection sight distance (SISD):

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

- (i) All sight lines (driver to object vehicle) are to be between points 1.2 metres above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5 metres to the side and below, and 2.0 metres above all sight lines;
- (ii) These sight line requirements are to be maintained over the full sight triangle for vehicles at any point between positions 1, 2 and 3 in Figure E4.7.4 and the access junction;
- (iii) A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2 in Figure E4.7.4;
- (iv) A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
- (v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.			
Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		f)	the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and
		j)	any heritage values of the site; and
		k)	for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
		i)	the size of the dwelling and the number of bedrooms; and
		ii)	the pattern of parking in the locality; and
		iii)	any existing structure on the land.
Comment: The application advises there will be 24 employees, therefore 24 spaces are required. 49 are provided (9 – visitor sealed carpark, 9 – visitor gravel carpark, 24 – staff sealed car park, 7 – staff undercover carparks). The proposal complies with the acceptable solution.			

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Emergency services:	1 space per employee dwelling	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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1	Permanently accessible bicycle parking or storage spaces must be provided having regard to the:
A1.2	The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	a)	likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
		b)	location of the site and the distance a cyclist would need to travel to reach the site; and
		c)	availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: No requirement set. No bicycle parking provided. The proposal complies with the acceptable solution.		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.
Comment: 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.
Comment: The car parking requirement is 24, so the motorcycle parking requirement is 2. There is an oversupply of car parking spaces. These can be used for motorcycle parking		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 constructed to ensure that they are useable in all weather conditions.
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.		
Comment: Visitor car parks 1 – 9 and staff carparks 1-24 are to be sealed and therefore comply.		Comment: Visitor car parks 11-19 are to be gravel and satisfy the performance criteria.	

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1	The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

<p>Comment: Does not comply.</p>	<p>e) the level of landscaping proposed for the car parking.</p> <p>Comment: Carparking will be at least 14m from the Cressy Road boundary. It has been located to provide logical access to the building and site and will have plantings between it and Cressy Road. The proposal satisfies the performance criteria.</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 <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>
<p>Comment: Complies. The gradient is less than 10%. Vehicles can enter and exit the site in a forward direction. The access is 6m wide. The carpark is in accordance with the relevant Australian Standard.</p>	<p>N/a</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)
21 and over	5.5m	Not applicable

E6.7.3 Car Parking Access, Safety and Security

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

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.	
Acceptable Solutions	Performance Criteria
<p>A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>P1 The location and design of parking spaces considers the needs of disabled persons, having regard to:</p> <p>a) the topography of the site;</p> <p>b) the location and type of relevant facilities on the site or in the vicinity;</p> <p>c) the suitability of access pathways from parking spaces, and</p> <p>d) applicable Australian Standards.</p>
Complies.	N/a
<p>A2 One 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>.</p>	<p>P2 The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:</p> <p>a) characteristics of the populations to be served;</p> <p>b) their means of transport to and from the site; and</p> <p>c) applicable Australian Standards.</p>
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:	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.		
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.			
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: No bicycle parking required.		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.		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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

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

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

SPECIAL PROVISIONS		
9.1	Changes to an Existing Non-conforming Use	N/a
9.2	Development for Existing Discretionary Uses	N/a
9.3	Adjustment of a Boundary	N/a
9.4	Demolition	N/a

STATE POLICIES		
The proposal is consistent with all State Policies.		

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993		
The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .		

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES		
Strategic Plan 2017-2027		
Statutory Planning		

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Emergency services is a discretionary use in the Rural Resource zone. Clause 8.10.2 requires the planning authority to have regard to the purpose of the zone and any relevant local area objective or desired future character statement. As discussed in this report the proposal is in accordance with the relevant local area objective and desired future character statement.
- Vary setback of building from Cressy Road boundary from 50m to 23m (clause 26.4.1 A2 (a)). This is supported as the reduced setback is not likely to constrain adjoining primary industry operations.
- Vary setback of building from Peel Street boundary from 50m to 30m. (clause 26.4.1 A2 (a)). This is supported as the reduced setback is not likely to constrain adjoining primary industry operations.
- Construct new access to Cressy Road (clauses E4.6.1 A3 and E4.7.2 A2). This is supported as the traffic impact assessment finds that the new access is designed and located to maintain an adequate level of safety and efficiency for all road users.
- Removal of trees for Emergency Services in the Rural Resource zone. Clause 8.10.2 requires the planning authority to have regard to the purpose of the zone and any relevant local area objective or desired future character statement. The tree removal is supported as replacement trees will be planted in accordance with the proposed landscape plan.

Conditions that relate to any aspect of the application can be placed on a permit. It is recommended that the application be approved with the conditions below.

8 ATTACHMENTS

- Application & plans
- Responses from referral agencies
- Representation & applicant's response

RECOMMENDATION

That land at 19 Peel Street, Longford be approved to be developed and used for a Police station (emergency services) (vary front & side [S] setbacks, new access to Cressy Road, remove trees) in accordance with application PLN-20-0026, and subject to the following conditions:

1 LAYOUT NOT ALTERED

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

- P1 Cover Page (HBV Architects, Project No. 19.07, Drawing No. A000, 13.11.2019);
- P2 Location Plan (HBV Architects, Project No. 19.07, Drawing No. A100, 13.11.2019);
- P3 Site Plan (HBV Architects, Project No. 19.07, Drawing No. A101, 13.11.2019);
- P4 Elevations (HBV Architects, Project No. 19.07, Drawing No. A201, 13.11.2019);
- P5 Render 01 (HBV Architects, Project No. 19.07, Drawing No. A301, 13.11.2019);
- P6 Render 02 (HBV Architects, Project No. 19.07, Drawing No. A302, 13.11.2019);
- P7 Cover Page (Urban Initiatives, Project No. 19018, Drawing No. DA00, 5/2/20);
- P8 Existing Conditions and Demolition (Urban Initiatives, Project No. 19018, Drawing No. DA01, 5/2/20);
- P9 Landscape Plan (Urban Initiatives, Project No. 19018, Drawing No. DA02, 5/2/20);
- P10 Planting Plan (Urban Initiatives, Project No. 19018, Drawing No. DA03, 5/2/20);
- P11 Planting Schedule and Palette (Urban Initiatives, Project No. 19018, Drawing No. DA04, 5/2/20);
- D1 Planning Report (AllUrbanPlanning Pty Ltd, January 2020);
- D2 Traffic Impact Assessment (Midson Traffic Pty Ltd, March 2020);
- D3 Design Statement (HBV Architects)
- D4 Stormwater Management Plan (Engineering Solutions Tasmania, 13 Feb 2020);
- D5 External Lighting Design (Engineering Solutions Tasmania, 13 Feb 2020);
- D6 Geo-Environmental Assessment (GES Geo-Environmental Solutions, December 2019).

2 LANDSCAPING

2.1 Landscaping after commencement of development

Before the use starts, landscaping works as shown on the endorsed plans must be completed.

2.2 Landscaping maintenance

The landscaping shown on the endorsed plans must be maintained including the replacement of any dead, diseased or damaged plants for the duration of the use.

3 LIGHTING

Exterior lighting must be designed, baffled and located in accordance with Australian Standard AS4282:2019 Control of the Obtrusive Effects of Outdoor Lighting so that no direct light is emitted outside the boundaries of the subject land.

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 COUNCIL'S WORKS DEPARTMENT CONDITIONS

5.1 Pollutants

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

Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

5.2 Stormwater

- a) Before the building permit is issued, the developer must provide a design to the approval of the Works Manager for Peel Street to accept stormwater from the proposed pipe.
- b) Before the use starts, the works required by condition 5.2 a) must be completed.

6 DEPARTMENT OF STATE GROWTH CONDITIONS

Detailed engineering construction drawings for the new site access and basic right turn road pavement widening as indicated by the applicant's Traffic Impact Assessment must be provided to the Department of State Growth for review and acceptance prior to application for a works permit (see note).

Note: A valid works permit is required for all works undertaken in the State Road reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/road/permits/road-access. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

7 ROADWORKS REQUIRED

Before the use starts, the site access and right turn road pavement widening as required by condition 6 must be completed.

NOTE: While not a requirement of the development it would be beneficial to reduce the speed limit from 100-km/h to 80-km/h to improve access for the proposed development.

DECISION

Cr Adams/Cr Polley

That land at 19 Peel Street, Longford be approved to be developed and used for a Police station (emergency services) (vary front & side [S] setbacks, new access to Cressy Road, remove trees) in accordance with application PLN-20-0026, and subject to the following conditions:

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7 ROADWORKS REQUIRED

Before the use starts, the site access and right turn road pavement widening as required by condition 6 must be completed.

NOTE: While not a requirement of the development it would be beneficial to reduce the speed limit from 100-km/h to 80-km/h to improve access for the proposed development.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

121/20 PLANNING APPLICATION PLN19-0192: TANNERY ROAD LONGFORD

File Number: 113000.05; CT 127517/1, 127518/3, 245427/1
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Urban & Regional Planner

1 INTRODUCTION

This report assesses an application for Tannery Road, Longford to construct a dwelling, access & adhesion of 3 titles (Flood Prone Area, vary setbacks, within Attenuation Distance to Abattoir).

2 BACKGROUND

Applicant:

Mj Architecture

Owner:

Robert Alan Duff-Silsby

Zone:

Rural Resource Zone

Codes:

Road and Railway Assets Code

Flood Prone Areas Code

Car Parking and Sustainable Transport Code

Environmental Impacts and Attenuation Code

Classification under the Scheme:

Discretionary

Existing Use:

Vacant/farmland

Deemed Approval Date:

Extension of time until 1st May 2020

Recommendation:

Refuse

Discretionary Aspects of the Application

- Reliance on the performance criteria of the Rural Resource Zone – clause D26.3.2 P1.1 (b), P1.2 & P1.3 (residential dwelling in Rural Resource zone) & D26.4.1 P1(a & b) & P2 (a-e) (Building height and setbacks).
- Reliance on the performance criteria of the Flood Prone Areas Code – clause E5.5.1 P1 & P2 & clause E5.6.1 P1.1 (a), P1.2 & P1.3 (a-c) (medium risk flooding).
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code – clause E6.7.1 P1 and E6.7.2 P2 (access not usable in all weather conditions and no passing bays).
- Reliance on the performance criteria of the Environmental Impacts and Attenuation Code – Clause E11.6.1 P1 (located within attenuation distance of abattoir).

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013, Version 30, Effective from 24th March 2020.

Preliminary Discussion

Prior to the application becoming valid / 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.

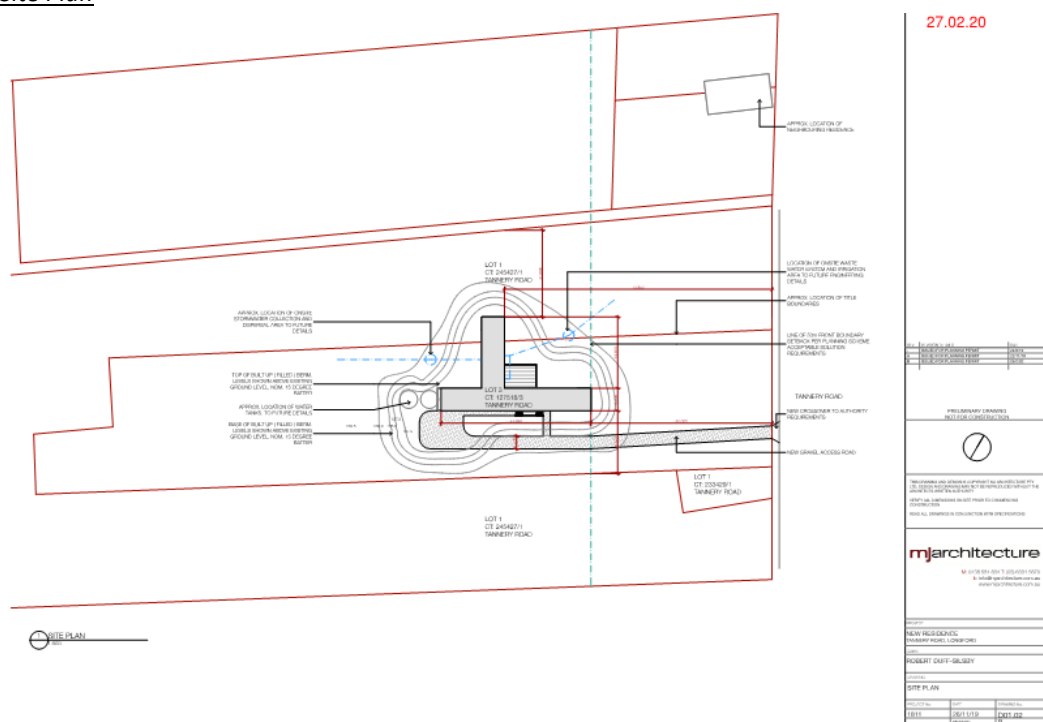
4 ASSESSMENT

4.1 Proposal

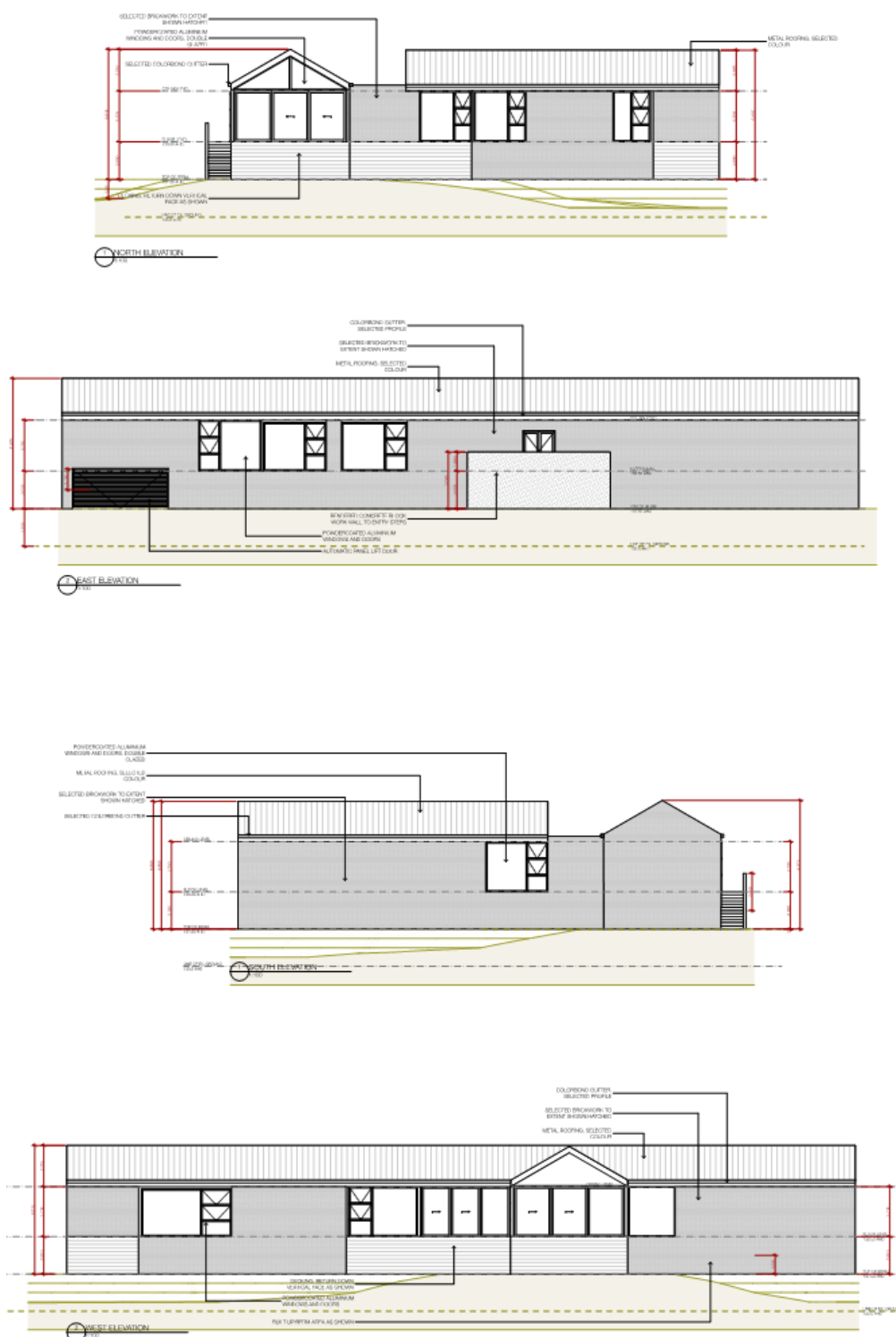
It is proposed to:

- Construct a five bedroom dwelling, access & adhesion of 3 titles (Flood Prone Area, vary setbacks, within Attenuation Distance to Abattoir).

Site Plan

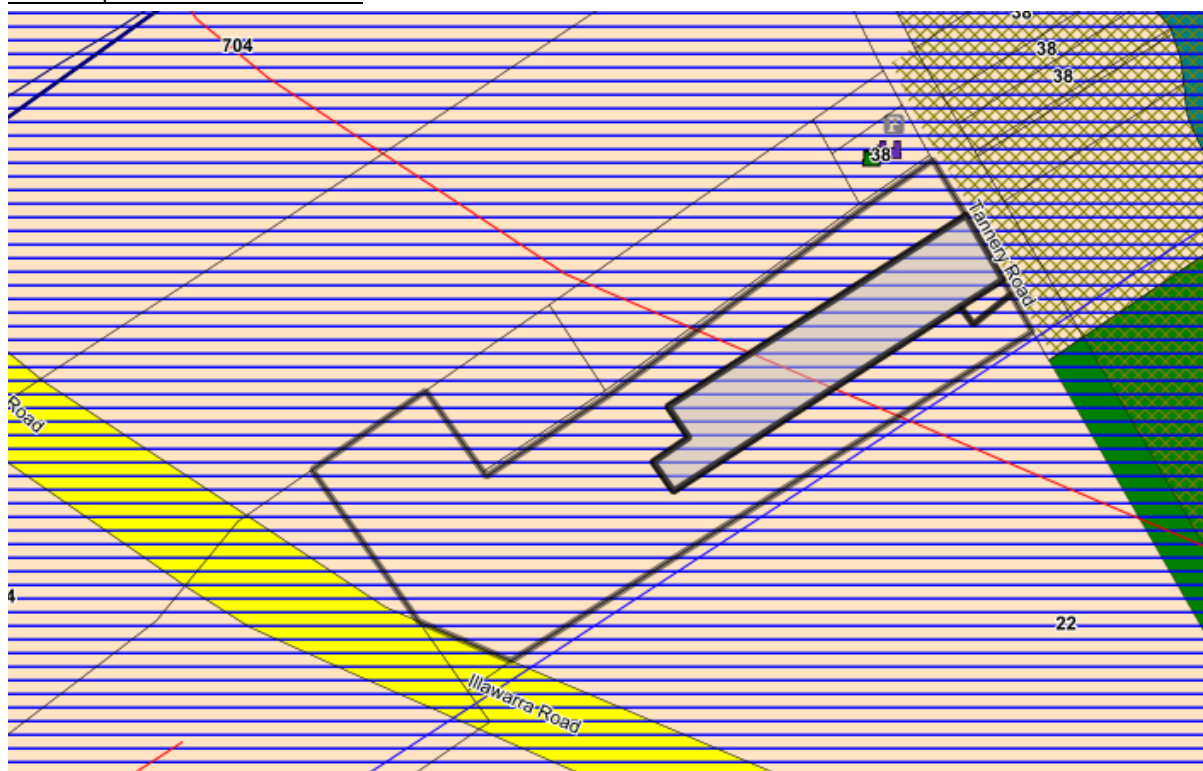


Elevations

[illegible]

4.2 Zone and land use

Zone Map – Rural Resource Zone



The land is zoned Rural Resource and is subject to the Flood Prone Areas Code and Environmental Impacts and Attenuation Code. The subject site is also partially within a Scenic Corridor; however, the proposed works are located outside of the corridor.

The relevant Planning Scheme definition is:

<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
<i>outbuilding</i>	<i>means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.</i>

A Residential (single dwelling) use for a new dwelling is Discretionary in the zone.

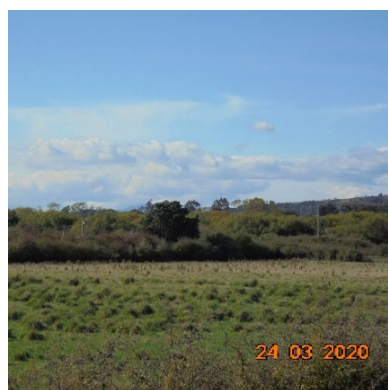
4.3 Subject site and locality

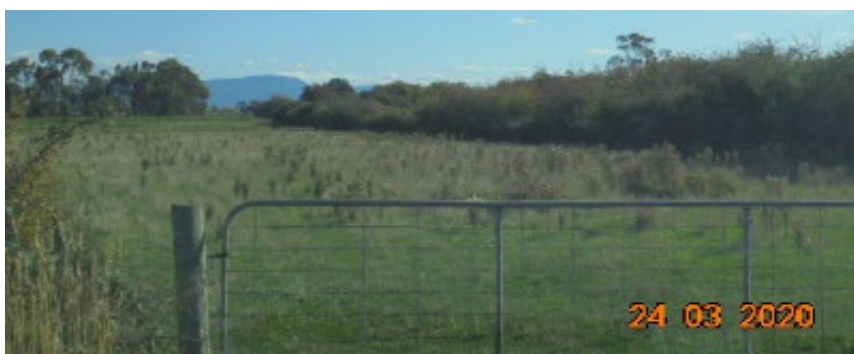
The author of this report carried out a site visit on the 24th March 2020. The subject site is located north of the township of Longford between Tannery Road and Illawarra Road, on the flood plain of the South Esk River. Back Creek also contributes to flooding of Tannery Road, which provides access to the subject site. The titles forming the subject site have previously been used for grazing and hay production. The surrounding land is used for agriculture, including holding paddocks for the abattoir, with the exception of the nearby heritage listed 'Old Brick Tannery' which has been converted to a dwelling (previously River's Edge Café).

Aerial photograph of area



Photographs of subject site





4.4 Permit/site history

Relevant permit history includes:

- Nil – vacant site

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 representation (attached) was received from:

- Mark & Sue Jackson, 38 Tannery Road, Longford

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



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

Issue 1

- Inaccuracies shown on cover page relating to location of dwelling with regard aerial view.

Planner's comment:

The representor is correct in their observations regarding the location of the dwelling in reference to the aerial view and topographical features of the land on the cover page of the drawings. Although not ideal, this picture is a cover page image (for illustrative purposes only) and does not have any boundary measurements. The actual location of the proposed dwelling is set out with measurements on the drawings D01.01 and D01.02.

Issue 2

- Issues associated with proposed berm (raised bank of fill) including construction on one of the lowest areas

of the lots and dust, machinery noise and increased vehicle movements during construction due to significant amount of material required.

Planner's comment:

The application documents did not provide any justification as to the site selection. It is likely that the amount of fill required to construct the berm will result in 200+ truck movements along Tannery Road. Tannery Road is a sealed road; therefore, dust generation would be limited to the construction of berm and movements along the access driveway. Dust and noise nuisances are covered by separate legislation.

Issue 3

- Visual impact and reduction in privacy due to height of fill combined with raised floor level of proposed dwelling.

Planner's comment:

The height of the dwelling above natural ground level will not complement the rural flood plain character of the surrounding landscape. The elevated position of the building (due to the need to raise the buildings floor level above flood level) has the potential to negatively impact on the amenity of the adjoining dwelling and would be difficult to screen with hard or soft landscaping, due to the height above natural ground level.

Issue 4

- Potential for increase in volume and velocity of flood waters on adjacent Heritage Listed property.

Planner's comment:

The supplied flood report concludes that the development would have "limited impact" if located on an earth platform and no impact if constructed on stilts. The report does not qualify the impact further, but does note that given the low velocity of flood waters in the area and wide flood plain, there will be ample opportunity for the flow to pass around the building without severe depth of flow or velocity increases.

Issue 5

- Lack of consideration in flood report of 2016 flood event – proposed floor level still might not be high enough.

Planner's comment:

The flood report notes that "JMG and Hydrodynamica produced a hydraulic flood mapping report for the Northern Midlands and the Meander Valley Councils, in May 2016, titled "2D Flood Plain Mapping Stage 1." The report mapped a number of flood profiles along the South Esk River from Hadsphen to Longford. The hydrology input used to perform the modelling was obtained from ENTURA (HYDO TASMANIA)." The flood mapping used in the report is the best available mapped data at this time.

Issue 6

- Location of wastewater system and associated irrigation area closest to neighbouring property and mitigation measures for when water table rises during flooding and non-flooding events.

Planner's comment:

If a permit were to be issued for the dwelling, a future wastewater design would need to take into account the potential for flooding and prolonged waterlogging of the area.

4.6 Referrals

The referrals required were as follows:

Council's Works Department

Precis: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application on the 18.03.2020 and their recommended conditions are included in the conditions of approval.

General Manager

Precis: Application signed by the General Manager for access works within Council's road reserve.

4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE	
ZONE PURPOSE	
26.1.1	<i>Zone Purpose Statements</i>
26.1.1.1	<i>To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.</i>
26.1.1.2	<i>To provide for other use or development that does not constrain or conflict with resource development uses.</i>
26.1.1.3	<i>To provide for economic development that is compatible with primary industry, environmental and landscape values.</i>
26.1.1.4	<i>To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i>
Assessment: The proposal meets the zone purpose 26.1.1.2.	

LOCAL AREA OBJECTIVES	
a)	<p><i>Primary Industries:</i></p> <p><i>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</i></p> <p><i>The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.</i></p> <p><i>Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</i></p>
b)	<p><i>Tourism</i></p> <p><i>Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.</i></p> <p><i>The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.</i></p>
c)	<p><i>Rural Communities</i></p> <p><i>Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.</i></p>
Assessment: The proposal does not conflict with the Local Area Objectives.	

DESIRED FUTURE CHARACTER STATEMENTS	
26.1.3	<i>Desired Future Character Statements</i>
	<i>The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.</i>
Assessment: The proposal does not meet the Desired Future Character Statement - The height of the dwelling above natural ground level is obtrusive and does not complement the rural flood plain character of the surrounding landscape.	

USE AND DEVELOPMENT STANDARDS	
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26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling – N/a

26.3.2 Dwellings

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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

<p>A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or</p> <p>A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.</p>	<p>iii) requirement for personal attendance by the occupier; and</p> <p>iv) proximity to the activity; and</p> <p>v) any other matters as relevant to the particular activity; 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, having regard to:</p> <p>i) limitations created by any existing use and/or development surrounding the site; and</p> <p>ii) topographical features; and</p> <p>iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and</p> <p>P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling; and</p> <p>P1.3 A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles.</p>
<p>Relies on Performance Criteria.</p>	<p>The proposal relies on performance criteria P1 (b) as follows:</p> <p>The subject site consists of three titles of Class 4 land (proposed to be adhered as part of this proposal), but is utilised in conjunction with several other titles, creating a total land holding of approximately 12.5ha (31 acres). Although suitable and currently used for grazing purposes, the combined area of land is not large enough to sustain a viable grazing enterprise and is constrained by the risk of flooding and poor drainage. This also limits the ability to establish high value infrastructure associated with controlled environment agriculture and other high input operations. The site does not have any current water allocations but does have frontage to the South Esk River. The titles wrap around the neighbouring dwelling – ‘The Old Tannery’, which further limits the agricultural enterprises that could be established on the land. The site may be cable of being included with other land for agricultural purposes; however, its sale at residential land values makes this unviable for primary producers. The site is therefore practically incapable of supporting an agricultural use, other than small scale grazing or being included with other land for agricultural or other primary industry use, other than lease arrangements for the grazing of stock.</p> <p>P1.2 – The proposal plans provide an indicative area for on site wastewater disposal within the lot boundaries and within reasonable curtilage to the proposed dwelling. The use of land for grazing will not inhibit the site’s capacity for wastewater disposal. A formal wastewater design, including assessment of the soil’s permeability, will be required at plumbing approval stage, if a permit for the dwelling is granted.</p> <p>P1.3 Complies – the subject site has frontage to Council maintained road (Tannery Road).</p>

26.3.3 Irrigation Districts

<p>Objective</p> <p>To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i>.</p>	<p>P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced having regard to:</p> <p>a) the location and amount of land to be used; and</p> <p>b) the operational practicalities of irrigation systems as they relate to the land; and</p> <p>c) any management or conservation plans for the land.</p>

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Complies with A1 – the titles containing the proposed dwelling are not located within an irrigation district.	N/a
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26.4 Development Standards

26.4.1 Building Location and Appearance

<p>Objective To ensure that the:</p> <p>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</p> <p>b) development of buildings is unobtrusive and complements the character of the landscape.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Building height must not exceed:</p> <p>a) 8m for dwellings; or</p> <p>b) 12m for other purposes.</p>	<p>P1 Building height must:</p> <p>a) be unobtrusive and complement the character of the surrounding landscape; and</p> <p>b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.</p>
<p>Relies on P1 – the dwelling is proposed to have a building height of 8.915m from natural ground level to the ridge.</p> <p>Building height is defined as follows: <i>means the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.</i></p>	<p>Does not comply with performance criteria P1 as follows:</p> <p>(a) The dwelling is proposed to have a building height of 8.915m from natural ground level to the ridge. The structure would be visible from a range of view points, including Illawarra Road, Tannery Road and potentially some points along Pateena Road. Illawarra Road and Pateena Road are valued for their role as “Tourist Routes” and are protected by Scenic Corridors. At this height, the roof line will not be afforded any screening by existing vegetation and will protrude above the surrounding tree heights when viewed from Illawarra Road, resulting in the dwelling being visually obtrusive in the surrounding landscape. Currently no buildings other than a small wooden shed are readily visible within the immediate area, as “The Old Tannery” is well screened by established vegetation. The building has a wall length on the south eastern side of 38.5m plus decking and 25.9m from the south west. The “T” shape of the dwelling results in a long roof room from all directions and will not be complementary to any other structures within the surrounding flood plain.</p> <p>b) The raised floor level and overall height of the proposal has the potential to negatively impact on the amenity of the neighbouring residential dwelling, due to overlooking and visual impacts. The issue of overlooking and loss of privacy is raised in the representation from the neighbouring property owner. The normal mechanisms to reduce the impacts of overlooking and visual impacts, such as vegetation screening and fencing, will be difficult to utilise in the proposed development, due to height of the floor levels above natural ground level (approximately 4m above natural ground level).</p>
<p>A2 Buildings must be set back a minimum of:</p> <p>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</p> <p>b) 200m where a sensitive use is proposed; or</p> <p>c) the same as existing for replacement of an existing dwelling.</p>	<p>P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:</p> <p>a) the topography of the land; and</p> <p>b) buffers created by natural or other features; and</p> <p>c) the location of development on adjoining lots; and</p> <p>d) the nature of existing and potential adjoining uses; and</p> <p>e) the ability to accommodate a lesser setback to the road having regard to:</p> <p>i) the design of the development and landscaping; and</p> <p>ii) the potential for future upgrading of the road; and</p> <p>iii) potential traffic safety hazards; and</p> <p>iv) appropriate noise attenuation.</p>
<p>Relies on Performance Criteria P2, due to the dwelling being proposed closer than 200m to the North, East and South.</p>	<p>The proposal relies on P2 as follows:</p> <p>The proposed dwelling is unlikely to constrain adjoining primary industry operations to the north and east, as the adjoining land consists of land in the same ownership as the subject site, a neighbouring dwelling and the South Esk River. The</p>

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	<p>land to the south is utilised for grazing associated with the nearby abattoir. All yard infrastructure for this property is located on the southern side of the Illawarra Road. Given the close proximity of an existing dwelling, use of the adjoining land only for grazing purposes, and constraints on this land created by the location of Illawarra Road, the building setback of approximately 50m is not likely to constrain adjoining primary industry operations.</p> <p>The proposed 50m setback to Tannery Road is unlikely to impact on future road widening, create any safety issues or require any noise mitigation.</p>
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26.4.2 Subdivision

<p>Objective</p> <p>To ensure that subdivision is only to:</p> <p>a) improve the productive capacity of land for resource development and extractive industries; or</p> <p>b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or</p> <p>c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Lots must be:</p> <p>a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</p> <p>b) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>c) to align existing titles with zone boundaries and no additional lots are created.</p>	<p>P1 The subdivision</p> <p>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</p> <p>b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished.</p>
Complies with A1 (b).	N/a

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – see code assessment below.
E5.0 FLOOD PRONE AREAS CODE	Does not comply – see code assessment below.
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a – all development is proposed to be located outside of the scenic corridor. The adhesion of lots does not require any works within the scenic corridor.
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	Complies – see code assessment below.
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

<p>Objective</p> <p>To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h,</p>	<p>P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or</p>

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

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%.	future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies with A1. A single dwelling typically generates 6-8 vehicle movements per day.	N/a
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
N/a – Tannery Road at the location of the proposed access has a 60km/h speed limit.	N/a

E4.7 Development Standards

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

<p>Objective</p> <p>To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</p> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <p>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building areas on new lots; and</p> <p>c) outdoor sitting, entertainment and children's play areas</p>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <p>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</p> <p>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</p> <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>
Complies with A1.	N/a

E4.7.2 Management of Road Accesses and Junctions

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

E4.7.3 Management of Rail Level Crossings

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

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

Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
Acceptable Solutions	Performance Criteria
A1 Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or	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.

c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	
Complies with A1 (a) – A site distance of 250m+ in both directions is available at the proposed access.	N/a

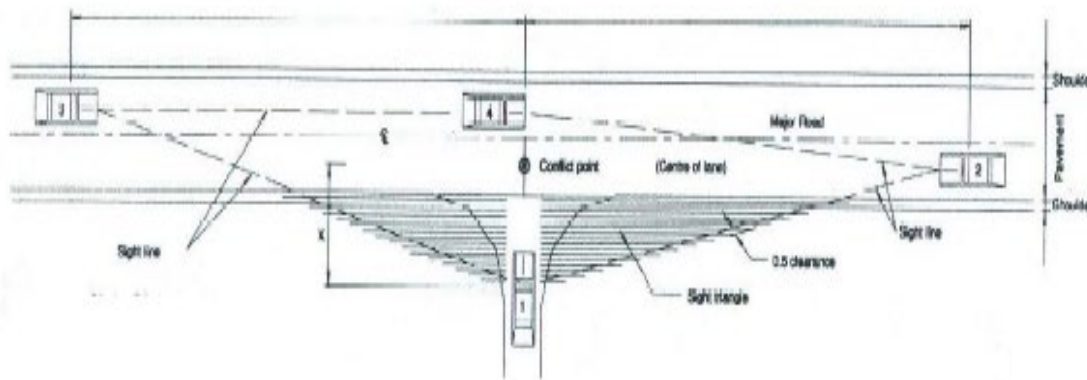


Figure E4.7.4 Sight Lines for Accesses and Junctions

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

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

Table E4.7.4 Safe Intersection Sight Distance (SISD)

Vehicle Speed	Safe Intersection Sight Distance (SISD) 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 E5.0
FLOOD PRONE AREAS CODE**

E5.1 Purpose of the Code

E5.1.1 The purpose of this provision is to:

- a) ensure that use or development subject to risk from flooding is appropriately located and that adequate measures are taken to protect human life and property and to prevent adverse effects on the environment.
- b) determine the potential impacts of flooding through the assessment of risk in accordance with the Australian Standard.

E5.2 Application of this Code

E5.2.1 This code applies to use or development of land:

- a) mapped as flood risk on the planning scheme maps; or
- b) even if not mapped under subparagraph (a) if it is:
 - i) potentially subject to flooding at a 1% annual exceedance probability; or
 - ii) less than the height indicated on the coastal inundation risk height map; or
 - iii) identified in a report prepared by a suitably qualified person in accordance with the development application which is lodged or required in response to a request under Section 54 of the Act as actually or potentially subject to flooding at a 1% annual exceedance probability.

E5.3 Definition of Terms

Flooding means the situation that results when land that is usually dry is covered with water as a result of watercourses overflowing, significant overland flows or water flowing into land associated with a rising tide and/or storms, and may include a combination of these factors.

1% Annual Exceedance Probability(AEP) Flood Level means the level which has a 1% probability of being exceeded in any year.

E5.4 Use or Development Exempt from this Code

E5.4.1 The following use or development is exempt from this code:

- a) use and development for agriculture (not including development for dairies and controlled environment agriculture) and agricultural infrastructure such as farm tracks, culverts and the like.
- b) use and development for Forestry.
- c) extensions to existing development where floor area does not increase by more than 10% over the floor area which existed as at the effective date.

E5.5 Use Standards

E5.5.1 Use and flooding

Objective To ensure that use does not compromise risk to human life, and that property and environmental risks are responsibly managed.	
Acceptable Solutions	Performance Criteria
A1 The use must not include habitable rooms.	P1 Use including habitable rooms subject to flooding must demonstrate that the risk to life and property is mitigated to a low risk level in accordance with the risk assessment in E5.7.
Relies on P1.	The site is mapped as a Flood Prone Area and is therefore is subject to the Flood Prone Areas Code. The Flood Risk Report prepared by JMG, dated August 2019, notes that a 1% AEP will have a flood level of 139.2 AHD at the subject site, while a 5% AEP (moderate likelihood) will have a flood level of 136.7 AHD. Natural Ground Level at the location of the dwelling has been surveyed at 135.5AHD. The proposed floor level of the dwelling is 300mm above the 1% AEP height, although the garage is proposed at 137.5 AHD and ground-based access is at natural ground level. An 'insignificant' consequence criteria requires that " <i>ground-based access is still readily available</i> ". If, in a 'moderate' flood event, ground based access is not available, the consequence criteria would be 'minor', resulting in a 'medium' risk level. There are no mitigation measures within the proposal to provide ground-based access in a 'moderate' flood; therefore, the performance criteria is not met. There are many instances where a structure may be able to be built in flood prone area, where ground based access will be available, such as a block that slopes toward a river, with a dwelling constructed out 'over' flood water, but where the rear of the dwelling, car parking and access are 'uphill' of the flood waters, providing permanent access, even during a flood event. The proposed dwelling will be completely 'surrounded' by flood waters, creating a reliance on flood warning systems or emergency services for extraction.
A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.	P2 Use must demonstrate that the risk to life, property and the environment will be mitigated to a low risk level in accordance with the risk assessment in E5.7.
Relies on P2.	An 'insignificant' consequence criteria requires that " <i>ground-based access is still readily available</i> ". If, in a 'moderate' flood event, ground based access is not available, the consequence criteria would be 'minor', resulting in a 'medium' risk

level. There are no mitigation measures within the proposal to provide ground-based access in a 'moderate' flood; therefore, the performance criteria is not met.

E5.6 Development Standards

E5.6.1 Flooding and Coastal Inundation

<p>Objective</p> <p>To protect human life, property and the environment by avoiding areas subject to flooding where practicable or mitigating the adverse impacts of inundation such that risk is reduced to a low level.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 No acceptable solution.</p>	<p>P1.1 It must be demonstrated that development:</p> <ul style="list-style-type: none"> a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or b) where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7. <p>P1.2 Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.</p> <p>P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that:</p> <ul style="list-style-type: none"> a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures; c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and d) where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.
<p>Relies on Performance Criteria.</p>	<p>P1.1 (a) – Access to the water is not a necessary function of the use; however, the development does not achieve a low risk, in accordance with the risk assessment in E5.7 a); therefore, the performance criteria is not met.</p> <p>P1.2 – Mitigation works are not proposed to provide ground-based access; therefore, a low risk level cannot be achieved and the performance criteria cannot be met.</p> <p>P1.3 a) Mitigation works are proposed in the form an approximately 2m high filled earth bank and a further 2m raised floor level. The proposal included a Flood Risk Report, prepared by JMG, dated August 2009, which notes that the velocities of flood water at the subject site are relatively low as it is not located within the main channel and therefore will not unduly interfere with natural watercourse processes through restriction or changes to flow.</p> <p>b) The Flood Risk Report notes that the works will not result in an increase in the extent of flooding, if built on stilts, with limited impact if located on an earthen platform. The proposal plans indicate that the dwelling will be located on a 2m high earthen platform, and the 2m high section between finished ground level and floor level will be 'bricked in', providing no free flow of flood waters under or around the proposed. The proposal does not provide surety that the development will not cause an increase in the extent of flooding experienced by the neighbouring Heritage Listed dwelling.</p> <p>c) The exact location and design of a Wastewater System would need to take into account the potential for flooding of the site and reduced capacity for absorption during periods of extended inundation. The proposal does not provide surety that the location of effluent disposal will not result in pollution of the watercourse.</p> <p>d) N/a – no mitigation works are proposed outside of the property boundary.</p>

E5.7

Risk Assessment

- (a) Where an assessment of risk under the Risk Consequence and Likelihood Matrix Table for a use or development is required, it is to be classified through the determination of consequence contained in the criteria in b) together with the likelihood of flood occurrence contained in c).

Table E5.1 AS/NZS 4360:2004 Risk Consequence and Likelihood Matrix Table

Likelihood	Consequences				
	Catastrophic	Major	Moderate	Minor	Insignificant
Moderate	High	High	High	Medium	Low
Unlikely	High	Medium	Medium	Low	Low
Rare	High	Medium	Medium	Low	Low

b) Consequence Criteria

Catastrophic Loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.

Major Extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

Moderate Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces. Moderate environmental damage with a short-term natural or remedial recovery time.

Minor Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.

Insignificant No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation. Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.

c) Likelihood – Annual Exceedance Probability

1:25 (4%)	Moderate
1:50 (2%)	Unlikely
1:100 (1%)	Rare

ASSESSMENT AGAINST E6.0 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

	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i) the size of the dwelling and the number of bedrooms; and ii) the pattern of parking in the locality; and iii) any existing structure on the land.
<p>Comment:</p> <p>Complies with A1 – 2 parking spaces are provided within the proposed garage.</p>	

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
<i>If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	1 space per dwelling	1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.
<i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	2 spaces per dwelling	

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> <ul style="list-style-type: none"> 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.
<p>Comment:</p> <p>Complies with A1.1 and A1.2 – sufficient space for bicycle parking is available within the garage.</p>	

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.	
Acceptable Solutions	Performance Criteria
A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1 No performance criteria.
<p>Comment:</p> <p>N/a – private dwelling.</p>	

E6.6.4 Motorbike Parking Provisions

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

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

<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:</p> <p>Does not comply with the acceptable solution A1 (a) or P1, as the access strip is not formed to an adequate level to provide access during a 20-year ARI flood level and will therefore not be useable in all weather conditions.</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>Comment:</p> <p>A1.1 – N/a</p> <p>A1.2 – N/a</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 <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>	
<p>Comment:</p> <p>A2.1 (a) Complies – car parking and manoeuvring space will be located on top of the berm and therefore level; however, the berm will have an approximately 15-degree batter.</p> <p>(b) N/a</p> <p>(c) Relies on Performance Criteria P2 – passing bays are not proposed to be provided every 30m.</p> <p>P2 (a) Complies - The proposed car parking and manoeuvring space is convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout for a passenger car. Some changes to the proposed access may be required as a result of Bushfire Safety requirements, in order to allow fire trucks to access to static water supplies and relevant passing bays (a Bushfire Hazard Management Report and Plan would be required at building approval stage).</p> <p>(b) Complies – there is adequate space to turn within the site, allowing vehicles to enter and exit in a forward direction.</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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Objective: To ensure adequate access, safety and security for car parking and for deliveries.			
Acceptable Solutions		Performance Criteria	
A1	Car parking areas with greater than 20 parking spaces must be:	P1	Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the:
a)	secured and lit so that unauthorised persons cannot enter or;	a)	levels of activity within the vicinity; and
b)	visible from buildings on or adjacent to the site during the times when parking occurs.	b)	opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
Comment: 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.
A2	One 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> .	P2	The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:
		a)	characteristics of the populations to be served;
		b)	their means of transport to and from the site; and
		c)	applicable Australian Standards.
Comment: N/a – Private Dwelling			

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: N/a – residential use.			

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		

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

d)	activity they serve; and 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: 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 than 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.
Comment: Complies with A1.2 and A2.		

E6.8.5 Pedestrian Walkways

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

Table E6.5: Pedestrian Access

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

Notes

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

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.	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: <ul style="list-style-type: none"> a) degree of encroachment; and b) nature of the emitting operation being protected by the attenuation area; and c) degree of hazard or pollution that may emanate from the emitting operation; and d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

N/a	Complies with P1 – Site Specific Study (SSS) was provided with the proposal, indicating compliance as follows: a) The proposed dwelling is located approximately 750m from the northern side of the abattoir infrastructure, although the title straddles Illawarra Road and has a common boundary with the subject site. b) The abattoir operation typically generates noise and odours; however, the SSS notes that odours are dependent on the wind direction. The dominant wind direction is from the NW; therefore, blowing odours away from the subject site. Noise generated by the abattoir is likely to be overridden by traffic noise on Illawarra Road. c) The amenity loss of noise and odours may be considered a nuisance, but will not cause environmental harm and are noted in the SSS to be of no consequence to the property owner. d) Given the separation distance and dominant wind direction, no measures are proposed or considered necessary to mitigate amenity loss.
A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Village, Local Business, General Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to: a) the degree of encroachment; and b) the nature of the emitting operation being protected by the attenuation area; and c) the degree of hazard or pollution that may emanate from the emitting operation; and d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i> .
N/a	N/a

E11.7 Development Standards

Not used in this Scheme.

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
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<i>Strategic Plan 2017-2027</i>	
<i>Statutory Planning</i>	

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the Rural Resource Zone – clause D26.3.2 P1.1 (b), P1.2 & P1.3 (residential dwelling in Rural Resource zone) & D26.4.1 P1(a & b) & P2 (a-e) (Building height and setbacks).
- Reliance on the performance criteria of the Flood Prone Areas Code – clause E5.5.1 P1 & P2 & clause E5.6.1 P1.1 (a), P1.2 & P1.3 (a-c) (medium risk flooding).
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code – clause E6.7.1 P1 and E6.7.2 P2 (access not usable in all weather conditions and no passing bays).
- Reliance on the performance criteria of the Environmental Impacts and Attenuation Code – Clause E11.6.1 P1 (located within attenuation distance of abattoir).

A representation was received against the application, citing concerns about inaccuracies on plans, issues associated with proposed berm - dust, machinery noise and increased vehicle movements during construction, visual impact and reduction in privacy due to height of fill combined with raised floor level of proposed dwelling, potential for increase in volume and velocity of flood waters on adjacent Heritage Listed property, data in flood report utilising most recent flood events and issues with wastewater system being flooded.

Some of the concerns raised in the representation are relevant to non-compliance with the Planning Scheme provisions.

The construction of a dwelling, without a clear path of access during a moderate flood event would result in the safety of occupants relying on flood warnings and the ability exit the site early, or risk placing reliance on emergency services for extraction. The proposed design would require a significant amount of fill and additional raised floor level, resulting in a structure with a roof pitch nearly 9m above natural ground level in a highly visible location when viewed from Illawarra Road, which is protected by a Scenic Corridor. The proposal does not comply with several clauses of the *Northern Midlands Interim Planning Scheme 2013* and is therefore recommended for refusal. The adhesion of titles can occur separately to the Planning Approval process, should the property owner want to progress this part of the application.

8 ATTACHMENTS

- A. Application & plans, correspondence with applicant
- B. Responses from referral agencies
- C. Representations & applicant's response

RECOMMENDATION

That application PLN-19-0192 for a dwelling, access & adhesion of 3 titles (Flood Prone Area, vary setbacks, within Attenuation Distance to Abattoir) at Tannery Road, Longford be refused on the following grounds:

- The proposal does not meet the performance criteria of clause 26.4.1 P1 (a & b)
The height of the dwelling above natural ground level is obtrusive and does not complement the rural flood plain character of the surrounding landscape. The elevated position of the building (due to the need to raise the buildings floor level above flood level) will negatively impact on the amenity of the adjoining dwelling, due to overlooking and visual impacts.
- The proposal does not meet the performance criteria of clause E5.5.1 (P1 & P2).
If, in a 'moderate' flood event, ground based access is not available, the consequence criteria would be 'minor', resulting in a 'medium' risk level. There are no mitigation measures within the proposal to provide ground-based access in a 'moderate' flood; therefore, the performance criteria is not met.
- The proposal does not meet the performance criteria of clause E5.6.1 (P1.1 a, P1.2 & P1.3 b & c)
P1.1 a) – Access to the water is not a necessary function of the use. The development does not achieve a low risk, in accordance with the risk assessment in E5.7 a); therefore, the performance criteria is not met.

P1.2 – Mitigation works are not proposed to provide ground-based access; therefore, a low risk level cannot be achieved and the performance criteria cannot be met.

P1.3 b) – The proposal does not provide surety that the development will not cause any increase in the extent of flooding experienced by the neighbouring Heritage Listed dwelling. c) The proposal does not provide surety that the location of effluent disposal will not result in pollution of the watercourse.

- The proposal does not meet the performance criteria of clause E6.7.1 P1.

During a flood event, the access will not be available to vehicles and will therefore not be useable in all weather conditions.

DECISION

Cr Polley/Cr Calvert

That application PLN-19-0192 for a dwelling, access & adhesion of 3 titles (Flood Prone Area, vary setbacks, within Attenuation Distance to Abattoir) at Tannery Road, Longford be refused on the following grounds:

- The proposal does not meet the performance criteria of clause 26.4.1 P1 (a & b)
The height of the dwelling above natural ground level is obtrusive and does not complement the rural flood plain character of the surrounding landscape. The elevated position of the building (due to the need to raise the buildings floor level above flood level) will negatively impact on the amenity of the adjoining dwelling, due to overlooking and visual impacts.
- The proposal does not meet the performance criteria of clause E5.5.1 (P1 & P2).
If, in a 'moderate' flood event, ground based access is not available, the consequence criteria would be 'minor', resulting in a 'medium' risk level. There are no mitigation measures within the proposal to provide ground-based access in a 'moderate' flood; therefore, the performance criteria is not met.
- The proposal does not meet the performance criteria of clause E5.6.1 (P1.1 a, P1.2 & P1.3 b & c)
P1.1 a) – Access to the water is not a necessary function of the use. The development does not achieve a low risk, in accordance with the risk assessment in E5.7 a); therefore, the performance criteria is not met.
P1.2 – Mitigation works are not proposed to provide ground-based access; therefore, a low risk level cannot be achieved and the performance criteria cannot be met.
P1.3 b) – The proposal does not provide surety that the development will not cause any increase in the extent of flooding experienced by the neighbouring Heritage Listed dwelling. c) The proposal does not provide surety that the location of effluent disposal will not result in pollution of the watercourse.
- The proposal does not meet the performance criteria of clause E6.7.1 P1.
During a flood event, the access will not be available to vehicles and will therefore not be useable in all weather conditions.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

122/20 PLANNING APPLICATION PLN-20-0038: 42 MARLBOROUGH STREET, LONGFORD

File Number: 109301.235; CT 168149/2
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Urban & Regional Planner

1 INTRODUCTION

This report assesses an application for 42 Marlborough Street, Longford to construct a dwelling, retaining wall and fence.

2 BACKGROUND

Applicant:

Urban Design Solutions

Zone:

General Residential Zone

Classification under the Scheme:

Discretionary

Deemed Approval Date:

Extension of time until 1st May 2020

Owner:

Cheryl Anne Gualtieri

Codes:

Car Parking and Sustainable Transport Code
Local Historic Heritage Code

Existing Use:

Vacant

Recommendation:

Approve

Discretionary Aspects of the Application

- Reliance on the performance criteria of the General Residential Zone
 - Clause 10.4.2 P1 - Front setback
 - Clause 10.4.2 P3 – Rear setback/Building envelope
 - Clause 10.4.3 P1 – Site Coverage
 - Clause 10.4.7 P1 – Front fence height
- Reliance on the performance criteria of the Local Historic Heritage Code (note: all relevant clauses of this Code rely on performance criteria)
 - Clause E13.6.3 - Site Cover
 - Clause E13.6.4 - Height and Bulk of Buildings
 - Clause E13.6.5 - Fences
 - Clause E13.6.6 - Roof Form and Materials
 - Clause E13.6.7 - Wall materials
 - Clause E13.6.8 – Siting of Buildings and Structures
 - Clause E13.6.12 - Tree and Vegetation Removal
- Reliance on the performance criteria of the Heritage Precinct Specific Area Plan
 - Clause F2.5.1 P3 – Setbacks (setback of retaining walls)
 - Clause F2.5.15 P1 - Fences and Gates (height/materials of front fence)

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013, Version 30, Effective from 24th March 2020.*

Preliminary Discussion

A previous application for a dwelling on the subject site was recommended for refusal at the September 2019 Council Meeting and was subsequently withdrawn prior to a decision being made. Prior to submission of this application, the applicant held discussions with Council officers and Council's Heritage Advisor, regarding the changes required to bring the submission into greater conformity with the Planning Scheme. As a result of these discussions, the applicant

undertook a complete re-design of the original proposal and submitted a fresh application that is the subject of this assessment.

Subject site



3 STATUTORY REQUIREMENTS

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

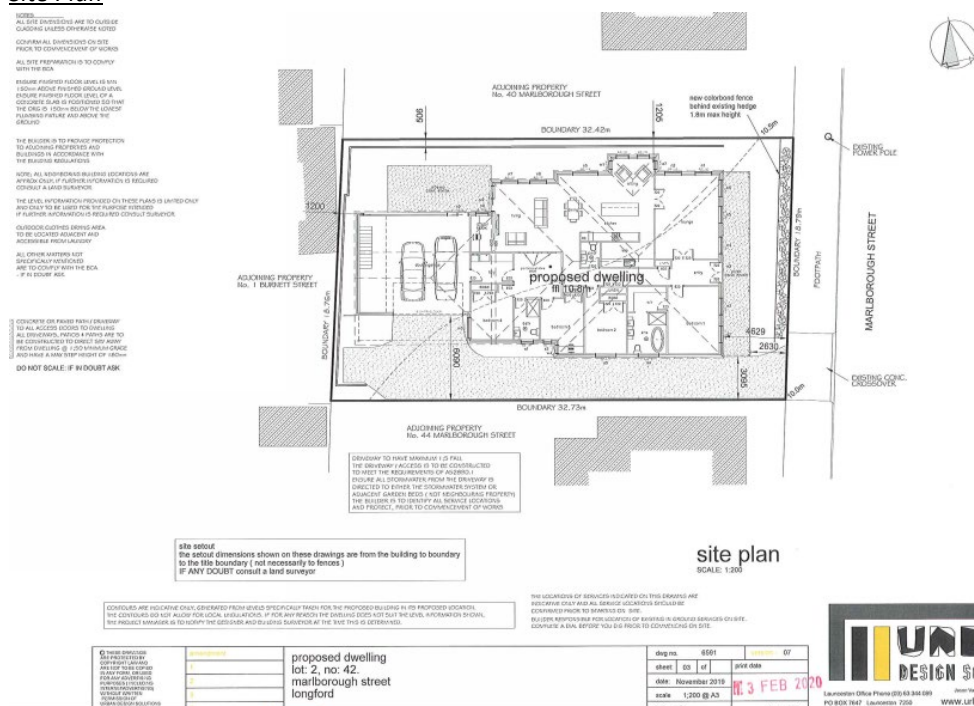
4 ASSESSMENT

4.1 Proposal

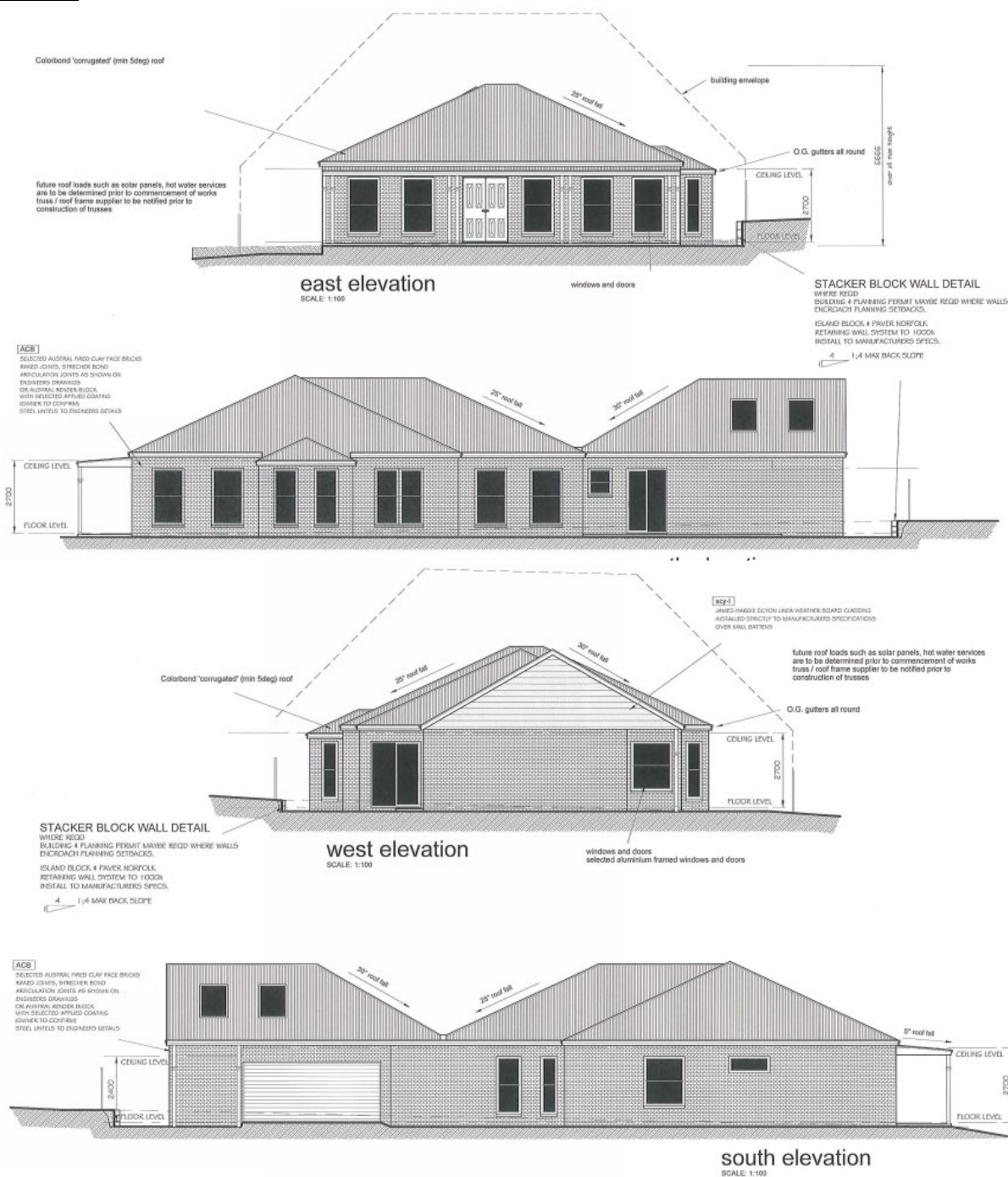
It is proposed to:

- Dwelling, retaining wall and fence (vary front, rear & side setbacks, site coverage, fence height & solid/void window ratio; within heritage precinct).

Site Plan



Elevations



4.2 Zone and land use

Zone Map – General Residential Zone



The land is zoned General Residential Zone and is subject to the Car Parking and Sustainable Transport Code, Heritage Code and Heritage Precinct Specific Area Plan.

The relevant Planning Scheme definition is:

<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
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Residential is a 'no permit required' use in the zone; however, the application became discretionary due to reliance on the performance criteria.

4.3 Subject site and locality

The author of this report carried out a site visit on the 25th February 2020. The subject site is a 611m² rectangular lot, that is currently vacant. The site slopes gently to the south and has an established hawthorn hedge along the frontage that continues along the frontage of the neighbouring property. The site is located just south of the High and Marlborough Street intersection. Established residential uses surround the site.

Aerial photograph of area



Photographs of subject site



4.4 Permit/site history

Relevant permit history includes:

- Nil – vacant site.

4.5 Representations

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

- Gary & Julie Swinton, 40 Marlborough St Longford
- David Coope, 44 Marlborough St Longford
- Donna Bain, 37 Marlborough St Longford

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



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

Issue 1

Not in keeping with/inappropriate in Heritage Streetscape/precinct

Planner's comment:

The subject site is not a Heritage Listed Place; therefore, assessment of the proposal is limited to the impact the development has on the streetscape and the interpretation of other buildings within the streetscape. This report provides an assessment against the Heritage Code and the Heritage Precinct Specific Area Plan, which looks at both the impact of the building on the streetscape and also the building materials, design, roof form, colours etc. The proposed development is compliant with all relevant Code and Specific Area Plan provisions of the Planning Scheme. Assessment is limited to the Planning Scheme provisions, and more specifically, the variations proposed.

Issue 2

- Not in keeping with size/style of nearby housing

Planner's comment:

The intent of the Heritage Precinct is not to require buildings to "match" other buildings within the precinct, nor to replicate Heritage Listed buildings, rather it is to 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. Assessment against the relevant zone and heritage provisions of the Planning Scheme determines that the proposed dwelling meets this intent.

Issue 3

- House will overbear/take away airspace & views from adjoining properties.

Planner's comment:

It is noted that the subject site is currently vacant and any development on the site will alter the views from adjoining properties; however, assessment against the relevant clauses of the Planning Scheme that consider height, bulk, setbacks and site coverage, has determined that the proposed development is compliant with the requirements of the Planning Scheme.

Issue 4

- Site Coverage

Planner's comment:

Site coverage is assessed by both the zone and Heritage Code provisions and looks at whether there is sufficient private open space and amenity for the occupants of the dwelling and the proportions of the building within the context of the streetscape. The driveway to the southern side of the dwelling reduces the ratio of building façade to frontage, resulting in the majority of the building being "hidden" behind the façade. The site coverage proposed meets the zone and code provisions.

Issue 5

- View of neighbouring wall from across proposed driveway and associated vegetation removal

Planner's comment:

The vegetation to be removed does not have heritage value and the view of a neighbouring dwelling from a distance of 4.5m+ is not incompatible with a residential setting. The southern boundary setback requirements are met.

Issue 6

- No indication of roof height and impact of roof height from across Marlborough Street

Planner's comment:

The roof height is clearly notated on the plans as 6.6m from finished ground level. The use of retaining walls will reduce this height further, relative to natural ground level and when interpreted from across the street. The subject site will be partially screened behind an existing hedge and is not considered to cause an unreasonable loss of amenity to properties across the road.

Issue 7

- Rear setback and building envelope variation

Planner's comment:

The variation to the rear setback and building envelope has been applied for, advertised and assessed (refer part 4.7 of this report) as part of the proposal and is deemed to comply with the relevant performance criteria of the Planning Scheme.

Issue 8

- Retaining walls/side setback variations

Planner's comment:

The proposed retaining walls allow the building to be 'cut in' to the sloping bank across the lot, thus reducing the overall height and bulk of the building when viewed from the street and adjoining lots. It is unclear from the representation why the retaining walls are of concern to a property across the road.

4.6 Referrals

The only referrals required were as follows:

Heritage Adviser

Council's Heritage Advisor, David Denman, reviewed the application on the 3.03.2020. Mr Denman noted that he had no objections to the proposal and made the following comments:

The proposed house will have an acceptable impact within the streetscape.

It is recommended that the garage roof [rear gable] be modified as per the attached drawings to help reduce the bulk and scale of the roof form and provide a more cohesive design.

Comment: The rear gable will not be visible from the street and is therefore not relevant to the Heritage Assessment of this proposal.

Department of State Growth

Precis: The Department of State Growth responded on the 4.03.2020 that they had no comment to make on the proposal (Ref: D20/46597). No works are proposed in the State Road Reserve, as the crossover is existing.

4.7 Planning Scheme Assessment

GENERAL RESIDENTIAL ZONE		
ZONE PURPOSE		
<i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i>		
<i>To provide for compatible non-residential uses that primarily serve the local community.</i>		
<i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i>		
<i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i>		
Assessment: The proposal meets the zone purpose.		
LOCAL AREA OBJECTIVES		
<i>To consolidate growth within the existing urban land use framework of the towns and villages.</i>		
<i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i>		
<i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i>		
Assessment: The proposal meets the local area objectives.		
PRECIS OF DEVELOPMENT STANDARDS FOR SINGLE DWELLINGS		
10.4.2 Setback and building envelopes for dwellings		
	A1	Unless within a building area, then
x	(a)	4.5m from primary frontage; or not less than existing dwelling on site; OR
N/a	(b)	3m to secondary frontage; or not less than existing dwelling on site; OR
N/a	(b)	if vacant lot, setback which is not more or less than dwellings on immediately adjoining lots; OR
N/a	(c)	not less than the existing dwelling setback if less than 4.5m; OR
N/a	(d)	as per road setback specified in Planning Scheme
	A2	Garage or carport to be set back:
✓	(a)	5.5m from primary frontage or 1m behind the façade, OR
N/a	(b)	The same as the dwelling façade if under dwelling
N/a	(c)	1m if gradient > 1:5 for 10m from frontage
	A3	Dwellings (excluding minor protrusions extending to 1.5m)
x	(a)	to be within building envelope (i) frontage setback (as above), or 4.5m from rear boundary of adjoining frontage lot for internal lot (ii) 45 degrees from the horizontal at a height of 3m above natural ground level, 4m rear setback, and max height 8.5m AND
x	(b)	1.5m side setback or built to the boundary (existing boundary wall within .2m of boundary or; 9m or ⅓ of the side boundary, whichever is lesser)
10.4.3 Site coverage and private open space for dwellings		
x	A1	(a) max. site coverage of 50% (excluding eaves)
✓		(c) at least 25% free from impervious surfaces
✓	A2	(a) POS of 24m ² in one location
✓		(b) horizontal dimension of 4m; AND
✓		(c) directly accessible from, & adjacent to, a habitable room (other than bedroom); AND
✓		(d) not located to the S, SE or SW of dwelling, unless receives at least 3 hours of sunlight to 50% of area between 9am and 3pm on 21 June; AND
✓		(e) between dwelling and frontage only if frontage is orientated between 30 degrees west of north and 30 degrees east of north; AND

	✓	(f) not steeper than 1:10, AND
	✓	(g) not used for vehicle parking
10.4.4 Sunlight and overshadowing		
	✓	A1 1 habitable room (other than bedroom) with window facing between 30 degrees west of north and 30 degrees east of north
10.4.5 Width of openings for garages and carports		
	N/a	A1 Garage or carport within 12m of a primary frontage (whether free-standing or not), total width of openings facing frontage of < 6m or half the width of the frontage (whichever is lesser).
10.4.6 Privacy		
	N/a	A1 Balconies, decks, carports etc. OR windows/glazed doors to a habitable room, more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: <ul style="list-style-type: none"> (a) side boundary – 3m (b) rear boundary – 4m A2 Window or glazed door to be offset 1.5m from neighbour's window, OR sill height 1.7m above floor level, OR obscure glazing to 1.7m OR external screen to 1.7m
10.4.7 Frontage fences for single dwellings		
		A1 Applies to maximum building height of fences on and within 4.5m of a frontage
	X	(a) 1.2m if solid; OR
	X	(b) 1.8m if above 1.2m has openings which provide a minimum 50% transparency
Easements		
	✓	No construction over an easement

The application meets the acceptable solutions of the General Residential zone, except for the following variations:

- Front setbacks
- Side setbacks (retaining walls)
- Building envelope
- Site coverage
- Front fence height/transparency.

Accordingly, the development relies on the following performance criteria:

10.4.2

P1	A dwelling must: <ul style="list-style-type: none"> (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.
	Complies with P1 (a) – the development proposes a front veranda with a 2.63m minimum setback. The front wall of the dwelling has a 4.6m setback. The subject site is located in an older part of Longford where Heritage Listed buildings are often built up to the frontage or with minimal setbacks. The proposed setback is compatible with a number of other dwellings on Marlborough Street between the High and Pultney Street intersections (see image below). (b) N/a – table 10.4.2 is not used.

Approximate front setback line (yellow line) showing compatibility with setback of other dwellings in the street – subject site highlighted



P3	<p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling on an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.
	<p>The development proposes a variation to the side boundaries due to the length of and proximity of the retaining walls to the side and rear boundaries. The proposed garage is located 1.2m from the rear boundary and is also a variation to the rear setback and building envelope.</p> <p>The retaining walls are well below the height of the existing boundary fences and will not be visible from neighbouring properties. The garage complies with P3 (a) as follows:</p> <p>a) (i-ii) – The proposed retaining walls and garage will not cause an unreasonable loss of amenity due to overshadowing of habitable room windows or private open space. The land to the rear (west) of the site contains a garage on the boundary adjacent to the proposed garage, which will cause a greater degree of shadowing than the development proposed on the subject site.</p>

(iii) N/a - The adjoining lots contain dwellings.

iv) The proposed retaining walls will assist in reducing the height of the proposed dwelling by allowing the dwelling to be cut into the block. The visual impact of the proposed garage on the property to the west is not out of character with outbuildings in the area and an existing shed on the neighbouring lot will partially screen the view into the subject site.

b) The retaining walls do not influence the actual setback (and therefore separation distances) of the dwelling – which achieves the side setback required by the planning scheme. The setback of the garage is generally compatible with the separation distances between dwellings on adjoining lots.

10.4.3

• P1	<ul style="list-style-type: none"> Dwellings must have: <ul style="list-style-type: none"> (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (b) reasonable space for the planting of gardens and landscaping.
•	<ul style="list-style-type: none"> The development proposes a site coverage of 56.29% (over half of the lot) and therefore relies on the performance criteria: <ul style="list-style-type: none"> a) (i) The dwelling contains an alfresco area with additional surrounding lawn area to provide an area of private open space that is compliant with the zone requirements and is therefore deemed to comply. While there is no communal open space within the development, Longford does have a number of well utilised parks and recreation grounds. The Longford Recreation Ground and Village Green are both located within approximately 500-600m from the subject site. <ul style="list-style-type: none"> ii) Sufficient space is available within the site to accommodate clothes drying and a small a garden shed. Additional storage area is available within the garage. b) Sufficient space is available on the site for landscaping and gardens, with space for garden beds at the top of the retaining walls.

10.4.7

P1	<p>A fence (including a free-standing wall) within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and (b) be compatible with the height and transparency of fences in the street, taking into account the: <ul style="list-style-type: none"> (i) topography of the site; and (ii) traffic volumes on the adjoining road.
	<p>The development proposes a 1.8m Colorbond fence to be located behind the existing, dense Hawthorn hedge.</p> <ul style="list-style-type: none"> a) The front fence will aid the security and privacy of the occupants of the dwelling, while allowing for mutual passive surveillance between the road and the dwelling via the gateway. b) The proposed fence is proposed to be located behind the existing Hawthorn Hedge and will therefore only be visible from within the lot. Marlborough Street provides the main thoroughfare to Cressy and serves as a collector to numerous other lower order roads. Traffic volumes are therefore significantly higher than a standard residential street and the solid fence will provide additional security and buffer to traffic noise. On this basis, the fence is deemed to comply.

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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	See code assessment below.
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.			
Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking distance of the site; and
		e)	site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
		f)	the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
		g)	an empirical assessment of the car parking demand; and
		h)	the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
		i)	the recommendations of a traffic impact assessment prepared for the proposal; and
		j)	any heritage values of the site; and
		k)	for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
		i)	the size of the dwelling and the number of bedrooms; and
		ii)	the pattern of parking in the locality; and
		iii)	any existing structure on the land.
Comment:			
Complies with A1. Two parking spaces are provided.			

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
<i>If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	<i>1 space per dwelling</i>	<i>1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.</i>
<i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	<i>2 spaces per dwelling</i>	

E6.6.2 Bicycle Parking Numbers

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

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

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.			
Acceptable Solutions		Performance Criteria	
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1	No performance criteria.
<p>Comment:</p> <p>N/a – private residence.</p>			

E6.6.4 Motorbike Parking Provisions

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

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1	All car parking, access strips manoeuvring and circulation spaces must be:	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.
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.		
<p>Comment:</p> <p>Complies with A1 (a). (b) & (c) are not applicable for a single dwelling.</p>			

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1	The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Comment: A1.1 – N/a A1.2 – Complies.		e)	the level of landscaping proposed for the car parking.
A2.1	Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and A2.2 The layout of car spaces and access ways must be designed in accordance with <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.
Comment: Complies with A2.1 and A2.2 – 2 parking spaces provided within the garage. The access width of the driveway is over 3m, and less than 30m long.			

Table E6.2: Access Widths for Vehicles

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

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.			
Acceptable Solutions		Performance Criteria	
A1	Car parking areas with greater than 20 parking spaces must be: a) secured and lit so that unauthorised persons cannot enter or; b) visible from buildings on or adjacent to the site during the times when parking occurs.	P1	Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the: a) levels of activity within the vicinity; and b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
Comment: 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: e) the topography of the site; f) the location and type of relevant facilities on the site or in the vicinity; g) the suitability of access pathways from parking spaces, and h) applicable Australian Standards.
N/a – private residence.		N/a	
A2	One 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> .	P2	The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to: d) characteristics of the populations to be served;

	e) their means of transport to and from the site; and f) applicable Australian Standards.
N/a – private residence.	N/a

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <p>a) at least one loading bay must be provided in accordance with Table E6.4; and</p> <p>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</p>	<p>P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</p>
<p>Comment:</p> <p>N/a – residential use.</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

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

E6.8.5 Pedestrian Walkways

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

Complies with A1 – no separate access required.

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

E13.5 Use Standards

E13.5.1 Alternative Use of heritage buildings – N/a

E13.6 Development Standards

E13.6.1 Demolition – N/a

E13.6.2 Subdivision and development density – N/a

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.	
Acceptable Solutions	Performance Criteria
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.	P1 The site coverage must: <ul style="list-style-type: none"> a) be appropriate to maintaining the character and appearance of the building or place, and the appearance of adjacent buildings and the area; and b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
Relies on Performance Criteria – site coverage is not specified in Table E13.1.	The proposed development complies with performance criteria P1 (a) and (b). The layout and floor area of the house has been completely re-designed from the previous application for the site (PLN-19-0131). The scale of the proposed dwelling will have an acceptable impact within the streetscape. The driveway to the southern side will assist in reducing the appearance of site coverage when viewed from the street and visual impact of the building footprint has been further mitigated by dividing the roofs over the garage and main section of the house. The rear gable to the garage is required to achieve sufficient roof height to the mezzanine and will not be visible when viewed from the street.

E13.6.4 Height and Bulk of Buildings

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.	
Acceptable Solutions	Performance Criteria
A1 New 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.	P1.1 The 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

	<p>P1.2 Extensions proposed to the front or sides of an existing building must not detract from the historic heritage significance of the building; and</p> <p>P1.3 The 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.</p>
Relies on Performance Criteria – heights of buildings are not specified in Table E13.1.	<p>The proposed development complies with performance criteria P1.1 and P1.3, as per the following assessment from Council's Heritage Advisor:</p> <p>P1.1 – The height and bulk of the building does not adversely affect the importance, character and appearance of the building or place and appearance of adjacent buildings – as a new build, the importance of the place is its compatibility with and impact on the greater streetscape. The front façade proposes a height and scale that is appropriate for the streetscape and will not impact on the appearance of adjacent buildings when viewed from the street.</p> <p>P1.2 – N/a – no extensions proposed.</p> <p>P1.3 – Complies with the management objectives of the precinct by not adversely impact on the heritage qualities of the streetscape.</p>

E13.6.5 Fences

<p>Objective</p> <p>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.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 New 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.</p>	<p>P1 New fences must:</p> <p>a) be designed to be complementary to the architectural style of the dominant buildings on the site or</p> <p>b) be consistent with the dominant fencing style in the heritage precinct; and</p> <p>c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
Relies on Performance Criteria – fence types and materials are not specified in Table E13.1.	Complies with P1 (a-c) – the Colorbond fence is proposed to the rear of the existing dense hawthorn hedge, and will therefore be screened from the street, provided the hedge is maintained at a height greater than the proposed fence. A condition may be applied to ensure the retention and maintenance of the hedge.

E13.6.6 Roof Form and Materials

<p>Objective</p> <p>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.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Roof 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.</p>	<p>P1 Roof form and materials for new buildings and structures must:</p> <p>a) be sympathetic to the historic heritage significance, design and period of construction of the dominant existing buildings on the site; and</p> <p>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
Relies on Performance Criteria – roof form and materials are	Complies with P1 (a) & (b) – the Colorbond material and proposed roof form is consistent with other buildings in the street, with the exception of the rear gable; however, this section

not specified in Table E13.1.

of the roof will not be visible from, or impact on the streetscape.

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.	
Acceptable Solutions	Performance Criteria
A1 Wall 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.	P1 Wall 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.
Relies on Performance Criteria – wall materials are not specified in Table E13.1.	Complies with P1 (a) & (b) – face brickwork or rendered finish are both acceptable wall materials within the precinct and will not detract from meeting the management objectives.

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.	
Acceptable Solutions	Performance Criteria
A1 New 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.	P1 The 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.
Relies on Performance Criteria – setbacks are not specified in Table E13.1.	Complies with P1 – the front setback of the dwelling is consistent with the setback of surrounding buildings within the streetscape. The subject site is located in an older part of Longford where Heritage Listed buildings are often built up to the frontage or with minimal setbacks. The proposed setback is compatible with a number of other dwellings on Marlborough Street between the High and Pultney Street intersections.

E13.6.9 Outbuildings and Structures – N/a

E13.6.10 Access Strips and Parking – N/a – only refers to car parking for non-residential purposes

E13.6.11 Places of Archaeological Significance – N/a

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.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 The removal of vegetation must not: a) unreasonably impact on the historic cultural significance of the place; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
Relies on Performance Criteria.	Complies with P1 (a) & (b) – the only tree removal proposed is some small ornamental trees located within an otherwise vacant site. The trees are currently screened from the street by the existing hedge and are not of heritage significance.

NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

E13.6.13 Signage – N/a

E13.6.14 Maintenance and Repair – N/a

SPECIFIC AREA PLANS		
F1.0	TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0	HERITAGE PRECINCTS SPECIFIC AREA PLAN	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, the property opposite the subject site and the two properties both sides of that.

General Comment:

The proposal will have an acceptable impact on the streetscape and meets the requirements of the Heritage Precincts Specific Area Plan.

F2.5 STANDARDS FOR DEVELOPMENT

F2.5.1 Setbacks

Objective: To ensure that the predominant front setback of the existing buildings in the streetscape is maintained, and to ensure that the impact of garages and carports on the streetscape is minimised.

Acceptable Solutions & performance criteria

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

A1	The predominant front setback as identified in the design statement must be maintained for all new buildings, extensions, alterations or additions (refer Figure F2.4 & F2.8).	P1	The front setback must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the topography of the site; c) the size, shape, and orientation of the lot; d) the setbacks of other buildings in the surrounding area; e) the historic cultural heritage significance of adjacent places; and f) the streetscape.
Complies with A1 – the front setback is consistent with the predominant front setback in the street (refer assessment against 10.4.2 P1).		N/a	
A2	New carports and garages, whether attached or detached, must be set back a minimum of 3 metres behind the line of the front wall of the house which it adjoins (refer Figure F2.3, & F2.7).	P2	The setback of new carports and garages from the line of the front wall of the house which it adjoins must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the topography of the site; c) the size, shape, and orientation of the lot; d) the setbacks of other buildings in the surrounding area; e) the historic cultural heritage significance of adjacent places; and f) the streetscape.
Complies with A2.		N/a	
A3	Side setback reductions must be to one boundary only, in order to maintain the appearance of the original streetscape spacing.	P3	Side setbacks must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the topography of the site; c) the size, shape, and orientation of the lot; d) the setbacks of other buildings in the surrounding area; e) the historic cultural heritage significance of adjacent places; and f) the streetscape.
Relies on P3 – side setback variations are proposed to both sides for the proposed retaining walls.		Complies with P3 – the side setback reductions to the zone setback requirements are for the retaining walls. The location of the retaining walls will not be visible when viewed from the streetscape.	

F2.5.2 Orientation

Objective: To ensure that new buildings, extensions, alterations and additions respect the established predominant orientation within the streetscape.			
Acceptable Solutions & performance criteria			
A1	All new buildings, extensions, alterations or additions must be orientated: a) perpendicular to the street frontage (refer Figure F2.5, F2.6, & F2.8); or b) Where the design statement identifies that the predominant orientation of buildings within the street is other than perpendicular to the street, to conform to the established pattern in the street; and	P1	Orientation of all new buildings, extensions, alteration or additions must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the topography of the site; c) the size, shape, and orientation of the lot; d) the setbacks of other buildings in the surrounding area; e) the historic cultural heritage significance of adjacent places; and f) the streetscape.

c) A new building must not be on an angle to an adjoining heritage-listed building (refer Figure F2.5).	
Complies with A1 (a)	N/a

F2.5.3 Scale

Objective: To ensure that all new buildings respect the established scale of buildings in the streetscape, adhere to a similar scale, are proportional to their lot size and allow an existing original main building form to dominate when viewed from public spaces.	
Acceptable Solutions (no performance criteria)	
A1	Single storey developments must have a maximum height from floor level to eaves of 3 metres (refer Figure F2.14).
A2	Where a second storey is proposed it must be incorporated into the roof space using dormer windows, or roof windows, or gable end windows, so as not to detract from original two storey heritage-listed buildings (refer Figure F2.13 & F2.15).
A3	Ground floor additions located in the area between the rear and front walls of the existing house must not exceed 50% of the floor area of the original main house.
Complies with A1 & A2. A3 is not applicable – no additions are proposed.	

F2.5.4 Roof Forms

Objective: To ensure that the roof form and elements respect those of the existing main building and the streetscape.	
Acceptable Solutions & performance criteria	
A1.1 The roof form for new buildings, extensions, alterations, and additions must, if visible from the street, be in the form of hip or gable, with a pitch between 25 – 40 degrees (refer Figure F2.14 & F2.18), or match the existing building, and	P1 The roof form of all new buildings, extensions, alteration or additions must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:
A1.2 Eaves overhang must be a maximum of 300mm excluding guttering, or match the existing building.	a) the cultural heritage values of the local heritage place, its setting and the precinct;
	b) the design, period of construction and materials of the dominant building on site;
	c) the dominant roofing style and materials in the setting; and
	d) the streetscape.
A2	Where there is a need to use the roof space, dormer windows are acceptable and must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant (refer Figure F2.15).
A3	Where used, chimneys must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant.
A4	Metal cowl must not be used where they will be seen from the street.
Complies with A1.1 and A1.2 – 25-30 deg pitch and no eaves.	
Complies with A2 – roof storage area utilises a skylight. Dormer windows not required.	
A3 -N/a	
A4 – N/a	

F2.5.5 Plan Form

Objective: To ensure that new buildings, alterations, additions and extensions respect the setting, original plan form, shape and scale of the existing main building on the site or of adjoining heritage-listed buildings.	
Acceptable Solutions	Performance Criteria
A1.1 Alterations and additions to pre-1940 buildings must retain the original plan form of the existing main building; or	P1 Original main buildings must remain visually dominant over any additions when viewed from public spaces.
A1.2 The plan form of additions must be rectilinear or consistent with the existing house design and dimensions.	
N/a	N/a
A2 The plan form of new buildings must be rectilinear (refer Figure F2.9).	P2 No performance criteria
Complies with A2.	N/a

F2.5.6 External Walls

Objective: To ensure that wall materials used are compatible with the streetscape.	
Acceptable Solutions	Performance Criteria
A1.1 Materials used in additions must match those of the existing construction, except in	P1 Wall materials must be

<p>additions to stone or brick buildings; and</p> <p>A1.2 External walls must be clad in:</p> <p>a) traditional bull-nosed timber weatherboards; if treated pine boards are used to replace damaged weatherboards they must be painted; thin profile compressed board weatherboards must not be used; or</p> <p>b) brickwork, with mortar of a natural colour and struck flush with the brickwork (must not be deeply raked), including:</p> <ul style="list-style-type: none"> • painted standard size bricks; or • standard size natural clay bricks that blend with the colour and size of the traditional local bricks; or • standard brickworked in traditional style; or • if a heritage-listed building, second-hand traditional local bricks. <p>Heavily-tumbled clinker bricks must not be used; or</p> <p>c) concrete blocks specifically chosen to blend with local dressed stone, or rendered and painted;</p> <p>d) concrete blocks in natural concrete finish must not be used.</p> <p>A1.3 Cladding materials designed to imitate traditional materials such as brick, stone and weatherboards must not be used.</p>	<p>compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <p>a) the cultural heritage values of the local heritage place, its setting and the precinct;</p> <p>b) the design, period of construction and materials of the dominant building on site;</p> <p>c) the dominant wall materials in the setting; and</p> <p>d) the streetscape.</p>
<p>A1.1 – N/a</p> <p>A1.2 – (b/c) – Complies. Render finish or painted brickwork – a condition is required to ensure compliance.</p> <p>A1.3 – Complies.</p>	<p>N/a</p>

F2.5.7 Entrances and Doors

Objective: To ensure that the form and detail of the front entry is consistent with the streetscape.			
Acceptable Solutions & performance criteria			
A1.1	The position, shape and size of original door and window openings must be retained where they are prominent from public spaces; and	P1	Entrances and doors must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:
A1.2	The front entrance location must be in the front wall facing the street, and be located within the central third of the front wall of the house; and	a)	the cultural heritage values of the local heritage place, its setting and the precinct;
A1.3	Modern front doors with horizontal glazing or similar styles must not be used (refer Figure F2.21).	b)	the design, period of construction and materials of the dominant building on site; and
		c)	the streetscape.
A1.1 – N/a		N/a	
A1.2 – Complies.			
A1.3 – Complies.			

F2.5.8 Windows

Objective			
To ensure that window form and detail are consistent with the streetscape.			
Acceptable Solutions		Performance Criteria	
A1	Window heads must be a minimum of 300mm below the eaves line, or match the existing.	P1	No performance criteria.
Complies		N/a	
Solid-void ratio			
A2	Front façade windows must conform to the solid/void ratio (refer Figure F2.24 & F2.25).	P2	For commercial buildings, the solid/void ratio of front façade windows must be compatible with that of heritage-listed commercial buildings in the precinct.
Complies with A2 – solid/void ratio is approximately 30% - condition required to ensure compliance.		N/a	
Window sashes			
A3	Window sashes must be double hung, casement, awning or fixed appropriate to the period and style of the building (refer Figure	P3	No performance criteria

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

F2.22 & F2.23).	
Complies double hung	N/a
A4 Traditional style multi-pane sashes, when used, must conform to the traditional pattern of six or eight vertical panes per sash with traditional size and profile glazing bars.	P4 No performance criteria.
N/a	N/a
A5 Horizontally sliding sashes must not be used.	P5 No performance criteria.
Complies	N/a
A6 Corner windows to front facades must not be used.	P6 No performance criteria.
N/a	N/a
Window Construction Materials	
A7 Clear glass must be used.	P7 No performance criteria.
Not specified - a condition will be required to ensure compliance.	N/a
A8 Reflective and tinted glass and coatings must not be used where visible from public places.	P8 No performance criteria.
Complies as per A7.	N/a
A9 Additions to heritage-listed buildings must have timber window frames, where visible from public spaces.	P9 No performance criteria.
N/a	N/a
A10 Painted aluminium must only be used where it cannot be seen from the street and in new buildings, or where used in existing buildings	P10 Window frames must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to the cultural heritage values of the local heritage place, its setting and the precinct.
Complies – new building	N/a
A11 Glazing bars must be of a size and profile appropriate for the period of the building	P11 No performance criteria.
N/a	N/a
A12 Stick-on aluminium glazing-bars must not be used	P12 No performance criteria.
N/a	N/a
A13 All windows in brick or masonry buildings must have projecting brick or stone sills, or match the existing	P13 No performance criteria.
Complies with A13 – refer plans. Condition required to ensure compliance.	N/a
French Doors, Bay Windows and Glass Panelling	
A14 French doors and bay windows must be appropriate for the original building style and must be of a design reflected in buildings of a similar period.	P14 No performance criteria
N/a	N/a
A15 Where two bay windows are required, they must be symmetrically placed.	P15 No performance criteria
N/a	N/a
A16 Large areas of glass panelling must: a) Be divided by large vertical mullions to suggest a vertical orientation; and b) Be necessary to enhance the utility of the property or protect the historic fabric; and c) Not detract from the historic values of the original building.	P16 No performance criteria
N/a – no large areas of glass panelling	N/a

F2.5.9 Roof Covering

Objective: To ensure that roof materials are compatible with the streetscape.
Acceptable Solutions (no performance criteria)
A1.1 Roofing of additions, alterations and extensions must match that of the existing building; and
A1.2 Roof coverings must be:

- a) corrugated iron sheeting in grey tones, brown tones, dark red, or galvanized iron
- or
- b) slate or modern equivalents, shingle and low-profile tiles, where compatible with the style and period of the main building on the site and the setting. Tile colours must be:
- dark gray; or
 - light grey; or
 - brown tones; or
 - dark red;
- or
- c) traditional metal tray tiles where compatible with the style and period of the main building on the site.
- d) for additions, alterations and extensions, match that of the existing building.

A2 Must not be klip-lock steel deck and similar high rib tray sheeting.

Complies with A1.2 (a) & A2.

F2.5.10 Roof Plumbing

Objective: To ensure that roof plumbing and fittings are compatible with the streetscape.

Acceptable Solutions (no performance criteria)

A1.1 Gutters must be OG, D mould, or Half Round profiles (refer Figure F2.26), or match the existing guttering; and

A1.2 Downpipes must be zincalume natural, colorbond round, or PVC round painted.

A2 Downpipes must not be square-line gutter profile or rectangular downpipes (refer Figure F2.27), or match the existing downpipes.

Complies with A1.1 and A1.2 – OG Gutters are proposed - condition required to ensure compliance with downpipe style. A2 therefore complies.

F2.5.11 Verandahs

Objective: To ensure that traditional forms of sun and weather protection are used, consistent with the streetscape.

Acceptable Solutions & performance criteria

Original Verandahs

A1 Original verandahs must be retained.

Replacement of Missing Verandahs

A2.1 The replacement of a missing verandah must be consistent with the form and detail of the original verandah; or

A2.2 If details of the original verandah are not available:

- a) The verandah roof must join the wall line below the eaves line of the building (refer Figure F2.19); and
- b) Verandah posts and roof profile must be consistent with that in use by the surrounding buildings of a similar period.

P2 Verandahs must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:

- a) the cultural heritage values of the local heritage place, its setting and the precinct;
- b) the design, period of construction and materials of the dominant building on site; and
- c) the streetscape.

New Verandahs

A3 A new verandah, where one has not previously existed, must be consistent with the design and period of construction of the dominant existing building on the site or, for vacant sites, those of the dominant design and period within the precinct.

A1-A2.2 – N/a

A3 – The roof profile, pitch, width and style of the proposed verandah is consistent with the dominant design and period of verandahs within the precinct.

F2.5.12 Architectural Details

Objective: To ensure that the architectural details are consistent with the historic period and style of the main building on the site, and the streetscape.

Acceptable Solutions (no performance criteria)

Original Detailing

A1 Original details and ornaments, such as architraves, fascia's and mouldings, are an essential part of the building's character and must not be removed beyond the extent of any alteration, addition or extension.

Non-original Detailing

A2.1 Non-original elements must be consistent with the original architectural style of the dominant existing building on the site or, for vacant sites, be consistent with the existing streetscape; and

A2.1 Non-original elements must not detract from or dominate the original qualities of the building, nor should they suggest a past use which is not historically accurate.

A1 – N/a

A2.1 – N/a – vacant site.

A2.1 – N/a – vacant site.

F2.5.13 Outbuildings

Comment: N/a – No separate outbuildings form part of this proposal.

F2.5.14 Conservatories

Comment: N/a

F2.5.15 Fences and Gates

Objective: To ensure that original fences are retained and restored where possible and that the design and materials of any replacement complement the setting and the architectural style of the main building on the site.

Acceptable Solutions & performance criteria

<p>A1.1 Replacement of front fence must be in the same design, materials and scale; or</p> <p>A1.2</p> <p>a) Front fence must be a timber vertical picket, masonry to match the house, heritage style woven wire, galvanized tubular fencing, other than looped, or iron palisade fence with a maximum height of 1500mm.</p> <p>b) Side and rear fences must be vertical timber palings to a maximum height of 1800mm.</p>	<p>P1 Fences must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <p>a) the cultural heritage values of the local heritage place, its setting and the precinct;</p> <p>b) the architectural style of the dominant building on the site;</p> <p>c) the dominant fencing style in the setting; and</p> <p>d) the original or previous fences on the site.</p>
<p>Relies on P1.</p>	<p>Complies with P1 – the proposed front fence will be located behind the existing hawthorn hedge and will therefore be screened when viewed from the street.</p>

A2 Gates must match the fence, both in materials and design.

N/a

A3 Screen fences used to separate the front garden from the rear of the house must be of timber or lattice.

N/a

A4 Fences must not be:

- a) horizontal or diagonal timber slat fences; or
- b) plastic covered wire mesh; or
- c) flat metal sheet or corrugated sheets; or
- d) plywood and cement sheet.

Complies – proposed fencing does not form part of the streetscape.

F2.5.16 Paint Colours

Objective: To ensure that new colour schemes maintain a sense of harmony with the street or area in which they are located.

Acceptable Solutions & performance criteria

<p>A1.1 Colour schemes must be drawn from heritage-listed buildings within the precinct; or</p> <p>A1.2 Colour schemes must be drawn from the following:</p> <p>a) Walls – Off white, creams, beige, tans, fawn and ochre.</p> <p>b) Window & Door frames – white, off white, Indian red, light browns, tans, olive green and deep Brunswick green.</p> <p>c) Fascia & Barge Boards - white, off white Indian red, light browns, tans, olive green and deep Brunswick green</p> <p>d) Roof & Gutters – deep Indian red, light and dark grey.</p>	<p>P1 Colour schemes must be compatible with the local historic heritage significance of the local heritage place or precinct having regard to the character and appearance of the existing place or precinct.</p>
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A2 There must be a contrast between the wall colour and trim colours.

A3 Previously unpainted brickwork must not be painted, except in the case of post-1960 buildings.

Comment:

Complies with A1.2 - The applicant advised in their submission that the walls are to be off white with contrasting off white and grey tones for the window, door frames and fascia. Roof is to be grey. A2 – Condition required. A3 – N/a

F2.5.17 Lighting

Objective: To ensure that modern domestic equipment and wiring do not intrude on the character of the streetscape
Acceptable Solutions (no performance criteria)
A1 Wiring or conduit to new lighting is not located on the front face of a building.
Meets the Acceptable Solutions, but a condition is required.

F2.5.18 Maintenance and Repair

Comment: N/a

F2.6 USE STANDARDS

F2.6.1 Alternative Use of heritage buildings

Comment: 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
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
Strategic Plan 2017-2027	
Statutory Planning	

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the General Residential Zone
 - Clause 10.4.2 P1 - Front setback
 - Clause 10.4.2 P3 – Rear setback/Building envelope
 - Clause 10.4.3 P1 – Site Coverage
 - Clause 10.4.7 P1 – Front fence height
- Reliance on the performance criteria of the Local Historic Heritage Code (note: all relevant clauses of this Code rely on performance criteria)
 - Clause E13.6.3 - Site Cover
 - Clause E13.6.4 - Height and Bulk of Buildings
 - Clause E13.6.5 - Fences
 - Clause E13.6.6 - Roof Form and Materials
 - Clause E13.6.7 - Wall materials
 - Clause E13.6.8 - Siting of Buildings and Structures
 - Clause E13.6.12 - Tree and Vegetation Removal
- Reliance on the performance criteria of the Heritage Precinct Specific Area Plan

- Clause F2.5.1 P3 – Setbacks (setback of retaining walls)
- Clause F2.5.15 P1 - Fences and Gates (height/materials of front fence)

The proposed dwelling is consistent with the front setback of other dwellings in the street and requires side setback variations for the retaining walls only. The rear setback/building envelope variation will not cause an unreasonable loss of amenity to the neighbouring property to the west. The site coverage still allows for the required private open space requirements and landscaping. The front fence will be located behind the existing hawthorn hedge and will not be visible from the road.

The eastern front façade of the dwelling meets the relevant heritage requirements, allowing for the management objectives of the code to be met.

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 and to ensure compliance with the Planning Scheme requirements.

8 ATTACHMENTS

- A. Application & plans, correspondence with applicant
- B. Responses from referral agencies
- C. Representations

RECOMMENDATION

That land at 42 Marlborough Street, Longford be approved to be developed and used for a Dwelling, retaining wall and fence (vary front, rear & side setbacks, site coverage, fence height & solid/void window ratio; within heritage precinct) in accordance with application PLN-20-0038, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P7** (*Drawing No: 6591, Sheet No's: 01-07, Dated: November 2019, version 07*) & **D1** (*Colour schedule*).

2 Heritage

2.1 Hedge

The existing Hawthorn Hedge must be retained and maintained at a height equal to or greater than the front fence, for the duration of the use or until such time as further planning approval is granted for its removal.

2.2 Brickwork

Brickwork must have mortar of a natural colour struck flush with the brickwork (must not be deeply raked), and may be:

- painted standard size bricks; or
- standard size natural clay bricks that blend with the colour and size of the traditional local bricks;
- standard brickwork in traditional style; or
- Brick/concrete block with rendered finish

Heavily-tumbled clinker bricks must not be used.

2.3 Windows

- i) Front façade windows must conform to a solid/void ratio of less than 30%.
- ii) Clear glass must be used.
- iii) All windows in brick or masonry buildings must have projecting brick or stone sills.

2.4 Guttering

Gutters must be OG, D mould, or Half Round profiles and downpipes must be zincalume natural, colorbond round, or PVC round painted. Downpipes must not be square-line gutter profile or rectangular downpipes.

2.5 Lighting

Wiring or conduit to new lighting must not be located on the front face of the building.

DECISION

Cr Adams/Cr Calvert

That land at 42 Marlborough Street, Longford be approved to be developed and used for a Dwelling, retaining wall and fence (vary front, rear & side setbacks, site coverage, fence height & solid/void window ratio; within heritage precinct) in accordance with application PLN-20-0038, and subject to the following conditions:

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Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

123/20 PLANNING APPLICATION PLN-20-0002: 995 BISHOPSBOURNE ROAD, BISHOPSBOURNE

File Number: 101000.346; CT140563/7
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Urban & Regional Planner

1 INTRODUCTION

This report assesses an application for a 6-lot subdivision & vegetation removal (vary frontage width diameter & access provisions; un-serviced area) at 995 Bishopsbourne Road, Bishopsbourne. Please note the application history below.

2 BACKGROUND

Applicant:

6ty° Pty Ltd

Zone:

Village Zone

Classification under the Scheme:

Discretionary

Deemed Approval Date:

Extension of time until 1st May 2020

Owner:

Brent Johnson & Christine Ruth Howard

Codes:

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

Existing Use:

Residential

Recommendation:

Approve

Discretionary Aspects of the Application

Reliance on the performance criteria of the following clauses:

- Clause 16.4.2 Subdivision - Performance Criteria P1 (vary frontage width – unable to achieve 15m diameter circle with the centre of the circle not more than 15m from the frontage)
- Clause 16.4.2 Subdivision - Performance Criteria P3 (Un-serviced area)
- Clause 16.4.2 Subdivision - Performance Criteria P4 (Un-serviced area)
- Clause E4.6.1 Use and Road or Rail Infrastructure - Performance Criteria P3 (increase in traffic movements)
- Clause E4.7.2 Management of Road Accesses and Junctions - Performance Criteria P2 (new accesses)
- Clause E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings - Performance Criteria P1 (reduced site distances to allow greater retention of hedge)

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013, Version 29, Effective from 3rd June 2020.*

Application History

This proposal was originally considered at the 16th March 2020 Council meeting, which resulted in the application being deferred to investigate the opportunities for the following:

- minimising the number of properties with boundaries to the farm at 991 Bishopsbourne Rd.
- maximising the distance between the sheep yards on 991 Bishopsbourne Rd and new dwellings.
- minimising the number of accesses off Coach Lane.
- minimising the need to cut the hedge for accesses.

Council's Senior Planner, Paul Godier, prepared a suggested revised layout plan, which achieved the above dot points, for consideration by the applicant.

The applicant (Ashley Brook – 6ty) provided a detailed response to the suggested plan revisions on the 31st March 2020, but concluded that “the suggested changes would increase the costs of undertaking the subdivision including amendments to the application and supporting reports, and additional civil works involving a private shared driveway having a length of approximately 200m and increased electricity connection works given that 3 of the lots will not have public road frontage. Our client therefore has little choice but to decline the invitation to make the suggested changes.”

On this basis, the applicant did not propose any changes to the application and the original assessment of the proposal remains the same.

3 STATUTORY REQUIREMENTS

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

4 ASSESSMENT

4.1 Proposal

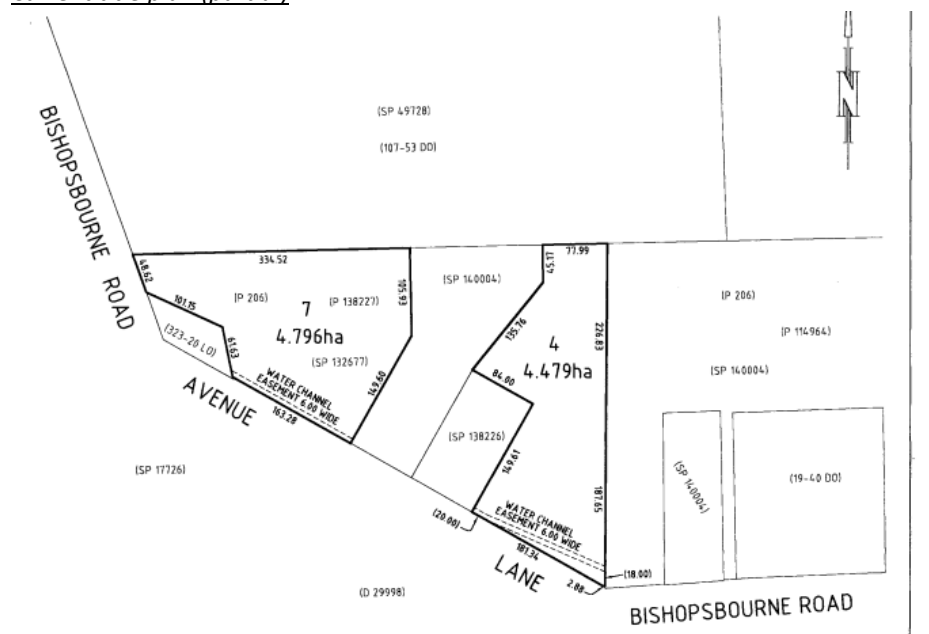
It is proposed to:

- Develop a 6-lot subdivision & vegetation removal (vary frontage width diameter & access provisions; un-serviced area)

Subdivision plan

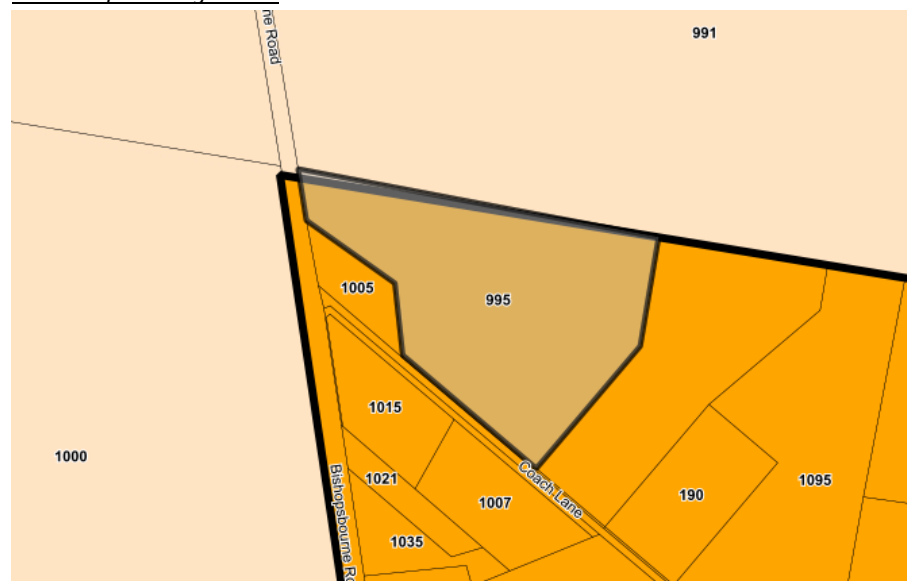


Current title plan (partial)



4.2 Zone and land use

Zone Map – Village Zone



The land is zoned Village and is within a Bushfire Prone Area.

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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A Residential Use, if for a single dwelling or home-based business is discretionary the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on the 17th January 2020. The subject site is a 4.796ha lot, that currently contains an existing dwelling and outbuildings. The existing dwelling is proposed to be retained on a 2.325ha lot, with the remainder to be subdivided into 5 lots. The site is surrounded by a mixture of large residential lots and farmland.

Aerial photograph of area:



Photographs of subject site:





4.4 Permit/site history

Relevant permit history includes:

... P03-332 - Rowlings - Septic Tank Permit Dwelling/Garage/Barn
101000.346 - 995 BISHOPSBOURNE RD - BISHOPSBOURNE - HOWARD CHRISTINE RUTH

... P04-286 (27/003/352) - - 3 Lot Subdivision
101000.346 - 995 BISHOPSBOURNE RD - BISHOPSBOURNE - HOWARD CHRISTINE RUTH

... P13-205 - Reid & Prewer - Verandah (As Con) & Dwelling Add/Alt
101000.346 - 995 BISHOPSBOURNE RD - BISHOPSBOURNE - HOWARD CHRISTINE RUTH

... PLN20-0002 - 6ty° - 6 Lot Subdivision
101000.346 - 995 BISHOPSBOURNE RD - BISHOPSBOURNE - HOWARD CHRISTINE RUTH

4.5 Representations

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

Sue & Simon Bewg	1005 Bishopsbourne Rd, Bishopsbourne
Peter & Janette Scott	991 Bishopsbourne Rd, Bishopsbourne
Damien & Amanda Whiteley	1007 Bishopsbourne Rd, Bishopsbourne
Ivan Badcock	1095 Bishopsbourne Rd, Bishopsbourne
BM & DR Dobson	27 Coach Lane, Bishopsbourne

Map showing location of representor properties in relation to subject site – subject site highlighted, representors properties outlined in red.



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

Issue 1

- Density

Planner's comment:

The zone allows for a minimum lot size of 800m² with frontage width requirements of a 15m diameter circle within 15m of the frontage. Performance criteria are available to vary these provisions. The township of Bishopsbourne consists of approximately 30 residential titles of varying lot sizes, with the smallest approximately 1020m². The subject site is one of the larger titles in the town. The smallest lot size proposed by the subdivision is 4035m², which is consistent with the majority of the lots on the southern side of Bishopsbourne Road. Although any subdivision will change the density of the town, the proposed lots sizes are not out of character with existing lot sizes in the town and allow sufficient space for a dwelling, on-site parking and manoeuvrability for domestic vehicles, private open space and on-site waste water and stormwater management. The description of Bishopsbourne having a 'village atmosphere', as referred to in the Desired Future Character Statement will not change as a result of the proposed five additional lots, despite being a change to the existing outlook of adjoining properties.

Issue 2

- Traffic Increase

Planner's comment:

An increase in traffic movements is anticipated as a result of the proposed new accesses. Accordingly, a Traffic Impact Assessment was required to be lodged, dealing with the relevant performance criteria of the scheme - which looks at the safety of all road uses and site distances.

Issue 3

- Dust/sealing

Planner's comment:

The *Northern Midlands Interim Planning Scheme 2013* does not contain any provisions to require sealing of a road for the establishment of new accesses. The safety of the road and access points is not dependent on the road being sealed; however, it is understood that road dust can reduce residential amenity. Council may wish to pursue negotiations with the developer for joint funding of the sealing of Coach Lane for dust suppression purposes; however, there is no head of power within the scheme provisions to enforce this as a permit condition.

Issue 4

- Road Safety - Coach Lane/Bishopsbourne Road intersection, Speed and retention of gate.

Planner's comment:

Road safety is a primary concern of the Planning Scheme for the new access points – the intersection of Coach Lane/Bishopsbourne Road is an existing situation and is not the subject of this application, although the Traffic Impact Assessment provides an assessment of the site distances at this intersection and concludes that the Safe Intersection Sight Distances are met. Coach Lane is not sign posted and therefore defaults to an Open Speed Limit for Gravel Road of 80km/h, although the short distance and narrow environment are likely to influence a significantly lower speed environment. Council may wish to pursue a reduced speed limit for this road with the Department of State Growth, to apply a Urban Residential Speed Limit of 50km/h to Coach Lane.

Issue 5

- Drainage

Planner's comment:

The application has supplied a Preliminary On-site Wastewater and Stormwater Disposal Evaluation, prepared by Geoton Pty Ltd. Site Permeability is looked at as part of this assessment and concludes that there is sufficient lot area suitable for the disposal of stormwater via detention tanks and absorption/detention beds and allowing

overland sheet flow. Stormwater disposal has also been assessed by Council's Works and Infrastructure Department.

Issue 6

- Visual amenity/outlook

Planner's comment:

There are no provisions within the Subdivision standards of the Village Zone that allow for assessment of changes to visual amenity/outlooks. The site is not within a Scenic Management Area or subject to a Heritage overlay.

Issue 7

- Impact on adjoining farmland and domestic animal management

Planner's comment:

The potential for land use conflict between residential and agricultural uses are well documented and the concern from the adjoining landowner is noted. Unfortunately, the Village Zone does not contain any provisions that assess the potential impact on agricultural uses (unlike the Rural Living zone, which has additional setback requirements for sensitive uses adjacent to Rural Resource zoned land). The developer could opt to establish a covenant on the land which restricts the building area on the land away from the northern boundary to provide protection for the adjoining property owner. There is no head of power within the Planning Scheme for this to be enforced by permit conditions. Pet owners have a responsibility to contain domestic animals in accordance with relevant legislation and are subject to enforcement action if they fail to do so.

Issue 8

- Hedge removal

Planner's comment:

Based on the information provided through the representations, the Hawthorn Hedge has been established at the site for in excess of 100 years. Nevertheless, the hedge is not Heritage Listed, either locally or by the Tasmanian Heritage Council (THC) and is therefore not subject to the provisions of the Heritage Code or assessment by THC under the *Historic Cultural Heritage Act 1995*. Removal of the hedge would be exempt under section 6.3 of the Planning Scheme. A number of the representations lodged noted a preference for the hedge to be retained, for aesthetic and dust suppression reasons. Retention of the hedge may be achievable through extensive trimming in order to achieve the required site distances as noted in the Traffic Impact Assessment (TIA). Discussions with the author of the TIA (Richard Burk) has confirmed that sightline splays may be achievable by through a combination of trimming and removal, but will require on-site inspection to ensure compliance with required site distances and visibility for oncoming vehicles, as well as regular maintenance and allowance for re-growth.

4.6 Referrals

The only referrals required were:

Council's Works & Infrastructure Department

Precis: Council's Works & Infrastructure Department (Leigh McCullagh/Jonathan Galbraith) reviewed the application on the 3.03.2020. Their recommended conditions are included in the conditions of approval.

General Manager

Precis: Council's General Manager consented to a cash payment, in lieu of private open space, on the 17th January 2020.

Environmental Health Officer

Council's Environmental Health Officer, Chris Wicks, reviewed the application on the 21st January 2020 and provided the following comments:

A preliminary on-site wastewater evaluation report has been provided by Geoton Pty Ltd. The report has been prepared in accordance with the AS/NZS 1547: 2012 and concludes that each of the proposed lots are capable of accommodating all secondary treated wastewater from a 4 bedroom dwelling. In addition, there is sufficient area available on each proposed lot for an equivalent size reserve wastewater disposal area.

4.7 Planning Scheme Assessment

VILLAGE ZONE	
ZONE PURPOSE	
16.1.1	<i>Zone Purpose Statements</i>
16.1.1.1	<i>To provide for small rural centres with a mix of residential, community services and commercial activities.</i>
16.1.1.2	<i>To provide for low impact, non-residential uses that support the function of the settlement.</i>
16.1.1.3	<i>To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement.</i>
Assessment: The proposal meets the zone purpose.	

LOCAL AREA OBJECTIVES
<i>To recognise that growth prospects are constrained by the capacity, quality and reliability of services to the villages, where improvements to services to meet existing needs now depend on decisions by other agencies</i>
<i>Therefore it is the policy of NMC to promote growth by infill, but not expansion, of the settlements at Bishopsbourne, Conara, Deddington, Kalangadoo, Nile, and Poatina.</i>
Assessment: The proposal meets the local area objectives.

DESIRED FUTURE CHARACTER STATEMENTS
<i>To retain the scale, density and other qualities which contribute to the village atmosphere in each location.</i>
Assessment: The proposal meets the Desired Future Character Statements.

DEVELOPMENT STANDARDS FOR SUBDIVISIONS IN VILLAGE ZONE
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16.4.2 Subdivision

Objective	
a) Provides for appropriate wastewater disposal and stormwater management in consideration of the particular characteristics or constraints of the land; and b) To ensure the area and dimensions of lots are appropriate for the mixed-use characteristics of the locality; and c) To encourage residential development that respects the village character; and d) Provides frontage to a road at a standard appropriate for the use; and e) To further the local area objectives and desired future character statements for the area, if any.	
Acceptable Solutions	Performance Criteria
A1.1 Each lot must: a) have a minimum area of at least 800m ² ; and b) be able to contain a 15m diameter circle with the centre of the circle not more than 15m from the frontage; or c) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or d) for the provision of utilities; or e) for the consolidation of a lot with another lot with no additional titles created; or f) to align existing titles with zone boundaries and no additional lots are created; and A1.2 Lots must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.	P1 Subdivision must: a) provide for each lot, sufficient useable area and dimensions to allow for: i) a dwelling to be erected in accordance with the setback standards; and ii) on-site parking and manoeuvrability for domestic vehicles; and iii) adequate private open space; and iv) vehicular access from the road to a building area on the lot, if any; and b) have regard to: i) the topographical or natural features of the site; and ii) the pattern of existing development; and iii) the ability of vegetation to provide buffering; and iv) any features of natural, historical or cultural significance; and v) the presence of any natural hazards; and c) have regard to the local area objectives and desired future character statements, if any.
A1.1 (a) – Complies. A1.1 (b) – Does not comply – relies on performance criteria.	The proposal complies with P1 as follows: A) i-iv) The minimum lot size proposed is 4035m ² , which will allow sufficient useable area and dimensions to allow a dwelling with compliant setbacks, on-site parking and manoeuvrability for domestic vehicles, adequate private open space and vehicular access from the road to a building area on the lot.

	<p>b) i) The site consists of a number of paddocks used for small scale grazing and has no unusual topographical or natural features that would prevent development of the site.</p> <p>ii) The township of Bishopsbourne consists of approximately 30 residential titles of varying lot sizes, down to 1020m². The subject site is one of the larger titles in the town. The smallest lot size proposed by the subdivision is 4035m², which is consistent with the majority of the lots on the southern side of Bishopsbourne Road.</p> <p>iii) Given the lot sizes proposed, vegetation buffering is not considered necessary to provide an environment suitable for residential use. Use of the land for residential purposes will likely result in future landscaping of the lots.</p> <p>iv) The site does not contain any features of natural, historical or cultural significance, that would prevent future use of the land.</p> <p>v) The site is not subject to any known hazards, such as flooding or contamination. A Bushfire Report has been submitted with the proposal, noting the site is within a Bushfire Prone Area.</p> <p>c) The proposed development is consistent with the Local Area Objective by providing for growth by infill, not expansion, while being of density that accommodates on-site servicing and is compatible with the surrounding area.</p>
A2 Each lot must have a frontage of at least 3.6m.	P2 Subdivision must provide appropriate, permanent access by a Right of Carriageway registered over all relevant titles.
Complies with A2.	N/a
A3 Each lot must be connected to a: a) reticulated water supply; and b) reticulated sewerage system.	P3 Each new lot created must be: a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
Relies on P3 (a) & (b).	<p>Complies with P3 (a) and (b). The village of Bishopsbourne is not serviced with water or sewerage – Longford is the closest area with reticulated services. A Preliminary On-site Wastewater and Stormwater Disposal Assessment was completed by Geoton Pty Ltd (dated 27.09.2019), which concluded the following:</p> <p><i>The results of the investigation indicate that the proposed new Lots 1 to 5 have sufficient available area suitable for the disposal of domestic effluent by way of secondary treated wastewater via aerated wastewater treatment systems, including sufficient reserve area. There is sufficient area suitable for the disposal of stormwater via detention tanks and absorption/detention beds and allowing overland sheet flow.</i></p>
A4 Each lot must be connected to a reticulated stormwater system.	<p>P4 If the proposed site is unable to be connected to a reticulated stormwater system then all runoff from the subdivision can only be released from the site in a manner that will not cause an environmental nuisance, and that will prevent erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <p>i) 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>ii) 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>

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	<p>iii) 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>iv) 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.	<p>Complies with P4 - A Preliminary On-site Wastewater and Stormwater Disposal Assessment was completed by Geoton Pty Ltd (dated 27.09.2019), which concluded the following:</p> <p><i>The results of the investigation indicate that the proposed new Lots 1 to 5 have sufficient available area suitable for the disposal of domestic effluent by way of secondary treated wastewater via aerated wastewater treatment systems, including sufficient reserve area. There is sufficient area suitable for the disposal of stormwater via detention tanks and absorption/detention beds and allowing overland sheet flow.</i></p>

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Complies – Refer assessment in Bushfire Hazard Management Report: Subdivision, prepared by Scott Livingston, dated: 27.09.2019. All relevant acceptable solutions met.
E2.0 POTENTIALLY CONTAMINATED LAND	N/A
E3.0 LANDSLIP CODE	N/A
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies - see code assessment below.
E5.0 FLOOD PRONE AREAS CODE	N/A
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below.
E7.0 SCENIC MANAGEMENT CODE	N/A
E8.0 BIODIVERSITY CODE	N/A
E9.0 WATER QUALITY CODE	N/A
E10.0 RECREATION AND OPEN SPACE CODE	Complies – see code assessment below.
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/A
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/A
E13.0 LOCAL HISTORIC HERITAGE CODE	N/A
E14.0 COASTAL CODE	N/A
E15.0 SIGNS CODE	N/A

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

<p>Objective</p> <p>To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a – no category 1 or 2 road or railway within 50m.	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
N/a	N/a

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

<p>A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</p>	<p>P3 For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
<p>Coach Lane is an unsealed rural road, therefore the default speed limit is 80km/h. The supplied Traffic Impact Assessment notes that an estimated 20vpd use Coach Lane. Future residential uses on the proposed lots will generate approximately 30vpd, which is a 250% increase. The proposal relies on P3.</p>	<p>P3 (a-b) N/a – not a category 1, 2 or 3 road.</p> <p>P3 (c) The supplied Traffic Impact Assessment, prepared by Traffic and Civil Services (Richard Burk), dated Dec 2019 has noted the following:</p> <p><i>-The existing traffic activity is very low and the expected increase in traffic is small so no widening to provide for turning movements at the Bishopsbourne Road / Coach Lane junction is required.</i></p> <p><i>-From road safety review, crash history review and Austroads Safe System Assessment there are no traffic safety or capacity issues with the proposal provided the hawthorn hedge is removed either completely or partially to ensure sight distance to the left and right of at least 45m.</i></p> <p><i>-The existing Bishopsbourne Road / Coach Lane junction is considered fit for purpose.</i></p> <p>A condition may be added to the permit requiring the removal/trimming of the hedge to provide the required site distance.</p>

E4.7 Development Standards

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

<p>Objective</p> <p>To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</p> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <p>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building areas on new lots; and</p> <p>c) outdoor sitting, entertainment and children's play areas</p>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <p>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</p> <p>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or</p>

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	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 – no category one or two roads or railways are located within 50m of the development site.	N/a

E4.7.2 Management of Road Accesses and Junctions

Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
N/a - Coach Lane is an unsealed rural road, therefore the default speed limit is 80km/h.	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.
Relies on P2 – the development will result in the creation of five new lots, each with a single access.	Complies with P2. The supplied Traffic Impact Assessment, prepared by Traffic and Civil Services (Richard Burk), dated Dec 2019 has noted the following: <i>Coach Lane functions as a rural access road to some 3 titles. The gravel road is 4.5m wide with suitable horizontal and vertical alignment for an access road, is in fair condition and is maintained by Council. Coach Lane is considered suitable for use as an access road. Traffic activity on Coach Lane is estimated to increase from 20 to 50 vpd due to the proposal. This level of traffic activity is considered normal for unsealed rural council roads and well within the capacity of Coach Lane.</i> <i>From Austroads Safe Systems Assessment Coach Lane is considered to have a very low crash risk with a score of 20/448. The road is considered safe with increased access as proposed.</i> <i>Accordingly, in terms of safety, efficiency and road standard Coach Lane is considered fit for purpose as a rural access road and able to accommodate the proposed 5 accesses and Performance Criteria P2 is satisfied.</i>

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
<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

<p>Objective</p> <p>To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p>A1 (a) Complies for the existing dwelling and Bishopsbourne Road/Coach Lane intersection. Removal of the hedge is required to achieve the Safe Intersection Sight Distances required by the planning scheme for the proposed accesses; however, the degree of hedge removal can be limited through reliance on the performance criteria, while still providing adequate sight distances to ensure the safe movement of vehicles. In order to retain as much of the hedge as possible, the performance criteria is proposed to be relied upon.</p>	<p>The TIA indicates that the extent of the hedge required to be removed to the east can be reduced from 45m plus taper trimming for a further 15m (as required to satisfy Table E4.7.4) to 30m plus taper trimming of 10m whilst still enabling safe movement of traffic, in order to comply with the performance criteria. The representations have noted the aesthetic values of the hedge, heritage value (although not heritage listed) and dust suppression it provides. Given the low use, low speed environment and preference to retain the hedge, the proposal relies on and satisfies the performance criteria.</p>

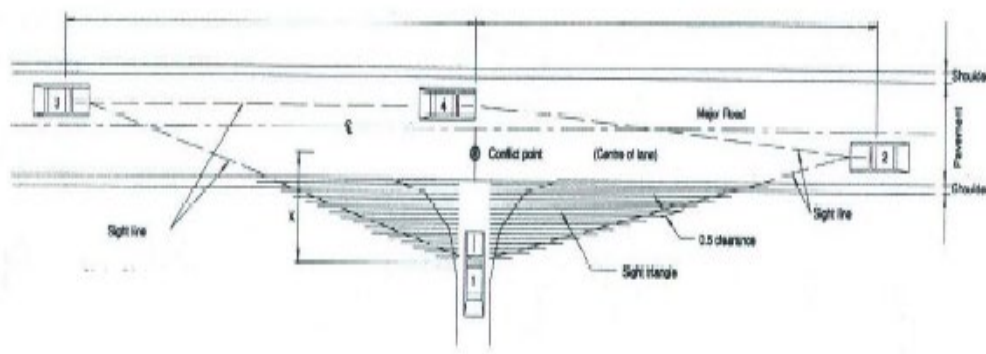


Figure E4.7.4 Sight Lines for Accesses and Junctions

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

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

Table E4.7.4 Safe Intersection Sight Distance (SISD)

Vehicle Speed	Safe Intersection Sight Distance (SISD) metres, for speed limit of:
---------------	--

km/h	60 km/h or less	Greater than 60 km/h
50	80	90
60	105	115
70	130	140
80	165	175
90		210
100		250
110		290

Notes:

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

**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	Comment
A1 The number of car parking spaces must not be less than the requirements of: <ul style="list-style-type: none"> a) Table E6.1; or b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans. 	Complies with the requirements of Table E6.1 – Sufficient space for 2 future car parking spaces are available on each proposed lot.

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	Comment
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	Complies with the requirements of Table E6.1 – Sufficient space for 1 future bicycle park space is available on each proposed lot.
A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	

E6.6.3 Taxi Drop-off and Pickup

Not applicable

E6.6.4 Motorbike Parking Provisions

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.

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Acceptable Solutions	Comment
<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>	To be assessed upon development of the lots.

E6.7.2 Design and Layout of Car Parking

<i>Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i>	
Acceptable Solutions	Comment
<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>A1.1 – To be assessed upon development of the lots.</p> <p>A1.2 – N/a</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>A2.1</p> <p>To be assessed upon development of the lots. Sufficient space available to allow future compliant development and proposed access widths of 5m are compliant with E6.2.</p> <p>A2.2</p> <p>To be assessed upon development of the lots.</p>

E6.7.3 Car Parking Access, Safety and Security

Not applicable

E6.7.4 Parking for Persons with a Disability

Not applicable

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

Not applicable

E6.8 Provisions for Sustainable Transport

E6.8.2 Bicycle Parking Access, Safety and Security

Not applicable

E6.8.5 Pedestrian Walkways

Not applicable

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Residential	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings	1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation

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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

ASSESSMENT AGAINST E10.0 (RECREATION AND OPEN SPACE CODE)

E10.6 Development Standards

E10.6.1 Provision of Public Open Space

Objective	
a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and	
b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.	
Acceptable Solutions	Performance Criteria
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 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 <i>Crime Prevention Through Environmental Design</i> principles; and vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.
Council's General Manager, Des Jennings, consented via email on the 17.01.2020 to a cash payment, in lieu of private open space.	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 Access and Provision of Infrastructure Across Land in Another Zone	N/A

STATE POLICIES

The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

Strategic Plan 2017-2027

- Statutory Planning

5 SERVICES

Effluent Disposal

Council's Environmental Health Officer, Chris Wicks, reported that the property does not have access to Council's sewer system but that the site is suitable for installation of a septic tank.

Access

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

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 \$4200.)

OR

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

6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		✓
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		✓
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		✓
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?		✓
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		✓
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?		✓
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		✓
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		✓
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the the Minister		✓

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	administering the <u>Roads and Jetties Act 1935</u> has first not approved so much of the application as affects the drainage?		
	If 'yes', refuse the subdivision.		
Section 85	Refusal of application for subdivision		
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		✓
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		✓
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		✓
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		✓
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		✓
85(d)(iii)	public open space;		✓
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		✓
85(d)(v)	private roads, ways or open spaces;		✓
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		✓
85(d)(vii)	licences to embank highways under the <u>Highways Act 1951</u> ;		✓
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		✓
85(d)(ix)	provision for the preservation of trees and shrubs;		✓
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		✓
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		✓
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		✓
85(g)(ii)	party-wall easements;		✓
85(g)(iii)	the state of a party-wall on its boundary.		✓
Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <u>Urban Drainage Act 2013</u> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the Local Government (Highways) Act 1982</u> in respect of the highways opened or to be opened on the subdivision;		✓
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		✓
86(2)(f)	the filling in of ponds and gullies;		✓
86(2)(g)	the piping of watercourses.		✓

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
Section 108	Road widening	Yes	No
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		✓
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		✓

7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

8 OPTIONS

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

9 DISCUSSION

Council has discretion to refuse the application due to reliance on the performance criteria of the following clauses:

Clause 16.4.2 Subdivision - Performance Criteria P1 (vary frontage width – unable to achieve 15m diameter circle with the centre of the circle not more than 15m from the frontage)

Clause 16.4.2 Subdivision - Performance Criteria P3 (Un-serviced area)

Clause 16.4.2 Subdivision - Performance Criteria P4 (Un-serviced area)

Clause E4.6.1 Use and Road or Rail Infrastructure - Performance Criteria P3 (increase in traffic movements)

Clause E4.7.2 Management of Road Accesses and Junctions - Performance Criteria P2 (new accesses)

Clause E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings - Performance Criteria P1 (reduced site distances to allow greater retention of hedge)

The proposal demonstrates compliance with all relevant provisions of the Planning Scheme and conditions that relate to any aspect of the application can be placed on a permit.

Many of the issues raised in the representations, although valid concerns, are unable to be considered under the Planning Scheme provisions. Council may wish to consider matters, such as sealing of the Coach Lane and speed limits separately to the planning approval process.

10 ATTACHMENTS

- A. Application & plans; Correspondence with applicant
- B. Responses from referral agencies
- C. Representations & applicant's response

RECOMMENDATION

That land at 995 Bishopsbourne Road, Bishopsbourne be approved to be developed and used for a 6-lot subdivision & vegetation removal (vary frontage width diameter & access provisions; un-serviced area) in accordance with application PLN-20-0002 and subject to the following conditions:

1 LAYOUT NOT ALTERED

The use and development shall be in accordance with the endorsed plans numbered **P1** (*Drawing No: 19-182, Sheet No's: P01, Dated: 03.09.19*) & **D1** (*Planning Submissions Report, prepared by 6ty, dated 18.12.2019*), & **D2** (*Bushfire Hazard Management Report: Subdivision, prepared by Scott Livingston, dated: 27.09.2019*) & **D3** (*Preliminary On-site Wastewater and Stormwater Disposal Evaluation, Prepared by Geoton Pty Ltd, dated: 27.09.2019*) & **D4** (*Traffic Impact Assessment, prepared by Traffic and Civil Services, dated: Dec 2019*)

2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

2.1 Access (Rural)

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

2.2 As constructed information

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

2.3 Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

2.4 Works in Council road reserve

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

2.5 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

3 HEDGE REMOVAL

Hedge removal or trimming to achieve the same visibility shall be undertaken to achieve the site distances for new accesses to Coach Lane in accordance with endorsed document **D4** (*Traffic Impact Assessment, prepared by Traffic and Civil Services, dated: Dec 2019*).

4 PUBLIC OPEN SPACE CONTRIBUTIONS

A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy (currently \$1400 per new lot).

5 SEALING OF PLANS

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

DECISION

Cr Goss/Cr Goninon

That land at 995 Bishopsbourne Road, Bishopsbourne be approved to be developed and used for a 6-lot subdivision & vegetation removal (vary frontage width diameter & access provisions; un-serviced area) in accordance with application PLN-20-0002 and subject to the following conditions:

1 LAYOUT NOT ALTERED

The use and development shall be in accordance with the endorsed plans numbered **P1** (*Drawing No: 19-182, Sheet No's: P01, Dated: 03.09.19*) & **D1** (*Planning Submissions Report, prepared by 6ty, dated 18.12.2019*), & **D2** (*Bushfire Hazard Management Report: Subdivision, prepared by Scott Livingston, dated: 27.09.2019*) & **D3** (*Preliminary On-site Wastewater and Stormwater Disposal Evaluation, Prepared by Geoton Pty Ltd, dated: 27.09.2019*) & **D4** (*Traffic Impact Assessment, prepared by Traffic and Civil Services, dated: Dec 2019*)

2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

2.1 Access (Rural)

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

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

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Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

2.4 Works in Council road reserve

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

2.5 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

3 HEDGE REMOVAL

Hedge removal or trimming to achieve the same visibility shall be undertaken to achieve the site distances for new accesses to Coach Lane in accordance with endorsed document **D4** (*Traffic Impact Assessment, prepared by Traffic and Civil Services, dated: Dec 2019*).

4 PUBLIC OPEN SPACE CONTRIBUTIONS

A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy (currently \$1400 per new lot).

5 SEALING OF PLANS

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

Before the final plan is sealed, a contribution of \$17,760 must be paid towards the sealing of Coach Lane.

Note: Northern Midlands Council agrees to complete the sealing of Coach Lane within twelve months of the completion of the subdivision.

Lost

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Goninon, Cr Goss,

Voting against the Motion:

Cr Brooks, Cr Calvert, Cr Davis, Cr Lambert, Cr Polley

Cr Davis/Cr Brooks

That application PLN-20-0002 to develop and use a 6 lot subdivision at 995 Bishopsbourne Road, Bishopsbourne be refused on the following grounds:

- The lots are unable to contain a 15m diameter circle with the centre of the circle not more than 15m from the frontage, and the proposal does not satisfy the corresponding performance criteria at clause 16.4.2 P1 b) and c).

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Davis, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Goninon, Cr Goss

**124/20 DRAFT PLANNING SCHEME AMENDMENT 02/2020
& PLANNING APPLICATION PLN-20-0049:
21 NAPOLEON STREET, PERTH**

File: 110400.04
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report recommends that Council:

- Initiate and certify a draft amendment to rezone 21 Napoleon Street, Perth from Light Industrial to General Residential; and
- Approve a planning permit for a 2 lot subdivision.

Image 1 - subject site



2 BACKGROUND

Applicant:
6ty° Pty Ltd

Owner:
Norman Leslie Hill and Barbara Ann Hill

Proposal:
Rezone the land from Light Industrial to General Residential (single dwelling)
Residential, application for a 2-lot subdivision

Existing Use:

Critical Date:
Decision whether to initiate the draft amendment must be made by 26/5/2020

Recommendation:
That Council initiate and certify the draft amendment and approve the draft planning permit

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013, Version 29, Effective from 3 June 2019.

Preliminary Discussion

Additional information was requested (see attached).

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.*

Section 34 (1) A planning authority may –

- (a) in response to a request under [section 33](#); or*
 - (b) of its own motion –*
- initiate an amendment of a planning scheme administered by it.*

Section 35 (1) After preparing a draft amendment of a planning scheme, the planning authority must determine whether the draft amendment meets the requirements specified in [section 32](#) and –

- (a) if satisfied that it does, certify the draft amendment as so meeting those requirements; or*
- (b) if not so satisfied, proceed to modify the draft amendment until it does meet those requirements and then certify the modified draft amendment as so meeting those requirements.*

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:

- Rezone the land from Light Industrial to General Residential; and
- Subdivide the land into 2 lots.

The applicant advises that:

The proposed subdivision is currently prohibited under the Light Industrial Zone provisions. It is intended to allow for future dwelling development on Lot 2.

Image 2 - Current zone – Light Industrial

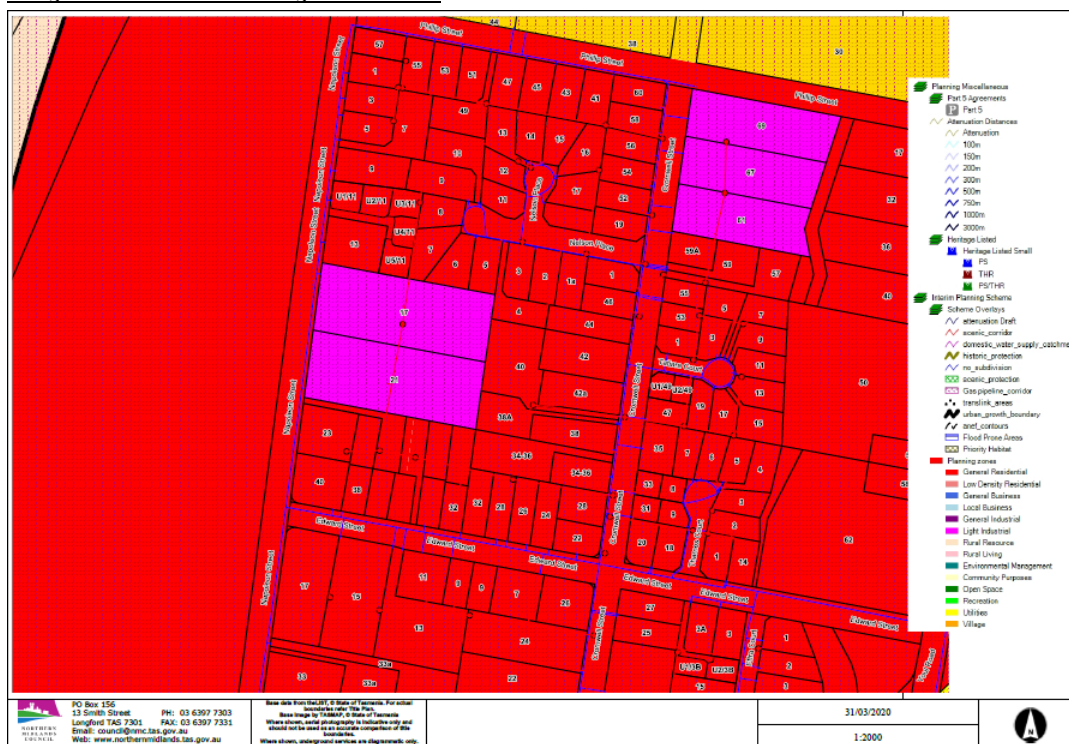


Image 3 - Proposed zone – General Residential

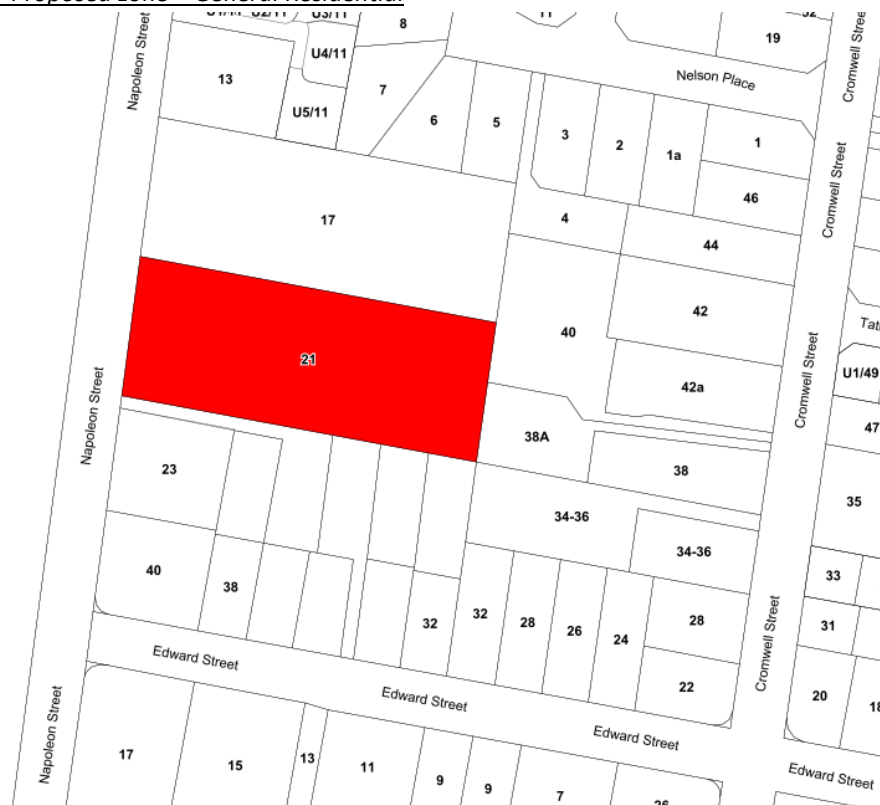


Table 1 - Comparison of Allowable Uses in the Light Industrial and General Residential zones

Light Industrial zone (current)	General Residential zone (proposed)
No permit required	
	Residential (if a single dwelling)
Natural and cultural values management (if by an agency, or a corporation all the shares of which are held by Councils)	Natural and cultural values management
Passive recreation (if by an agency, or a corporation all the shares of which are held by Councils)	Passive recreation
Permitted	
Equipment and machinery sales and hire	
Service industry	
Storage	
Research and development	
	Residential (if a caretakers dwelling, home-based business, or multiple dwellings)
Utilities	Utilities (if for minor utilities)
Discretionary	
Bulky goods (if for garden or landscape supplies, hardware or trade (wholesale) supplies)	
Business and professional services	Business and professional services (medical centre)
Community meeting & entertainment	Community meeting & entertainment (if not a cinema or function centre)
Crematoria and cemeteries (if for crematoria)	
Domestic animal breeding, boarding or training	
Emergency services	
	Educational and occasional care
Food services (if a café or takeaway food premises)	Food services (if a café or takeaway food premises)
	General retail and hire (if a local shop)
Manufacturing and processing	
Recycling and waste disposal	
Residential (if for a dwelling where all habitable rooms are limited to the first floor and above on 10 Union Street)	Residential (if a boarding house communal residence, hostel, residential aged care facility, retirement village)
Resource processing (if not for animal saleyards or abattoir)	
Transport depot and distribution	
	Utilities
Vehicle fuel sales and service	
Vehicle parking	
	Visitor accommodation

Subject site and locality

The author of this report carried out a site visit on the ... the site contains a single dwelling and trees. To the south are four vacant, recently created lots.

To the east are single dwellings. The land to the north is zoned Light Industrial and contains workshops. Over Napoleon St is farmland.

Image 4 - Aerial photograph of area showing subject site



Image 5 - Subject site looking north



Permit/site history

None relevant to this application.

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: The draft amendment proposes to zone the land General Residential. This is the same zone as the surrounding land, except for the property immediately to the north. The draft amendment therefore avoids the potential for land use conflict with the adjacent land.

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

Comment: The draft amendment is consistent with the Regional Land Use Strategy which identifies Perth as a Supporting

Consolidation Area. Supporting Consolidation Areas are identified as comprising land developed urban settlements.

The proposal is consistent with mandatory provisions under section 30(O) of the former provisions of the *Land Use Planning & Approvals Act 1993*.

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

Comment: Use and development permissible under the amendment is expected to have a positive impact in environmental, 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 draft amendment does not conflict with the requirements in section (2)(aa-j) above.

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

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

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

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

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

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

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

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

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

Comment: The draft amendment does not conflict with these requirements.

- (4) Subsections (3) and (3A) do not apply to a use of land–
 (a) which has stopped for a continuous period of 2 years; or
 (b) which has stopped for 2 or more periods which together total 2 years in any period of 3 years; or
 (c) in the case of a use which is seasonal in nature, if the use does not take place for 2 years in succession.

Comment: The draft amendment does not conflict with these requirements.

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

Comment: The draft amendment does not conflict with these requirements.

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

Comment: The draft amendment does not conflict with these requirements.

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

Comment: The draft amendment does not conflict with these requirements.

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

Comment: The draft amendment does not conflict with these requirements.

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

Comment: The draft amendment does not conflict with these requirements.

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

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

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

Comment: The draft amendment results in the efficient use of land for residential purposes in a location identified and supported in the Regional Land Use Strategy.

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

Comment: The site is within an area identified within the Regional Land Use Strategy that is a Supporting Consolidation Area. The proposed subdivision as a result of the amendment will result in efficient utilisation of existing services.

- (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: The application was referred to TasWater. It will be decided on by the Tasmanian Planning Commission, consistent with this objective.

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

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

Comment: The proposed General Residential zone is consistent with the surrounding zone and land uses. The draft amendment is consistent with the Regional Land Use Strategy. The proposal is therefore consistent with this objective.

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

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

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

Comment: Future development of the site will be connected to reticulated sewer and stormwater systems. The proposal 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: No adverse impact on public infrastructure has been identified through the referral process. It is considered that the draft amendment is consistent with this objective.

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

Comment: The draft amendment does not impact on agricultural land capability.

Must be in accordance with State Policies.

State Policy for the Protection of Agricultural Land – the site is within an urban area.

Water Quality Management State Policy – the site is connected to reticulated stormwater system.

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

National Environmental Protection Measures – There are none relevant to this application.

7.2 ASSESSMENT OF PLANNING APPLICATION

Proposal

It is proposed to develop and use a 2 lot subdivision.

Image 6 - proposed plan of subdivision



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 classes:

Use Class	Description
Residential (single dwelling)	means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.

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 statements 10.1.1.1 and 10.1.1.4. Statements 10.1.1.2 and 10.1.1.3 are not applicable.

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 first objective, which is the only one relevant to the proposal.

10.1.3 **Desired Future Character Statements**

There are no desired future character statements

10.4.15 **Subdivision**

10.4.15.1 **Lot Area, Building Envelopes and Frontage**

Objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.	
Acceptable Solutions	Performance Criteria
A1 Lots must: <ul style="list-style-type: none"> a) have a minimum area of at least 450m² which: <ul style="list-style-type: none"> i) is capable of containing a rectangle measuring 10m by 15m; and ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or b) 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 c) be for the provision of utilities; or d) be for the consolidation of a lot with another lot with no additional titles created; or e) be to align existing titles with zone boundaries and no additional lots are created. 	P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for: <ul style="list-style-type: none"> a) a dwelling to be erected in a convenient and hazard-free location; and b) on-site parking and manoeuvrability; and c) adequate private open space.
Comment: Complies with A1 a) i). Does not comply with A1 a) ii) as an existing shed will be less than 1.5m from a new side boundary. A1 b) – e) are not applicable.	Comment: The site plan show that each lot allows for these requirements.
A2 Each lot must have a frontage of at least 3.6m.	P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.
Complies.	N/a

10.4.15.2 **Provision of Services**

Objective To provide lots with appropriate levels of utility services.	
Acceptable Solutions	Performance Criteria
A1 Each lot must be connected to a reticulated: <ul style="list-style-type: none"> a) water supply; and b) sewerage system. 	P1 Each lot created must be: <ul style="list-style-type: none"> a) in a locality for which reticulated services are not available or capable of being connected; and

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	b) capable of accommodating an on-site wastewater management system.
Complies.	N/a
A2 Each lot must be connected to a reticulated stormwater system.	P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.
Complies.	N/a

10.4.15.3 Solar Orientation of Lots

Objective To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
A1 At least 50% of lots must have a long axis within the range of: a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.
Complies.	N/a
A2 The long axis of residential lots less than 500m ² , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500 m ² must provide adequate solar access to future dwellings, having regard to the: a) size and shape of the development of the subject site; and b) topography; and c) location of access way(s) and roads.
N/a	N/a

10.4.15.4 Interaction, Safety and Security

This clause was not used in this planning scheme

10.4.15.5 Integrated Urban Landscape

Objective To provide attractive and continuous landscaping in roads and public open spaces that contribute to the: a) character and identity of new neighbourhoods and urban places; or b) to existing or preferred neighbourhood character, if any.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and c) connectivity through the urban environment is protected or enhanced; and d) the visual amenity and attractiveness of the urban environment is enhanced; and e) it furthers the local area objectives, if any.
Complies.	N/a

10.4.15.6 Walking and Cycling Network

Objective a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible. c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to: a) link to any existing pedestrian and cycling networks; and b) provide the most practicable direct access for cycling and walking

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	to activity centres, community facilities, public transport stops and public open spaces; and
	c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and
	d) promote surveillance along roads and from abutting dwellings.
Complies.	N/a

10.4.15.7 Neighbourhood Road Network

Objective	
a)	To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and
b)	To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <p>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</p> <p>b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</p> <p>c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</p> <p>d) provide safe and efficient access to activity centres for commercial and freight vehicles; and</p> <p>e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and</p> <p>f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and</p> <p>g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and</p> <p>h) take into account of any identified significant features.</p>
Complies.	N/a

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	See assessment below
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	See 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	See 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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

SPECIFIC AREA PLANS

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

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
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.
N/a	N/a

E4.7 Development Standards

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

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:	
a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h: a) new road works, buildings, additions and	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:

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

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.
Complies	N/a

E4.7.2 Management of Road Accesses and Junctions

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

E4.7.3 Management of Rail Level Crossings

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

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

Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance
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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

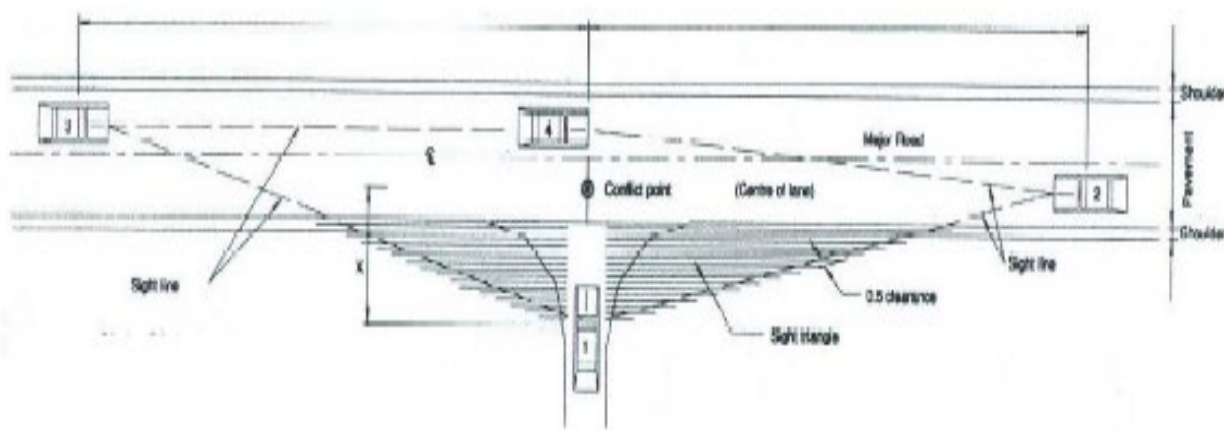


Figure E4.7.4 Sight Lines for Accesses and Junctions

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)

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

Notes:

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

E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE

Each lot has enough space for parking associated with future development. The proposal complies with this code.

E10.0 RECREATION AND OPEN SPACE CODE

E10.2 Application of this Code

E10.2.1 This code applies to development of land for subdivision in the general residential, general industrial, light industrial, commercial, local business, general business, low density residential, rural living and village zones.

E10.6 Development Standards

E10.6.1 Provision of Public Open Space

Objective	
a)	To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and
b)	To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.
Acceptable Solutions	Performance Criteria
A1 The application must:	P1 Provision of public open space, unless in accordance with Table E10.1, must:
a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.	a) not pose a risk to health due to contamination; and
	b) not unreasonably restrict public use of the land as a result of:
	i) services, easements or utilities; and
	ii) stormwater detention basins; and
	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 <i>Crime Prevention Through Environmental Design</i> principles; and
	vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and
	vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and
	ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.
Comment: The General Manager provided consent to cash in lieu of land.	N/a

Compliance with *Local Government (Buildings and Miscellaneous Provisions) Act 1993*

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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Section 83	Approval of plan of subdivision	Yes	No
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		✓
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on site sewerage treatment?		✓
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		✓
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		✓
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		✓
	If 'yes', refuse the subdivision.		
Section 85	Refusal of application for subdivision	Yes	No
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		✓
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		✓
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		✓
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		✓
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		✓
85(d)(iii)	public open space;		✓
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		✓
85(d)(v)	private roads, ways or open spaces;		✓
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		✓
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		✓
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		✓
85(d)(ix)	provision for the preservation of trees and shrubs;		✓
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		✓
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		✓
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		✓
85(g)(ii)	party-wall easements;		✓
85(g)(iii)	the state of a party-wall on its boundary.		✓
Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for –		
86(2)(c)	if the land is not located within 30 metres of the existing public stormwater system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public stormwater system by, from, or from within, the land as determined by the council so that all lots may have		✓

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

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

8 ATTACHMENTS

- Application
- Responses from referral agencies

RECOMMENDATION

- A** That Council, under section 34 (1) (former provisions) of the Land Use Planning and Approvals Act 1993, initiate Draft Scheme Amendment 02/2020 to rezone 21 Napoleon Street, Perth from Light Industrial to General Residential; and
- B** That Council, under section 35 (1) (former provisions) of the Land Use Planning and Approvals Act 1993, certify Draft Amendment 02/2020 as meeting the requirements of section 32 of the Act, and place it on Public Exhibition for 28 days, in accordance with section 38 of the Act.

And, if B is approved;

- C** That Council, under section 43(F) (former provisions) of the Land Use Planning & Approvals Act 1993 resolves:
- That land at 21 Napoleon Street, Perth be approved to be developed and used for a 2-lot subdivision in accordance with application PLN-20-0049, and subject to the following conditions:

1 Layout not altered

The use and development must be in accordance with the endorsed document **P1** (*Proposed Plan of Subdivision, 6ty°, Project No. 19.007, Drawing No. P01, Rev A, 3-4-2020*) and **P2** (*Planning Submission, 6ty°, Dated 18/1/2020*).

2 Council's Works & Infrastructure Department's Conditions

2.1 Stormwater

- a) 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.
- b) The final plan must show a building area for the part of the lot that can be drained to Napoleon Street; or A part 5 agreement shall be entered into for each lot requiring that a dispersion drain is constructed prior to any building works on the lot. The part 5 agreement shall require that;
- The drain shall be sized taking into account the permeability of the soil
 - The drain shall be sized to meet the full range of storms for the 10 year ARI for storage capacity with an additional safety factor volume 50% above the calculated need
 - The drain shall be located to command the stormwater discharge from all areas of the site which cannot be drained via a gravity connection to the kerb
 - The drain shall be installed along the contour at a minimum of 6.0 metres clear of boundaries down slope of the facility
 - The installation shall be located to ensure there is no concentrated discharge from the facility
 - A system operation / maintenance manual is to be provided and approved by the Engineering Services Manager
 - The system shall be marked on an "As Constructed" plan to Council requirements with the plan provided to Council
 - The system to be installed prior to site occupancy, operated and maintained by the owner in conformity with the manufacturer or design engineer's instruction manual and any additional conditions as required by Council. Any nuisance / concentrated discharge from the facility shall be rectified by the owner to Council's requirements and at the owner's expense within 14 days notice of the nuisance.

2.2 Access (Urban)

- a) A concrete driveway crossover and apron must be constructed from the edge of Napoleon Street to the property boundary of each lot in accordance with Council standards.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

2.3 As constructed information

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

2.4 Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

2.5 Works in Council road reserve

- c) 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.
- d) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

2.6 Separation of hydraulic services

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

2.7 Pollutants

- c) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- d) Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

2.8 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 2020/00439-NMC, dated 06/04/2020) – see Appendix A.

4 Public Open Space Contribution

A cash contribution must be paid in lieu of land for public open space in accordance with Council policy:

- \$1,400 per new lot; or
- The applicant may obtain a valuation not less than one month old by a registered land valuer, of the subject land, less one of the proposed lots. The Public Open Space Rate shall total 5% of that value.

5 Sealing of Plans

The final plan of survey will not be sealed until all conditions have been complied with.

DECISION

Cr Polley/Cr Lambert

- A** That Council, under section 34 (1) (former provisions) of the Land Use Planning and Approvals Act 1993, initiate Draft Scheme Amendment 02/2020 to rezone 21 Napoleon Street, Perth from Light Industrial to General Residential; and
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- The drain shall be sized taking into account the permeability of the soil
- The drain shall be sized to meet the full range of storms for the 10 year ARI for storage capacity with an additional safety factor volume 50% above the calculated need
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- The system shall be marked on an “As Constructed” plan to Council requirements with the plan provided to Council
- The system to be installed prior to site occupancy, operated and maintained by the owner in conformity with the manufacturer or design engineer’s instruction manual and any additional conditions as required by Council. Any nuisance / concentrated discharge from the facility shall be rectified by the owner to Council’s requirements and at the owner’s expense within 14 days notice of the nuisance.

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

5 Sealing of Plans

The final plan of survey will not be sealed until all conditions have been complied with.

Carried unanimously

**125/20 DRAFT PLANNING SCHEME AMENDMENT 01/2020
& PLANNING APPLICATION PLN-20-0001:
41-43 WELLINGTON STREET, LONGFORD**

File: 113600.15; CT159522/1
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Boer, Urban and Regional Planner

1 INTRODUCTION

An application has been received from D.J. McCulloch Surveying (obo Philip and Elizabeth Lethborg) for a Planning Scheme Amendment (01/2020) and planning application to allow the following:

- Rezone CT159522/1 from Community Purpose Zone to General Residential Zone.
- Subdivision into 3 lots.
- Demolition of non-original elements of the building that currently connect the two original sections of the building. Each original section is proposed to be located on a separate lot, adjacent to a 3rd vacant title.

This report recommends that Council:

- Initiate draft amendment to rezone the site
- Approve the subdivision of one lot into three lots

Subject site from Wellington Street



2 BACKGROUND

Applicant:

D.J. McCulloch Surveying

Owner:

Philip G & Elizabeth A Miles

Zone:

Community Purpose Zone (proposed to amend to General Residential Zone)

Codes:

Carparking and Sustainable Transport Code
Local Historic Heritage Code



NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Proposal:

Planning Scheme Amendment with s43 Application

Critical Date:

Under section 33 (3) of LUPAA, a decision must be made by the 11th May 2020.

Environmental Impacts and Attenuation Code

Existing Use:

Business & Professional Services (Funeral parlour and associated chapel)

Recommendation:

Initiate and certify the draft amendment and approve planning permit.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013, Version 30, Effective from 24th March 2020.*

3 STATUTORY REQUIREMENTS

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

Section 33 (1) – A person may request a 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 30J 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 in response to section 33 (2B):

(a) Part 6 of this report finds that the draft amendment is consistent with section 32 of the Act.

(ab) There are no representations under section 30I relevant to the draft amendment.

(b) This report provides advice in relation to section 65 of the Local Government Act 1993 (advice of qualified persons).

Section 35 - Certification of draft amendments by planning authorities

(1) After preparing a draft amendment of a planning scheme, the planning authority must determine whether the draft amendment meets the requirements specified in section 32 and –

(a) if satisfied that it does, certify the draft amendment as so meeting those requirements; or

(b) if not so satisfied, proceed to modify the draft amendment until it does meet those requirements and then certify the modified draft amendment as so meeting those requirements.

(2) For the purposes of subsection (1), the planning authority must certify the draft amendment by instrument in writing affixed with the common seal of the planning authority.

(3)

(4) Within 7 days after certifying under subsection (1) that the draft amendment of a planning scheme meets the requirements specified in section 32, the planning authority must give a copy of the draft amendment and the instrument containing that certification to the Commission.

4 PROPOSAL

4.1 Current Zone

Zone Map (overlaid over aerial photograph) – 41-43 Wellington Street, Longford



The subject site is zoned entirely Community Purposes, is subject to the following codes: Car Parking and Sustainable Transport Code, Local Historic Heritage Code and Environmental Impact and Attenuation Code.

The relevant Planning Scheme definition is:

<i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing.</i>
<i>Business and professional services</i>	<i>use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.</i>

4.2 Subject site and locality

The author of this report carried out a site visit on the 3rd April 2020. The subject site is a corner lot and has a total area of 1998m². The site was formerly a Baptist Church with the toilet/entrance additions added in the mid 1970's, and garage/cool room facilities added in the early 2000's. The site has more recently been used as a Funeral chapel and for associated mortuary services. The main building is a single storey stuccoed building with a gabled roof, engaged columns with classical detailing, and arched windows and doorway with stuccoed detailing.

Neighbouring land uses are predominantly residential in nature and all surrounding lots are zoned General Residential.

Aerial photograph of area (with services)



Photographs of site





4.3 Permit/site history

The relevant permit history for the site is as follows:

8/75 - Baptist Church - Hall Addition
113600.15 - 41-43 WELLINGTON ST - LONGFORD - LETHBORG ELIZABETH ANNE

DA45/99 - J Gibson - Funeral Establishmen
113600.15 - 41-43 WELLINGTON ST - LONGFORD - LETHBORG ELIZABETH ANNE

P00-7 - Gibson - Funeral Parlour Renovations/Additions
113600.15 - 41-43 WELLINGTON ST - LONGFORD - LETHBORG ELIZABETH ANNE

P09-160 (27/003/562) - - 2 Lot Boundary Adjustment
113600.15 - 41-43 WELLINGTON ST - LONGFORD - LETHBORG ELIZABETH ANNE

4.4 Proposed Amendment & planning application

Proposed rezoning plan

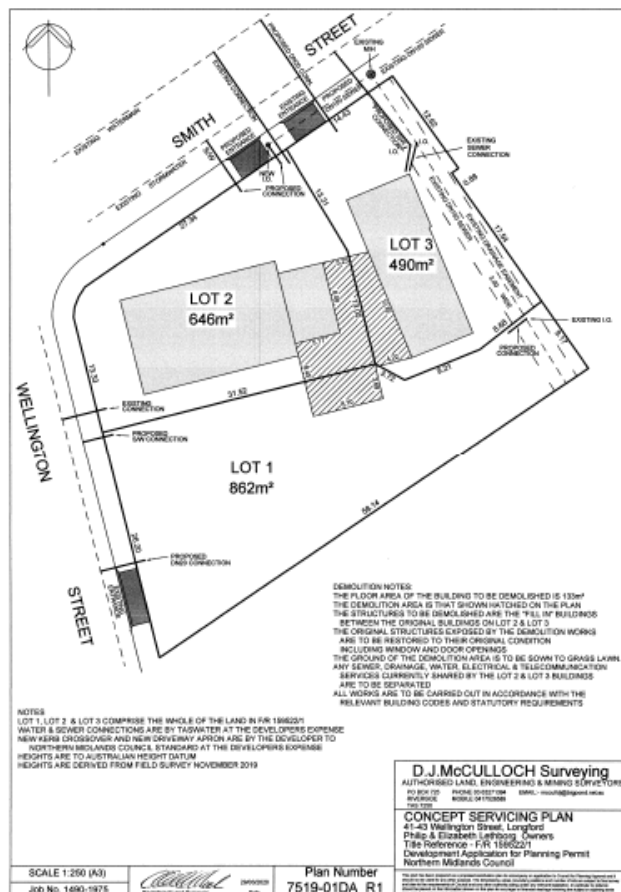


Table 1 - Comparison of Allowable Uses in the Community Purposes and General Residential zones

Community Purpose zone (current)	General Residential zone (proposed)
No permit required	
Natural and cultural values management	Residential (if a single dwelling)
Passive recreation	Natural and cultural values management
	Passive recreation
Permitted	
Emergency services	Residential (if a caretakers dwelling or home-based business)
Community meeting & entertainment	Utilities (if for minor utilities)
Crematoria and cemeteries	
Educational and occasional care	
Hospital services	
Recycling and waste disposal (If for municipal waste transfer station or refuse disposal site)	
Sports and recreation	
Utilities (If for minor utilities)	
Discretionary	
Business and professional services	Business and professional services (medical centre)
Food services	Educational and occasional care
General retail and hire (Only if in a building on CT 153988/1 that existed at the effective date of the scheme)	Food services (if a café or takeaway food premises)
Residential (If for residential aged care facility, respite centre or retirement village)	General retail and hire (if a local shop)
Tourist operation (If for a visitor centre)	Community meeting & entertainment (if not a cinema or function centre)

Utilities (if not for minor utilities)	Residential (if a boarding house communal residence, hostel, residential aged care facility, retirement village)
	Utilities
	Visitor accommodation

Proposed Plan of Subdivision/Demolition



4.5 Reasons for Proposal

The planning submission report, prepared by Rebecca Green and Associates (March 2020), notes the following:

The hall and church are no longer used, and the more modern additions store a car and are used for limited mortuary services. The land is surplus to the business needs of Lethborg Family Funerals. The site has been for sale for some time, with no interest for the entirety of the site for place of assembly or similar land uses.

4.6 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.

4.7 Referrals

The only referrals required were as follows:

Council's Works Department

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Precis: The application was reviewed by Council's Works and Infrastructure Department on the 7th April 2020 and their recommended conditions are included in the conditions of approval.

TasWater

Precis: TasWater issued a Submission to Planning Authority Notice on the 18.02.2020 (TasWater Ref: TWDA 2020/00034-NMC).

Heritage Adviser

Council's Heritage Advisor, David Denman, reviewed the application on the 17th Jan 2020 and noted that he had no objections to the proposal. Mr Denman made the following comments:

The proposed subdivision does not involve the removal of any original heritage fabric. Further development of the separate lots will need future planning applications which will ensure that the context and integrity of the historic buildings are maintained. However, consideration must be given to ensure the applicant can demonstrate that there is sufficient space on lot 2 to provide future car parking that complies with E13.6.10 – A1.

Tasmanian Heritage Council

Precis: As the property is on the Register of the Tasmanian Heritage Council, the proposal is also subject to a Notice of Heritage Decision. A Notice of Interest was issued on the 9th April 2020 (Ref: 10-47-81THC). A condition regarding the future Notice of Heritage Decision will need to be added to the draft permit conditions post advertising.

Department of State Growth

Precis: The application was referred to the Department of State Growth on the 13th January 2020 and a response was received on the 21st January 2020, noting the following:

In this regard please can you add the below note to Council's permit;

A valid works permit is required for all works undertaken in the State Road (Wellington Street) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/road/permits/service-works. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed.

No works are to be undertaken until a written permit has been issued.

Minister administering Crown Lands (State Road Reserve)

Precis: Application signed by the Minister.

4.8 Financial Implications to Council

Not applicable to this application.

4.9 Planning Scheme Assessment

GENERAL RESIDENTIAL ZONE

ZONE PURPOSE

To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

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

Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.

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

Assessment: The proposal meets the zone purpose.

LOCAL AREA OBJECTIVES

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

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

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

Assessment: The proposal meets the local area objectives.

10.4.4 Subdivision

10.4.4.1 Lot Area, Building Envelopes and Frontage

Objective:

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

access and parking, easements and site features.	
Acceptable Solutions	Performance Criteria
<p>A1 Lots must:</p> <ul style="list-style-type: none"> a) have a minimum area of at least 450m² which: i) is capable of containing a rectangle measuring 10m by 15m; and ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or b) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or c) for the provision of utilities; or d) for the consolidation of a lot with another lot with no additional titles created; or e) to align existing titles with zone boundaries and no additional lots are created. 	<p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> a) a dwelling to be erected in a convenient and hazard-free location; and b) on-site parking and manoeuvrability; and c) adequate private open space.
<p>Complies with A1 as follows:</p> <ul style="list-style-type: none"> (a) Complies - each lot proposed is greater than 450m² – The minimum lot size is 490m². (i) Complies – Once demolition has occurred, the new boundaries aligned from buildings that satisfy the relevant acceptable solutions (b) N/a (c) N/a (d) N/a 	N/a
<p>A2 Each lot must have a frontage of at least 3.6m.</p>	<p>P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>
<p>Complies – each lot has greater than 3m frontage.</p>	N/a

10.4.4.2 Provision of Services

Objective: To provide lots with appropriate levels of utility services.	
Acceptable Solutions	Performance Criteria
<p>A1 Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> a) water supply; and b) sewerage system. 	<p>P1 Each lot created must be:</p> <ul style="list-style-type: none"> a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
<p>Complies with A1 – Each lot is connect to both water and sewer.</p>	N/a
<p>A2 Each lot must be connected to a reticulated stormwater system.</p>	<p>P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.</p>
<p>Complies with A2 – each lot is proposed to be connect to reticulated stormwater.</p>	N/a

10.4.4.3 Solar Orientation of Lots

Objective: To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
<p>A1 At least 50% of lots must have a long axis within the range of:</p> <ul style="list-style-type: none"> a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south. 	<p>P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.</p>
<p>Complies with A1 (a) and (b) across all three lots.</p>	N/a
<p>A2 The long axis of residential lots less than 500m², must be within 30 degrees east and 20 degrees west of north.</p>	<p>P2 Lots less than 500 m² must provide adequate solar access to future dwellings, having regard to the:</p> <ul style="list-style-type: none"> a) size and shape of the development of the subject site; and b) topography; and

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	c) location of access way(s) and roads.
Relies on P2 - Lot 3 has a lot area less than 500m ² but is orientated greater than 20 degrees west of north.	Complies with P2 – Lot 2 contains an existing building which would lend itself to conversion to a residential use. The lot is generally rectangular in shape, level and serviced by an existing crossover in the north western corner.

10.4.4.5 Integrated Urban Landscape

Objective: To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:	
a) character and identity of new neighbourhoods and urban places; or	
b) to existing or preferred neighbourhood character, if any.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: <ul style="list-style-type: none"> a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and c) connectivity through the urban environment is protected or enhanced; and d) the visual amenity and attractiveness of the urban environment is enhanced; and e) it furthers the local area objectives, if any.
Complies with A1.	N/a

10.4.4.6 Walking and Cycling Network

Objective:	
a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and	
b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible.	
c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to: <ul style="list-style-type: none"> a) link to any existing pedestrian and cycling networks; and b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and d) promote surveillance along roads and from abutting dwellings.
Complies with A1.	N/a

10.4.4.7 Neighbourhood Road Network

Objective:	
a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and	
b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	P1 The neighbourhood road network must: <ul style="list-style-type: none"> a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and d) provide safe and efficient access to activity centres for commercial and freight vehicles; and e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles;

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	and f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and h) take into account of any identified significant features.
Complies with A1.	N/a

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a – not located within a Bushfire Prone Area.
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – see code assessment below.
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – see code assessment below.
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a – no native vegetation proposed to be removed.
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	Complies – see code assessment below.
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	Complies – see code assessment below.
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies with A2 – 3 access points are proposed. Residential use of the lots would result in less than 40 vehicle entry and exit movements per day.	N/a
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and

	<p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
N/a	N/a

E4.7 Development Standards

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

<p>Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</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>
Complies with A1.	N/a

E4.7.2 Management of Road Accesses and Junctions

<p>Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</p>	<p>P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>
Complies with A1 – Two crossovers are existing and are proposed to service lots 1 and 3. One crossover is being created for proposed lot 2. Only one access to provide both entry and exit per lot is proposed.	N/a

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

<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>Objective 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>
N/a	N/a

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

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

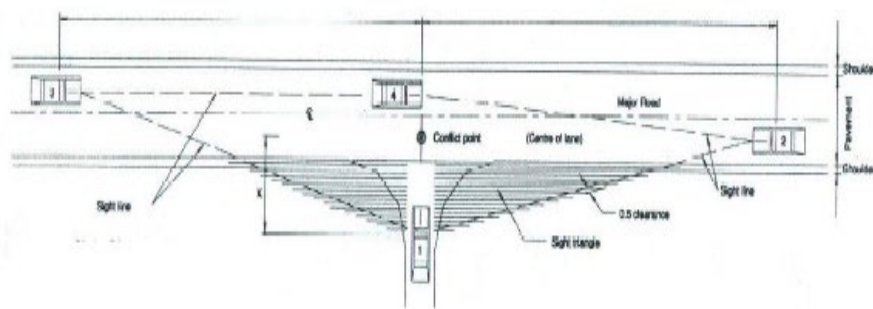


Figure E4.7.4 Sight Lines for Accesses and Junctions

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

Notes:

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

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

E6.6 Use Standards

E6.6.1 Car Parking Numbers

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

Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: Each lot has sufficient room for the number of spaces required for existing and potential future uses of the site.	

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Residential:		
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	

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.			
Acceptable Solutions		Performance Criteria	
A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1	Permanently accessible bicycle parking or storage spaces must be provided having regard to the:
A1.2	The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	a)	likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
		b)	location of the site and the distance a cyclist would need to travel to reach the site; and
		c)	availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: Each lot has sufficient room for the number of spaces required for existing and potential future uses of the site.			

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.			
Acceptable Solutions		Performance Criteria	
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1	No performance criteria.
Comment: N/a – no intensification of parking proposed by this development.			

E6.6.4 Motorbike Parking Provisions

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

MINUTES – ORDINARY MEETING

27 APRIL 2020

Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: Each lot has sufficient room for the number of spaces required for existing and potential future uses of the site.	

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: No changes to existing parking proposed. Clause to be addressed when a development application for intensification/future use is proposed.	

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: No changes to existing parking proposed. Clause to be addressed when a development application for intensification/future use is proposed.	
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.
Comment: No changes to existing parking proposed. Clause to be addressed when a development application for intensification/future use is proposed.	

Table E6.2: Access Widths for Vehicles

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

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.	
Acceptable Solutions	Performance Criteria
A1 Car parking areas with greater than 20 parking spaces	P1 Car parking areas with greater than 20 parking spaces must

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

<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>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: No changes to existing parking proposed. Clause to be addressed when a development application for intensification/future use is proposed.</p>	

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.	
Acceptable Solutions	Performance Criteria
<p>A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>P1 The location and design of parking spaces considers the needs of disabled persons, having regard to:</p> <p>i) the topography of the site;</p> <p>j) the location and type of relevant facilities on the site or in the vicinity;</p> <p>k) the suitability of access pathways from parking spaces, and</p> <p>l) applicable Australian Standards.</p>
<p>A2 One 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>.</p>	<p>P2 The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:</p> <p>g) characteristics of the populations to be served;</p> <p>h) their means of transport to and from the site; and</p> <p>i) applicable Australian Standards.</p>
<p>Comment: No changes to existing parking proposed. Clause to be addressed when a development application for intensification/future use is proposed.</p>	

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <p>a) at least one loading bay must be provided in accordance with Table E6.4; and</p> <p>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</p>	<p>P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</p>
<p>Comment: No changes to existing loading bay proposed. Clause to be addressed when a development application for intensification/future use is proposed.</p>	

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective:	
To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <p>a) be accessible from a road, footpath or cycle track; and</p> <p>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</p> <p>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</p> <p>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

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: 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.
Comment: No changes to existing bicycle parking proposed. Clause to be addressed when a development application for intensification/future use is proposed.		

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: No changes to existing pedestrian access proposed. Clause to be addressed when a development application for intensification/future use is proposed.		

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 E10 RECREATION AND OPEN SPACE CODE

E10.2 Application of this Code

E10.2.1 This code applies to development of land for subdivision in the general residential, general industrial, light industrial, commercial, local business, general business, low density residential, rural living and village zones.

E10.6 Development Standards

E10.6.1 Provision of Public Open Space

Objective		
a)	To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and	
b)	To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.	
Acceptable Solutions		Performance Criteria
A1	The application must:	P1 Provision of public open space, unless in accordance with Table E10.1, must:
a)	include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.	a) not pose a risk to health due to contamination; and b) not unreasonably restrict public use of the land as a result of: <ul style="list-style-type: none"> i) services, easements or utilities; and ii) stormwater detention basins; and iii) drainage or wetland areas; and

	<ul style="list-style-type: none"> iv) vehicular access; and c) be designed to: <ul style="list-style-type: none"> i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and ii) reasonably contribute to the pedestrian connectivity of the broader area; and iii) be cost effective to maintain; and iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.
Complies with A1 – consent from Council’s General Manager, Des Jennings, was received by email on the 3 rd April 2020.	N/a

ASSESSMENT AGAINST E11.0
ENVIRONMENTAL IMPACTS AND ATTENUATION CODE

E11.6 Use Standards

E11.6.1 Attenuation Distances

<p>Objective To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.</p>	
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"> a) degree of encroachment; and b) nature of the emitting operation being protected by the attenuation area; and c) degree of hazard or pollution that may emanate from the emitting operation; and d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.
Relies on performance criteria P1.	<p>Complies with P1 as follows:</p> <p>A Site Specific Study was prepared on behalf of the applicant by Rebecca Green and Associates – dated 29th March 2020 and demonstrates that there will not be an environmental nuisance or environmental harm, having regard to the following:</p> <ul style="list-style-type: none"> a) The subject site is located approximately 675m from the emitting operation (abattoir with 1000m attenuation distance), with a substantial number of residential, commercial and light industrial uses located between the properties. b) Abattoirs are known to emit noise and odours; however, the site-specific study notes that neither of these are prevalent at the site. The abattoir has been in existence for many years, alongside sensitive uses within the township and works continue to take place to reduce the odour from the site. c) Although these emissions may cause a nuisance, they are unlikely to result in environmental harm. As noted, many other residential uses are currently located within

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

	a similar setback from the site. Although the site will generate noise, it is not audible at the setback distance proposed. d) Due to the minimal impact noted at the site, and buffer provided by other uses, no additional mitigation measures are required.
A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Village, Local Business, General Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to: a) the degree of encroachment; and b) the nature of the emitting operation being protected by the attenuation area; and c) the degree of hazard or pollution that may emanate from the emitting operation; and d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i> .
N/a	N/a

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* and the subject site is 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.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where:

	<p>a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and</p> <p>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</p> <p>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.</p>
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Comment:

Not applicable, if the re-zoning is successful, a residential use will be a permissible use in the General Residential zone.

E13.6 DEVELOPMENT STANDARDS

E13.6.1 Demolition

<i>Objective: To ensure that the demolition or removal of buildings and structures does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
Acceptable Solutions	Performance Criteria
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:

Satisfies the performance criteria. The partial demolition of recent additions from the mid 1970's and early 2000's meet part (d) of this clause and will expose original features of the buildings with heritage significance, such as windows.

E13.6.2 Subdivision and development density

<i>Objective: To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
Acceptable Solutions	Performance Criteria
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:

Satisfies the performance criteria as follows:

- a) The proposed subdivision layout is consistent with the development pattern of residential lots within the block and surrounding area, which have lots sizes ranging from 530m² to 2000m²+
- b) The surrounding lots contain mostly single dwellings that present to the street (only one internal lot). The proposed demolition will allow the existing buildings to be located centrally within lots 2 and 3, which is consistent with development on surrounding lots. Development of lot 1 will be subject to further planning approval.

- c) The proposed subdivision will result in the separation of the chapel building from the afternoon tea-room and entry foyer. The listing for the site notes that: *"The Baptist Church is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey stuccoed Victorian Academic Classical church building"* and is of community significance *"because of its association with the general community as a religious and townscape landmark."* The separation of the afternoon tea-room and entry foyer from the main chapel room will not change the significance of the buildings based on the information contained in the listing. Further development of the site will be subject to additional planning approval to ensure the context and integrity of the buildings are maintained.
- d) No vegetation or significant trees are proposed to be removed as a result of the subdivision works.
- e) The proposal is consistent with the management objectives which require the development to not adversely impact on the character of the streetscape. Future development of the site will also be required to demonstrate compliance with the management objectives.

E13.6.3 Site Cover

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

Comment:

Satisfies the performance criteria – site coverage will be reduced as a result of the demolition works, which propose to remove non-original sections of the building.

E13.6.4 Height and Bulk of Buildings

Comment:

N/a – no changes proposed.

E13.6.5 Fences

Comment:

N/a – no changes proposed.

E13.6.6 Roof Form and Materials

Comment:

N/a

E13.6.7 Wall materials

Comment:

N/a – original wall materials will be exposed as result of the demolition works.

E13.6.8 Siting of Buildings and Structures

Comment:

N/a

E13.6.9 Outbuildings and Structures

Comment:

N/a

E13.6.10 Access Strips and Parking

<i>Objective: To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i>	
Acceptable Solutions	Performance Criteria
A1 Car parking areas for non-residential purposes must be:	P1 Car parking areas for non-residential

<p>a) located behind the primary buildings on the site; or</p> <p>b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in Table 1: Heritage Precincts, if any.</p>	<p>purposes must not:</p> <p>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</p> <p>b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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Comment:

Not applicable as part of the subdivision proposal, although Council's Heritage Advisor notes that: "Consideration must be given to ensure that there is adequate space on the corner lot containing the significant heritage building for future car parking requirements as per E13.6.10 – A1." This clause relates only to car parking for non-residential purposes, which would be subject to further planning approval.

E13.6.11 Places of Archaeological Significance

Comment:

N/a

E13.6.12 Tree and Vegetation Removal

Comment:

No vegetation removal proposed. The site contains minimal modern garden beds only.

E13.6.13 Signage

Comment:

N/a

E13.6.14 Maintenance and Repair

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

Comment:

Complies with acceptable solution for sections exposed by demolition works. Condition required to ensure compliance.

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.

<p>Existing Character Statement - Description and Significance</p> <p>LONGFORD HERITAGE PRECINCT CHARACTER STATEMENT</p> <p>The Longford Heritage Precinct is unique because it is the core of an intact nineteenth century townscape, rich with significant structures and the atmosphere of a centre of trade and commerce for the district. Traditional commercial buildings line the main street, flanked by two large public areas containing the Christ Church grounds and the War Memorial. The street then curves gently at Heritage Corner towards Cressy, and links Longford to the surrounding rural farmland, creating views to the surrounding countryside and a gateway to the World Heritage listed Woolmers and Brickendon estates. Heritage residential buildings are tucked behind the main street comprising traditional styles from the mid nineteenth century to the early twentieth century, including significant street trees, picket fences and cottage gardens. The rural township feel is complemented by a mix of businesses serving local needs, tourism and historic interpretation. Longford's heritage ambience has been acknowledged, embraced and built on by many of those who live in or visit the town.</p>
<p>Management Objectives</p> <p>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.</p> <p>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.</p>

NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

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	N/a – The Heritage Precinct Specific Area Plan does not contain any provisions relevant to the demolition works or 3-lot subdivision.

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	Complies – see below.
9.5 Access and Provision of Infrastructure Across Land in Another Zone	N/a

9.4 Demolition

- 9.4.1 Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:
- (a) the purpose of the applicable zone;
 - (b) any relevant local area objective or desired future character statement of the applicable zone;
 - (c) the purpose of any applicable code; and
 - (d) the purpose of any applicable specific area plan.

Comment:

The demolitions works have been assessed as part of the developments works for the proposed subdivision, which has resulted in assessment against the zone provisions, local area objectives, relevant codes and specific area plans.

STATE POLICIES
<ul style="list-style-type: none"> State Policy for the Protection of Agricultural Land (PAL) – The PAL policy is not relevant to the use and development proposed, as it is not agricultural land. Water Quality Management State Policy – the site is connected to the stormwater system and future use and development of the site can be managed by subsequent planning approvals. State Coastal Policy - There is no coastal land within the municipal area of the Northern Midlands. National Environmental Protection Measures – None relevant.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993
The proposal is consistent with the objectives of the <i>Land Use Planning & Approvals Act 1993</i> .

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES
Strategic Plan 2017-2027 <ul style="list-style-type: none"> Statutory Planning

5 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

If Council initiates the draft amendment, Council can:

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

6 DISCUSSION

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

Section 32 of the *Land Use Planning & Approvals Act 1993* states as follows:

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) 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; and

(ea) must not conflict with the requirements of section 300; and

(f) 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.

(2) The provisions of section 20 (2) , (3) , (4) , (5) , (6) , (7) , (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

Therefore, 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: Rezoning the property from Community Purpose to General Residential creates consistency with the zoning of adjoining properties and seeks to avoid the potential for land use conflict by reducing the potential land uses that could occur on the site.

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

Comment: The Northern Regional Land Use Strategy classifies Longford as a District Service Centre (DSC). District Service Centres (DSC) are described as significant regional settlement areas with an important sub-regional role in terms of access to a wide range of services, education and employment opportunities. Employment within District Centres is strongly related to surrounding productive resources. The Regional Land Use Strategy encourages opportunities to increase the capacity of existing urban area, prior to their expansion. The proposal to rezone and subsequently repurpose existing buildings is consistent with mandatory provisions under section 30(O) of the former provisions of the *Land Use Planning & Approvals Act 1993*.

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

Comment: The amendment seeks to rezone the site from Community Purposes to General Residential. The use and development permissible under the amendment is expected to have a positive impact in environmental, economic and social terms, through the re-purposing of existing buildings with uses that consistent with adjacent land uses.

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 the requirements in section (2)(aa-j) above, as discussed above and through the provision of appropriate services. No land is required to be reserved for public purposes.

- (3) Subject to subsections (4), (5) and (6), nothing in any planning scheme is to be taken (including by virtue of requiring a permit to be obtained) to–
- (a) prevent the continuance of the use of any land, upon which buildings or works are not erected, for the purposes for which it was being lawfully used before the coming into operation of the scheme; or
 - (b) prevent the use of any building which was erected before that coming into operation for any purpose for which it was lawfully being used immediately before that coming into operation, or the maintenance or repair of such a building; or
 - (c) prevent the use of any works constructed before that coming into operation for any purpose for which they were being lawfully used immediately before that coming into operation; or
 - (d) prevent the use of any building or works for any purpose for which it was being lawfully erected or carried out immediately before that coming into operation; or
 - (e) require the removal or alteration of any lawfully constructed buildings or works; or
 - (f) prevent a development, which was lawfully commenced but not completed before the coming into operation of the scheme, from being completed within–
 - (i) 3 years of that coming into operation; or
 - (ii) any lesser or greater period specified in respect of the completion of that development under the terms of a permit or special permit granted before the coming into operation of the scheme.

Comment: The draft amendment does not conflict with these requirements, as it is anticipated the future use of the existing buildings will be consistent with the rezoning.

- (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 results in the efficient use of land for residential purposes in a location identified and supported in the Regional Land Use Strategy.

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

Comment: The site is within an area identified within the Regional Land Use Strategy that is a District Service Centre. Future residential development as a result of the amendment will result in efficient utilisation of existing services.

(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: If certified, the proposal will be sent to the Tasmanian Planning Commission. The application has been referred to all relevant stakeholders, such as Taswater, the Department of State Growth and the Tasmanian Heritage Council.

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

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

Comment: The proposed General Residential zone is consistent with the surrounding zone and land uses. The draft amendment is consistent with the Regional Land Use Strategy. The proposal is therefore consistent with this objective.

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

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

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

Comment: Future development of the site will be connected to reticulated sewer and stormwater systems. It is considered that the proposal 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. The rezoning will allow buildings with heritage significance to be conserved through repurposing and associated ongoing maintenance.

- (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.*



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

Comment: The draft amendment does not impact on agricultural land capability

Sewer & Water

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

Stormwater & Access

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

Provision of Services

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

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Subdivision - 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.

Public Open Space Contribution

- 1 *The Public Open Space Rate shall be \$1400 per additional lot created*
- OR
- 2 *The applicant may, at his or her discretion, obtain a current (not less than one month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots (or strata units). The Public Open Space Rate shall total 5% of that value.*

Compliance with Local Government (Buildings and Miscellaneous Provisions) Act 1993

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		✓
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		✓
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		✓
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?		✓
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		✓
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on site sewerage treatment?		✓
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		✓
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		✓
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		✓
	If 'yes', refuse the subdivision.		
Section 85	Refusal of application for subdivision		
	Council may refuse the application for subdivision if it is of the opinion:		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		✓
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		✓

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Section 85	Refusal of application for subdivision		
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		✓
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		✓
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		✓
85(d)(iii)	public open space;		✓
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		✓
85(d)(v)	private roads, ways or open spaces;		✓
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		✓
85(d)(vii)	licences to embank highways under the <u>Highways Act 1951</u> ;		✓
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		✓
85(d)(ix)	provision for the preservation of trees and shrubs;		✓
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		✓
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		✓
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		✓
85(g)(ii)	party-wall easements;		✓
85(g)(iii)	the state of a party-wall on its boundary.		✓
Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public stormwater system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public stormwater 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 stormwater connections from a place on the boundary of each lot to the public stormwater system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the Local Government (Highways) Act 1982</u> in respect of the highways opened or to be opened on the subdivision;		✓
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		✓
86(2)(f)	the filling in of ponds and gullies;		✓
86(2)(g)	the piping of watercourses.		✓
	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓

NORTHERN MIDLANDS COUNCIL

MINUTES – ORDINARY MEETING

27 APRIL 2020

Section 107	Access orders	Yes	No
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
Section 108	Road widening	Yes	No
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		✓
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		✓

8 ATTACHMENTS

- A Application & Plan of Subdivision
- B Responses from referral agencies

RECOMMENDATION

- A That Council, under section 34 (1) (former provisions) of the *Land Use Planning Act 1993*, initiate Draft Amendment 01/2020 to to rezone 41-43 Wellington Street, Longford from Community Purpose to General Residential; and
- B That Council, under Section 35 (1) (former provisions) of the *Land Use Planning and Approvals Act 1993*, certify Draft Amendment 01/2020 as meeting the requirements of section 32 of the Act, and place it on Public Exhibition for 28 days, in accordance with section 38 of the Act.

And, if B is approved;

- C That, under section 43F (former provisions) of the *Land Use Planning and Approvals Act 1993*, Council resolves that:

The land at 41-43 Wellington Street, Longford be approved for a 3-lot subdivision & partial demolition, in accordance with application PLN-20-0001, and subject to the following conditions:

1 LAYOUT NOT ALTERED

The use and development must be in accordance with the endorsed plans numbered **P1** (*Job No: 1490-1975, Sheet No's: 7519-01DA_R1, Dated: 29.03.2020*) & **D1** (*Section 43A Application - Supporting Submission, prepared by Rebecca Green and Associates, dated: March 2020*).

2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

2.1 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.

2.2 Access (Urban)

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

2.3 As constructed information

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

2.4 Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

2.5 Works in Council road reserve

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

2.6 Works in State road reserve (for installation of stormwater connection in Wellington St)

- a) The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.
- b) Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight (28) days prior to any scheduled works. In accordance with the Roads and Jetties Act 1935, works must not be commenced within the State Road reservation until a permit has been issued.

2.7 Separation of stormwater services

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

2.8 Easements to be created

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

2.9 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

2.10 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 2020/00034-NMC).

4 HERITAGE

- (a) Prior to the commencement of works, a schedule of demolition and repair works must be prepared and submitted for endorsement by the Tasmanian Heritage Council. (b) Perimeter fencing of the lot must not occur without further planning approval.

5 PUBLIC OPEN SPACE CONTRIBUTIONS

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

\$1,400 per additional lot created; or

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

6 SEALING OF PLANS

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

DECISION

Cr Davis/Cr Brooks

- A** That Council, under section 34 (1) (former provisions) of the *Land Use Planning Act 1993*, initiate Draft Amendment 01/2020 to to rezone 41-43 Wellington Street, Longford from Community Purpose to General Residential; and
- B** That Council, under Section 35 (1) (former provisions) of the *Land Use Planning and Approvals Act 1993*, certify Draft Amendment 01/2020 as meeting the requirements of section 32 of the Act, and place it on Public Exhibition for 28 days, in accordance with section 38 of the Act.

And, if B is approved;

- C** That, under section 43F (former provisions) of the *Land Use Planning and Approvals Act 1993*, Council resolves that:

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2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

2.1 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.

2.2 Access (Urban)

- a) A concrete driveway crossover and hotmix sealed apron must be constructed from the edge of the road to the property boundary of all lots in accordance with Council standards.
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As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.

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Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

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- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

2.6 Works in State road reserve (for installation of stormwater connection in Wellington St)

- a) The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.
- b) Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight (28) days prior to any scheduled works. In accordance with the Roads and Jetties Act 1935, works must not be commenced within the State Road reservation until a permit has been issued.

2.7 Separation of stormwater services

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

2.8 Easements to be created

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

2.9 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of the development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

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5 PUBLIC OPEN SPACE CONTRIBUTIONS

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



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

\$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 (or strata units). The Public Open Space Rate shall total 5% of that value.

6 SEALING OF PLANS

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

Carried unanimously

126/20 INITIATION OF DRAFT PLANNING SCHEME AMENDMENT 03/2020: FOOD SERVICES IN TRANSLINK SPECIFIC AREA PLAN

File: Draft Amendment 03/2020
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 SUMMARY INFORMATION

Applicant:

Northern Midlands Council

Proposal:

Amend the Planning Scheme to include Food Services as a discretionary use in the TRANSlink Specific Area Plan

Critical Date:

There is no statutory time frame for Council to decide whether to initiate an amendment of its own motion

Recommendation:

Initiate the draft amendment

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013

Planning Authority:

Northern Midlands Council

2 BACKGROUND

Council has received enquiries from people wanting to operate food vans from private property in TRANSlink.

Food vans are classified as 'takeaway food premises' which the planning scheme defines as 'use of land to prepare and sell food and drink primarily for immediate consumption off the premises'.

The planning scheme divides TRANSlink into 7 areas (see Figures 1 & 2). 'Takeaway food premises' is prohibited in all areas except area 2 (if for an existing use), area 6, and area 7 (if for an existing use).

Figure 1 - TRANSlink Areas – planning scheme

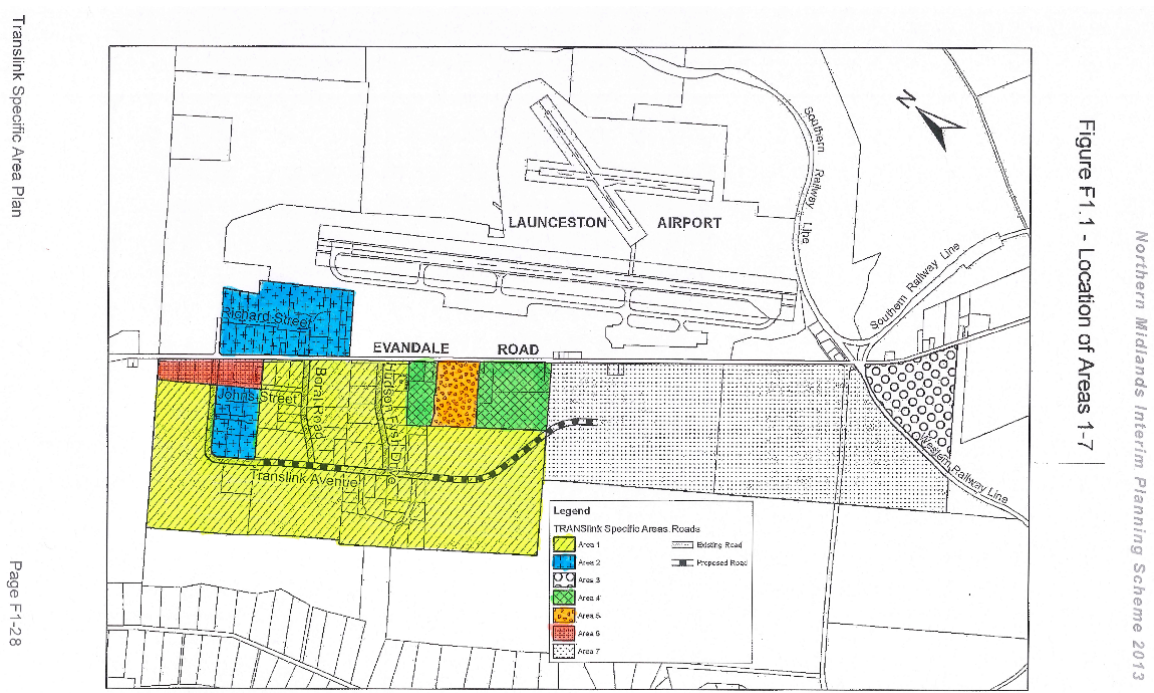


Figure 2 - TRANSlink Areas – aerial photo





 <p>PO Box 156 13 Smith Street Longford TAS 7301 Email: council@nmc.tas.gov.au Web: www.northernmidlands.tas.gov.au</p>	<p>Base data from theLST, © State of Tasmania. For actual boundaries refer Title Plan. Base image by TASMAP, © State of Tasmania Where shown, aerial photography is indicative only and should not be used as an accurate comparison of title boundaries. Where shown, underground services are diagrammatic only. Actual location of services are to be confirmed on site.</p>	<p>Area 1 Area 2 Area 3 Area 4 Area 5 Area 6 Area 7</p>	<p>8/04/2020 1:10000</p>	
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Figure 3 – status of Food Services in the TRANSlink Specific Area Plan

Area 1	
Prohibited	
Food services	
Area 2	
Discretionary	
Food services	If for existing
Area 3	
Prohibited	
Food services	
Area 4	
Permitted with permit	
Food services	If a restaurant
Area 5	
Discretionary	
Food services	If a restaurant
Area 6	
Permitted with permit	
Food services	If a restaurant If a takeaway shop
Areas 7	
Permitted with permit	
Food services	If for existing uses and the curtilage does not increase by more than 30% as at the effective date.

Figure 4 – Purpose of the TRANSlink Specific Area Plan

F1	TRANSlink Specific Area Plan
F1.1	Purpose of Specific Area Plan
F1.1.1	The purpose of this specific area plan is to: <ul style="list-style-type: none"> a) Provide for industrial and commercial uses and developments which serve the strategic needs of the Launceston and Northern Midlands region and the State, and which would derive a particular benefit from a location having proximity to Launceston Airport, access to the State's road and rail network or links to the port of Bell Bay. b) Cater primarily for storage, transport and industrial uses. c) Provide for a limited range of retail or other activity, which supports storage, transport and industrial uses. d) Provide for a limited range of retail or other activity, which can demonstrate that the location offers a particular strategic advantage. e) Provide an area within which business-support facilities for the Translink Industrial Zone and Airport operations can locate. f) Provide opportunities for the development of accommodation adjacent to and serving the Airport. g) Provide detailed guidance on use and development within the General Industrial Zone at Translink, particular to the unique characteristics of the area.

3 STATUTORY REQUIREMENTS

Section 34 (1) (b) (former provisions) of the *Land Use Planning & Approvals Act 1993* states:

A planning authority may of its own motion, initiate an amendment of a planning scheme administered by it.

4 CONSULTATION

4.1 Public Exhibition

Public exhibition of a draft amendment occurs after it has been certified, as per section 38 of the *Land Use Planning & 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.*

4.2 Referrals

Referrals occur after the draft amendment has been certified.

5 FINANCIAL IMPLICATIONS

The cost of undertaking the draft amendment is within existing budget allocations.

6 STRATEGIC PLAN 2017-2027

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

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

- Progress –
 - Economic Development – Supporting Growth & Changes
 - ♦ New & expanded small business is valued
 - ♦ Support new businesses to grow capacity & service
- People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities

Core Strategies:

 - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
 - ♦ Communicate – Communities speak & leaders listen
 - ♦ Participate – Communities engage in future planning

7 OPTIONS

- Initiate the draft amendment; or
- Move changes to the draft amendment before initiating; or
- Refuse to initiate the draft amendment.

8 DISCUSSION

Enquiries from food van operators and property owners indicate that there is a need for additional takeaway food premises in TRANSLink. This would support the purpose of the TRANSLink Specific Area Plan to ‘provide for a limited range of retail or other activity which supports storage transport and industrial uses’.

RECOMMENDATION

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 03/2020 to the Northern Midlands Interim Planning Scheme 2013 to include Food Services as a discretionary use in the TRANSLink Specific Area Plan Areas 1, 2 & 3 with the provision ‘if for takeaway food premises’.

DECISION

Cr Polley/Cr Davis

That Council, acting as the Planning Authority, pursuant to section 34 of the former provisions of the *Land Use Planning and Approvals Act 1993* **resolves not to initiate** the draft Planning Scheme Amendment 03/2020 to the Northern Midlands Interim Planning Scheme 2013 to include Food Services as a discretionary use in the TRANSLink Specific Area Plan Areas 1, 2 & 3.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

127/20 REQUEST TO EXTEND PLANNING PERMIT P17-293: 16523 MIDLAND HIGHWAY, PERTH

File Number: P17-293
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report assesses an application to extend permit P17-293 for 16523 Midland Highway, Perth for a 24-hour card operated heavy vehicle fuel stop, access and signage, and 2-lot subdivision.

At its March 2020 meeting, Council resolved to extend permit P15-270 for a fuel stop at 16523 Midland Highway, and not to extend P17-293.

The applicant then requested that if Council only wants a single approval in place for a fuel stop at 16523 Midland Highway, P17-293 be extended, and P15-270 lapse.

The applicant advises:

P15-270 was lodged in 2015, when the property owner was in discussions with Tas Petroleum. Due to an ongoing discussion with the State Government over the Midland Highway encroachment onto our client's land, Tas Petroleum were unable to commit to the site approved under P15-270, and subsequently sought approval in the City of Launceston Municipality (Connector Park). The site proposed under P15-270 was not our clients preferred site and had only been proposed at the request of Tas Petroleum when they were looking to get established in the area. Now that Tas Petroleum are no longer going to develop the land, our client has no interest to establish a fuel stop at this location. His preferred location is the approved fuel stop under P17-293.

The main entrance to the Digga site already has a significant number of Traffic Movements in and out of the site. Allowing a fuel stop to become established in this part of the lot would further congest traffic movements in the entrance vicinity. Having the fuel stop situated further away from the sites primary entrance would be preferable from our clients point of view.

*If it is Councils wish that only one Fuel Stop Approval be in place on this site, we request that the decision of Council be altered, so that P15-270 is **NOT** granted an extension, and P17-293 **IS** permitted a 2 year extension.*

Should Council be receptive of this request, we would be willing to provide a statement in relation to P15-270 not being substantially commenced, and therefore lapsing should the permit extension not be granted.

2 BACKGROUND

Applicant:

Woolcott Surveys

Zone:

Rural Resource

Classification under the Scheme:

Vehicle fuel sales and service

Decision Date:

The permit will lapse if it is not extended before 2/9/2020

Owner:

Jorjs Pty Ltd

Codes:

Bushfire Code; Road Assets Code; Parking Code; Scenic Management Code; Water Quality Code; Signs Code

Existing Use:

Quarry, Digga Excavations

Recommendation:

Extend permit

Discretionary Aspects of the Original Application

- Development and use of vehicle fuel sales in the Rural Resource zone.
- Subdivision for vehicle fuel sales and service in the Rural Resource zone.
- Vary front setback from 50m.
- Hazardous use under the Bushfire Code.
- Pole Sign in Rural Resource zone.
- Development within Scenic Corridor.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013.*

Preliminary Discussion

The applicant indicated they would be applying for an extension to the permit.

3 STATUTORY REQUIREMENTS

Land Use Planning & Approvals Act 1993

53. When does a permit take effect?

(5) If the use or development in respect of which a permit was granted is not substantially commenced, the permit lapses –

(a) at the end of a period of 2 years from –

(i) the date on which the permit was granted; or

(ii) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal; or

(b) if the planning authority has granted an extension under [subsection \(5A\)](#), at the end of a further period of 2 years from the end of the relevant period referred to in [paragraph \(a\)](#); or

(c) if the planning authority has granted a further extension under [subsection \(5B\)](#), at the end of a further period of 2 years from the end of the further period of 2 years for which the permit was extended under [subsection \(5A\)](#).

(5A) If the use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before the permit would otherwise lapse under [subsection \(5\)\(a\)](#), the planning authority may grant (once only) an extension of the period during which that use or development must be substantially commenced.

(5B) If the use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before the permit would otherwise lapse under [subsection \(5\)\(b\)](#), the planning authority may grant (once only) a further extension of the period during which that use or development must be substantially commenced.

(5C) An application may be made under [subsection \(5A\)](#) or [\(5B\)](#), for an extension of a period during which a use or development in respect of which a permit was granted must be substantially commenced, at any time before the end of the period of 6 months from the day on which the permit has lapsed and, if the extension is granted, the permit is to be taken to not have lapsed on that day.

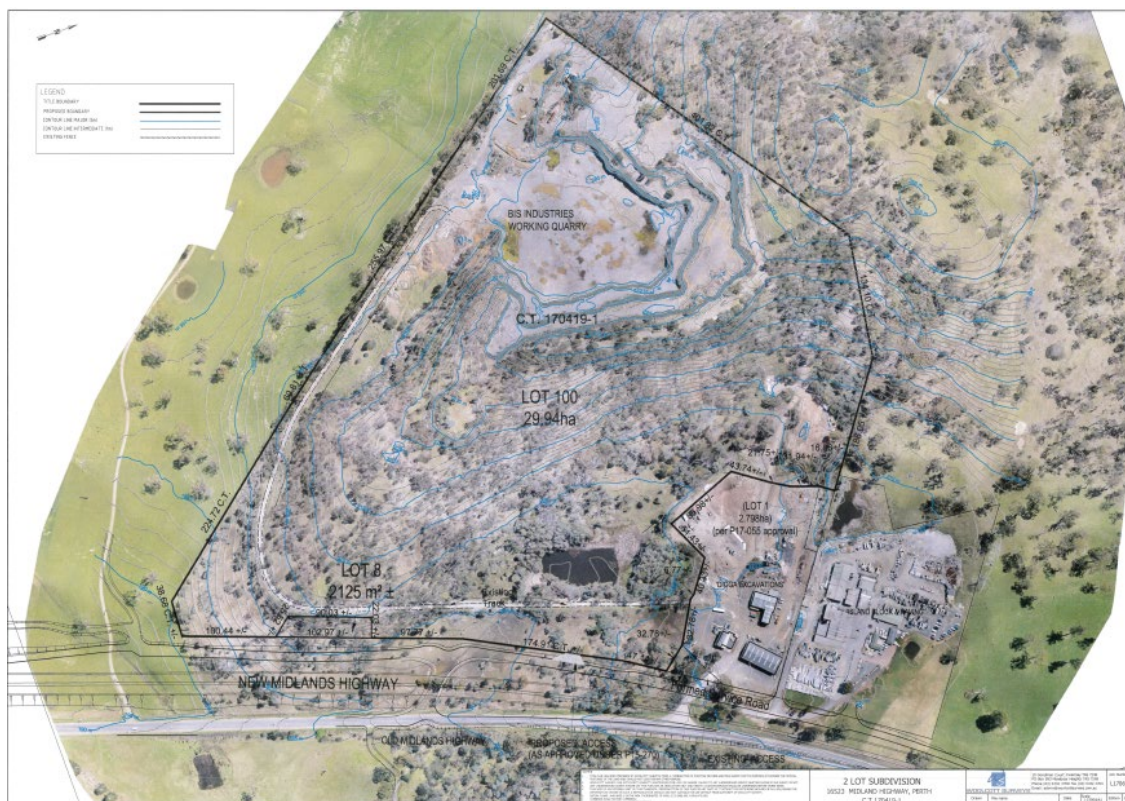
4 ASSESSMENT

4.1 Approval

The following is approved:

- Install 8 fuel bowsers for 24-hour card access, supplied by above-ground trans tanks;
- Construct a 6.45m high canopy over the bowsers;
- Construct a hardstand area around the site;
- Construct a 7m high, internally illuminated, pole sign.
- Create a 2,125m² lot for the development.

Subdivision Plan



Site Plan

NORTHERN MIDLANDS COUNCIL
This document forms part of
Planning Permit P17-293-02
Issued on 02-Mar-2018
(P2-P8, D1-D3)

[illegible]

PLANNING

Prime
Design

Exhibited

38 Boulevard Cross, Limerick, Toronto T8M,
p: 416-832-2767 or 416-832-1730
info@p3energy.com or info@p3energy.com

From
PROPOSED NEW FUEL STOP
LOT 8, 8025 MIDLANDS
HIGHWAY,
PENTH
MARKHAM
8000, EXCAVATIONS

Project
SITE PLAN

Existing
SITE

Agreement
FUEL

Site
Name

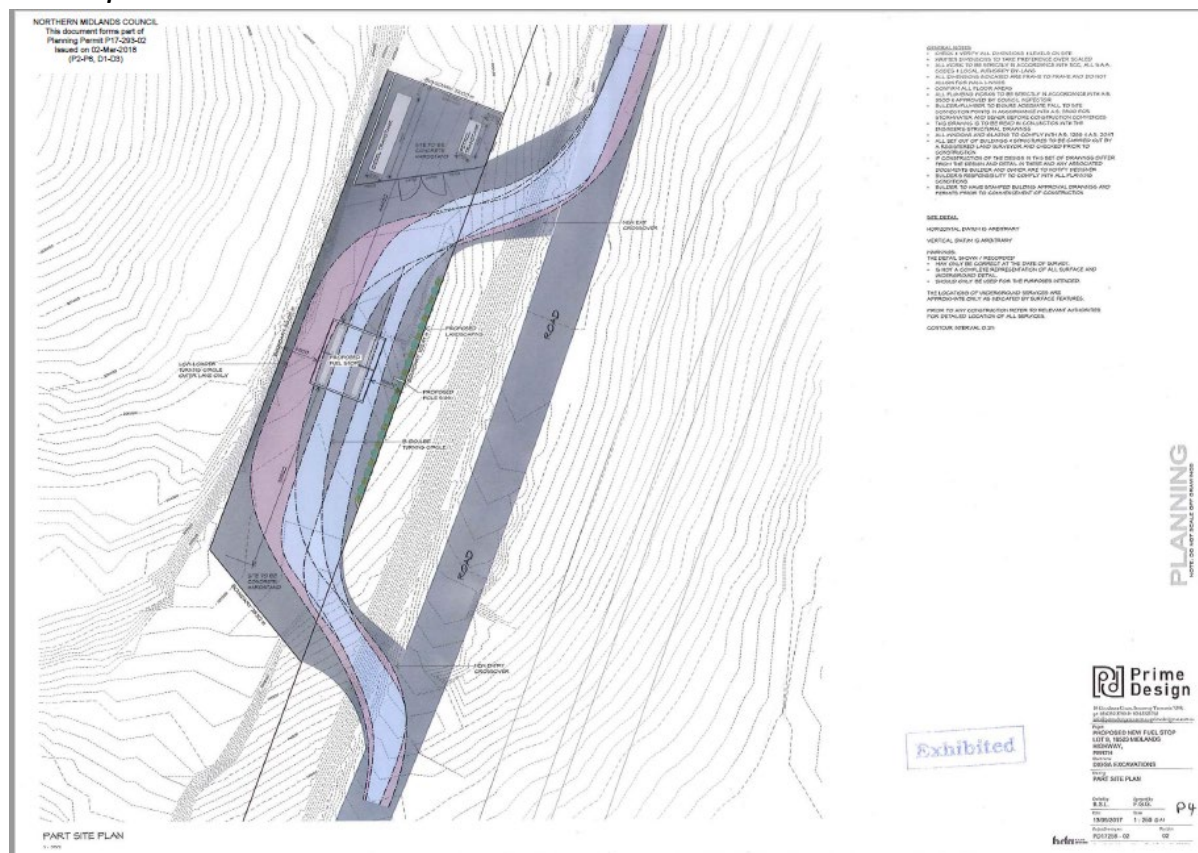
13005/2017 1: 2080 0241

Projecting to
PO17265 - 81

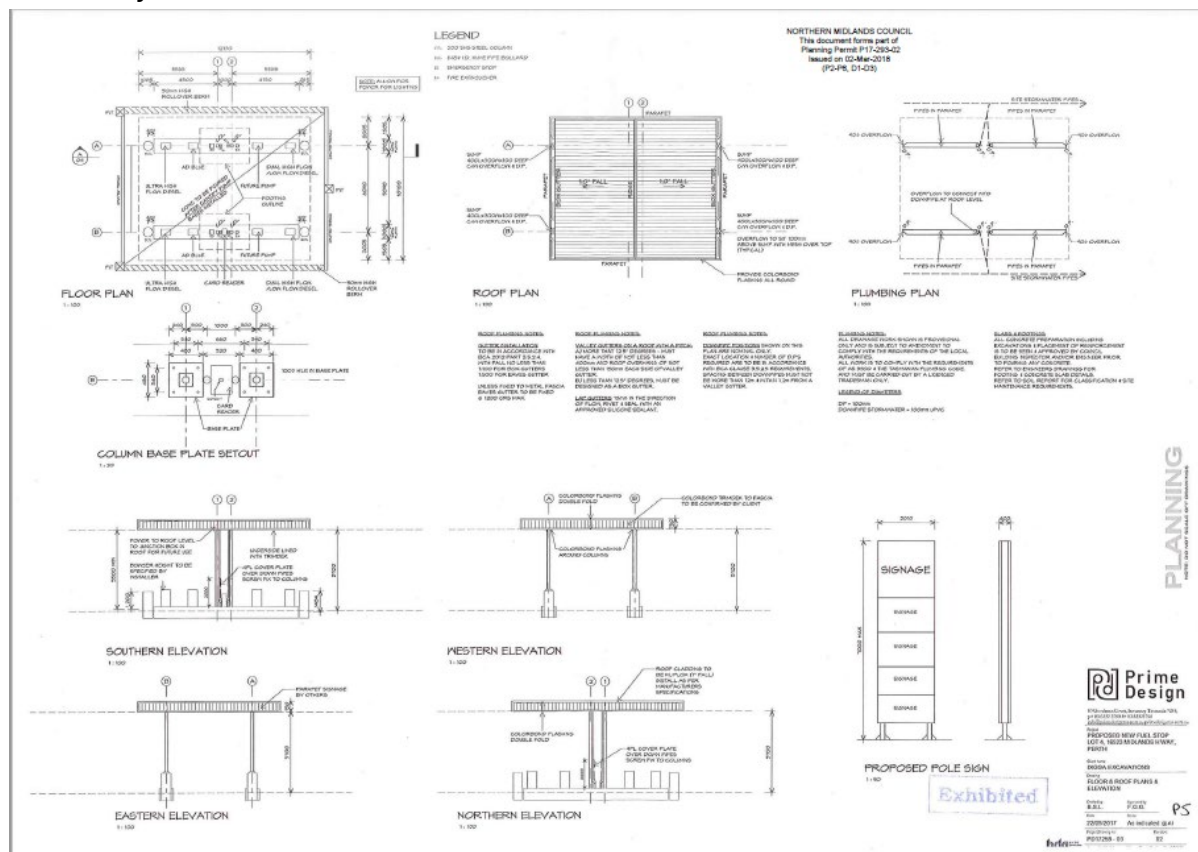
Part
82

NORTHERN MIDLANDS COUNCIL
MINUTES – ORDINARY MEETING
27 APRIL 2020

Part site plan

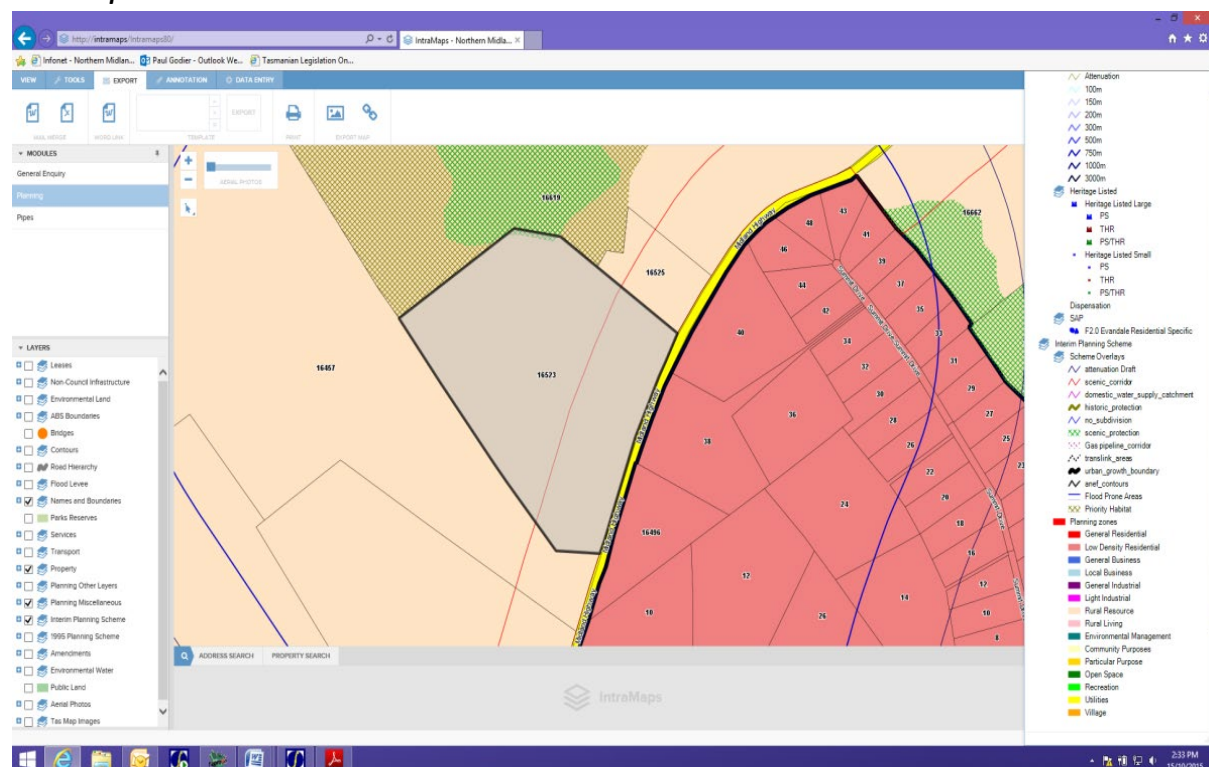


Floor & Roof Plans and Elevations



4.2 Zone and land use

Zone Map – Rural Resource



The land is zoned Rural Resource. The land is zoned Rural Resource and is within the Scenic Corridor. The relevant Planning Scheme definition is:

<i>Vehicle fuel sales and service</i>	<i>use of land primarily for the sale of motor vehicle fuel and lubricants, and if the land is so used, the use may include the routine maintenance of vehicles. An example is a service station.</i>
---------------------------------------	---

Vehicle fuel sales and service is Discretionary in the zone.

Discretionary	
Use Class	Qualification
<i>Vehicle fuels sales and service</i>	

4.3 Subject site and locality

The site is part of a 32.9ha title that contains the Digga Excavations depot and a quarry. The property adjoins Island Block and Paving to the north, and is otherwise surrounded by farmland. It is opposite the Devon Hills low density residential estate.

Aerial photograph of area



4.4 Permit/site history

- Permit issued 2/3/2018.
- Would expire 2/3/2020 unless an extension of time for commencement is granted.

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

Extend permit, or not extend permit.

7 DISCUSSION

The discretions of the original application were:

- Development and use of vehicle fuel sales in the Rural Resource zone.
- Subdivision for vehicle fuel sales and service in the Rural Resource zone.
- Vary front setback from 50m.
- Hazardous use under the Bushfire Code.
- Pole Sign in Rural Resource zone.
- Development within Scenic Corridor.

These were assessed with the original application and found to satisfy the provisions of the scheme. The scheme has not changed regarding these matters since the permit was issued.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

The *Land Use Planning & Approvals Act 1993* allows for an extension to the permit. It is recommended that it be granted.

8 ATTACHMENTS

- Application & permit

RECOMMENDATION

That, in accordance with section 53 (5A) of the *Land Use Planning & Approvals Act 1993*, the time to substantially commence planning permit P17-293-01 (2 lot subdivision) and P17-293-02 (24-hour card operated heavy-vehicle fuel stop, access & signage) be extended until 2 March 2022, providing that the landowner provides a statement that P15-270 has not been substantially commenced and has therefore lapsed.

DECISION

Cr Goss/Cr Adams

That, in accordance with section 53 (5A) of the *Land Use Planning & Approvals Act 1993*, the time to substantially commence planning permit–P17-293-01 (2 lot subdivision) and P17-293-02 (24-hour card operated heavy-vehicle fuel stop, access & signage) be extended until 2 March 2022, providing that the landowner provides a statement that P15-270 has not been substantially commenced and has therefore lapsed.

Lost

Voting for the Motion:

Cr Adams, Cr Goss

Voting against the Motion:

Mayor Knowles, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert, Cr Polley

Cr Davis/Cr Lambert

That the time to substantially commence planning permit P17-293-01 (2 lot subdivision) and P17-293-02 (24-hour card operated heavy-vehicle fuel stop, access & signage) **not be extended** in accordance with section 53 (5A) of the *Land Use Planning & Approvals Act 1993*

Carried

Voting for the Motion:

Mayor Knowles, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert, Cr Polley

Voting against the Motion:

Cr Adams, Cr Goss



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

128/20 COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

RECOMMENDATION

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.

DECISION

Cr Goninon/Cr Calvert

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

129/20 PUBLIC QUESTIONS & STATEMENTS

Due to COVID-19 the Council Meeting scheduled for Monday 27 April 2020 commencing at 5.00pm will take place electronically which unfortunately at this stage prevents public attendance.

Due to this situation the public will be unable to attend the meeting to ask questions during Public Question Time, to ensure questions can still be asked, questions can be submitted prior to the meeting and they will be read out at the meeting. Questions must be received by no later than 3.00pm on Monday 27 April 2020.

Questions can be emailed to gail.eacher@nmc.tas.gov.au; or be hand delivered and dropped in the mail box at the front of the Council Chambers 13 Smith Street, Longford, alternatively they can be mailed to the same address.

A public recording of the meeting will be placed on Council's website as soon as practicable after the meeting.

1 PUBLIC QUESTIONS

COUNCIL'S CEMETERY AUDIT & POLICY

[Lisa Green](#)

Ms Green submitted the following statement which was read by Council's General Manager:

First of all I would like to introduce myself I am Lisa Green and I have lived all my life in Cressy. And the reason I am addressing Council tonight is because a Audit has been done on our Lawn Cemetery on Cressy Road on the 24th February. I address this to the Mayor Mary Knowles and General Manager Des Jennings.

From my knowledge a Audit is an official inspection "Not" a removal of items. Council Policy needs to be looked at and bring it into line with the 2020 and community expectations.

Flowers are not the only thing people feel they can place in a Cemetery in 2020 and policy needs to reflect that.

The flower vessels either side of the headstone are inadequate as it does not hold water and it is too shallow. There for people are forced to use alternative holder's, some of which have now been removed. Small trinkets should be allowed with Council approval, in saying that it is sad to think we need approval from Council.

90% of the cemetery was fine and yes 10% was needing attention, WHY could the 10% have been contacted instead of the Mass Culling that did happen.

Perhaps a generated letter to the public to tidy-up their own plots could be done next time, as not everyone reads newspapers, public notices or are internet savvy.

What happens at Xmas time when family's all want to place flowers, trinkets etc and that means more than just 1 or 2 on their loved ones resting place in the Lawn Garden or Rose Garden.

Please I'm just asking for some understanding, compassion, care and reason on this sensitive issue. Our Lawn Cemetery should be a peaceful place to visit and reflect on our loved ones, not feel that we cannot honour how we feel. I don't feel that I can at the moment and that is due to what you all thought was a GOOD IDEA. What is done cannot be undone. Please change your Policy to reflect and respect how this has made people feel about our Cemetery and more importantly our Council.

Thank you for listening and I hope what we all felt on the 24th February never happens again and we can all move forward knowing Council WILL change Policy because of lesson's learnt.

Mr Godier and Mrs Miles left the meeting at 8.00pm.



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

130/20 ITEMS FOR THE CLOSED MEETING

DECISION

Cr Davis/Cr Brooks

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager and Executive Assistant.

Carried unanimously

131/20 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

Table of Contents

132/20 CONFIRMATION OF CLOSED COUNCIL MINUTES: ORDINARY & SPECIAL COUNCIL MEETINGS

Confirmation of the Closed Council Minutes of Ordinary and Special Council Meetings, as per the provisions of Section 34(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

133/20 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE

As per provisions of Section 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*.

134/20(1) PERSONNEL MATTERS

As per provisions of Section 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*.

134/20(2) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

Management Meetings

134/20(3) MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

As per provisions of Section 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*.

Correspondence Received

134/20(4) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

Action Items – Status Report

134/20(5) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

GOV 8: Avoca Primary School (Confidential Attachments)



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

135/20 TENDER FOR MANAGEMENT AND OPERATION OF WASTE TRANSFER STATIONS – LONGFORD, EVANDALE, CAMPBELL TOWN AND AVOCA

As per provisions of Section 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION

Cr Calvert/Cr Polley

That Council

- A) accept the tender from Just Waste.
- B) in relation to this matter:
 - i) considered whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined to release the decision to the public.

Carried unanimously

136/20 MEMORIAL HALL: VILLAGE GREEN, LONGFORD

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION

Cr Goninon/Cr Lambert

That:

- A)
 - i) Council release the concept plan for the Memorial Hall redevelopment.
 - ii) a further report be presented to Council, including the revised concept and an estimate of costs.
- B) in relation to this matter:
 - i) considered whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined to release the decision and draft concept plans to the public.

Carried

Voting for the Motion:

Mayor Knowles, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Goss, Cr Lambert

Voting against the Motion:

Cr Adams, Cr Polley

137/20 MEMBERSHIP APPOINTMENT: NORTHERN MIDLANDS COUNCIL LOCAL RECYCLING COMMITTEE

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION

Cr Calvert/Cr Polley

That Council

- A) in relation to this matter:
 - i) appoints Rex Heathcote and Owen Diefenbach as inaugural community members of the Northern Midlands Council Local Recycling Committee; and
 - ii) appoints 2 Councillors to the Northern Midlands Council Local Recycling Committee, namely:
 - Councillor Goninon and
 - Councillor Brooks and
 - iii) requests the General Manager to appoint a Council officer to the Northern Midlands Council Local Recycling Committee;
- for a 2-year term until June 2022.
- B) in relation to this matter:
 - i) considered whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined to release the decision to the public.

Carried unanimously



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 APRIL 2020

138/20 PERTH TO BREADALBANE AND PERTH LINK ROADS: ROAD TRANSFERS,
MAINTENANCE AND LANDSCAPING

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION

Cr Adams/Cr Davis

That:

- A) Council accept the offer of \$1.425 million; and
- B) the General Manager execute the grant deed and finalise the road transfers, maintenance and landscaping requirements associated with the Perth to Breadalbane and Perth Link Roads; and
- C) in relation to this matter:
 - i) considered whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined to release the decision to the public.

Carried unanimously

DECISION

Cr Goninon/Cr Adams

That Council move out of the closed meeting.

Carried unanimously

Mayor Knowles closed the meeting at 8.37pm.

MAYOR _____

DATE _____