



**NORTHERN  
MIDLANDS  
COUNCIL**

# **MINUTES**

**ORDINARY MEETING OF COUNCIL**

**MONDAY, 14 DECEMBER 2020**



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

MINUTES OF THE ORDINARY MEETING OF THE NORTHERN MIDLANDS COUNCIL HELD ON MONDAY, 16 NOVEMBER 2020 AT 5.01PM IN PERSON AND VIA ZOOM VIDEO CONFERENCING PLATFORM IN ACCORDANCE WITH THE *COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*, SECTION 18 (AUTHORISATION FOR MEETINGS NOT TO BE HELD IN PERSON)

#### 409/20 ATTENDANCE

##### 1 PRESENT

Mayor Mary Knowles OAM, Deputy Mayor Richard Goss, Cr Dick Adams OAM, Cr Matthew Brooks, 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, Mrs Erin Miles – Development Supervisor (from 5.10pm), Mr Trent Atkinson – Project Manager (from 7.36pm to 8.23pm), Mr Paul Godier – Senior Planner (from 6.32pm to 7.47pm), Mrs Gail Eacher – Executive Assistant

##### 2 APOLOGIES

Cr Andrew Calvert

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Council **RESOLVED** to note the withdrawal of item PLAN 4: Planning Application PLN-20-0174: 173 Marlborough Street, Longford from the Council meeting agenda.

### 411/20 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.

### 412/20 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:

Cr Ian Goninon

CON 7, PLN 20-0233

### 413/20 CONFIRMATION OF MINUTES: OPEN COUNCIL ORDINARY COUNCIL MEETING MINUTES

#### DECISION

Cr Adams/Cr Goss

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

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 414/20 MOTIONS ON NOTICE

### 1 NOTICE OF MOTION: COUNCILLOR BROOKS: 32 NORFOLK STREET, PERTH

- 1(i) That the Council agrees to consider a motion at its next meeting that, if resolved in the affirmative, would have the effect of overturning previous decision made by the Council such that an approved subdivision at 32 Norfolk Street, (titles of which are close to issuing), the configuration of public open space and all works associated with that subdivision will be set aside and discontinued.
- (ii) If the motion proposed in 1(i) above is resolved in the affirmative, then the Council requests the General Manager to prepare a report for the next meeting in accordance with regulation 18(3) of the *Local Government (Meeting Procedures) Regulation 2015* as to the ramifications of a decision which overturns and sets aside Council's previous decisions regarding the subdivision of 32 Norfolk Street.

#### ATTACHMENT:

21 September 2020 Report/Minute 297/20 is attached for information.

#### DECISION

Cr Brooks/Cr Goninon

That the Council agrees to consider a motion at its next meeting that, if resolved in the affirmative, would have the effect of overturning previous decision made by the Council such that an approved subdivision at 32 Norfolk Street, (titles of which are close to issuing), the configuration of public open space and all works associated with that subdivision will be set aside and discontinued.

Lost

Voting for the motion:

Cr Brooks, Cr Goninon, Cr Lambert

Voting against the motion:

Mayor Knowles, Cr Adams, Cr Davis, Cr Goss, Cr Polley

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## 415/20 COMMITTEE MINUTES

### 1 CONFIRMATION OF MINUTES OF COMMITTEES

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

	Date	Committee	Meeting
i)	6/10/2020	Perth Community Centre Management Committee	Ordinary
ii)	20/10/2020	Bishopsbourne Community Association Inc	Special
iii)	3/11/2020	Ross Local District Committee	Ordinary
iv)	10/11/2020	Perth Local District Committee	Ordinary
v)	18/11/2020	Ross Community Sports Club Inc.	Ordinary
vi)	1/12/2020	Ross Local District Committee	Ordinary
vii)	6/10/2020	Perth Community Centre Management Committee	AGM
viii)	2/12/2020	Longford Local District Committee	Ordinary

#### DECISION

Cr Goss/Cr Lambert

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

Carried unanimously

### 2 RECOMMENDATIONS OF SUB COMMITTEES

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

Mrs Miles attended the meeting at 5.10pm

#### Longford Local District Committee

At the ordinary meeting of the Longford Local District Committee held on 4 November 2020 the following motion/s were recorded for Council's consideration:

#### **7.2 Longford Racecourse and the Longford Show Ground as part of Brickendon and Woolmers Heritage Link.**

That while considering the changes to the Longford planning scheme the heritage values of the town are given priority so that historic zones are linked to include Brickendon and Woolmers.

#### **Officer's comment:**

This would require an amendment to the planning scheme, supported by expert heritage advice.

#### **Officer's recommendation:**

That the Chair of the Committee meet with officers of Council's Planning Department to discuss their proposal.

#### DECISION

Cr Adams/Cr Goninon

That the Chair of the Committee meet with officers of Council's Planning Department to discuss their proposal.

Carried unanimously

#### **7.3 General Residential Zone.**

- That Council reinstate the zoning of Longford Racecourse area back to rural, stipulating the uses as stables, horse training and horse agistment in the area bounded by Wellington, Anstey, Cracroft and Brickenfon streets;
- That this Committee recommends that Council change the description of general residential zone from "urban" to "rural" and include this in local area objectives and adjust the zone purposes to include "desired future characteristics" in the explanation.

#### **Officer's comment:**

- Council would need to initiate an amendment to the planning scheme. The Longford Expansion Strategy is currently underway with outcomes including the provision of a strategy for how Longford should expand and recommend zone changes for the land south of Longford. The strategy requires consultation with the Longford District Committee to occur

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in the first half of 2021. There might be a more appropriate zone to achieve the Committee's desired outcome which can be discussed with the consultants at that time.

- b) This would also require an amendment to the planning scheme. It is recommended that the Council's planners meet with the Committee Chair to understand what changes are requested.

**Officer's recommendation:**

That the Chair of the Committee meet with officers of Council's Planning Department to discuss their proposed changes.

**DECISION**

Cr Davis/Cr Adams

That the Chair of the Committee meet with officers of Council's Planning Department to discuss their proposed changes.

Carried unanimously

### **7. 4 COVID Sewerage Testing**

This has been to Council apparently, but the Committee has had no response.

The Committee now asks the Council to ask the Department of Health regarding their policy on testing for Corona virus19 in the Northern Midlands.

**Officer's comment:**

Officers have submitted this request to TasWater for comment, who have advised:

*The decision to undertake wastewater surveillance for COVID-19 is being investigated by DoH to ensure that meaningful and timely results can be generated that assists in the overall public health response to the pandemic. ...*

**Officer's recommendation:**

The request be noted and the committee be advised of TasWater's response.

**DECISION**

Cr Davis/Cr Adams

That the request be noted and the committee be advised of TasWater's response.

Carried unanimously

### **Ross Local District Committee**

At the ordinary meeting of the Ross Local District Committee held on 1 December 2020 the following motion/s were recorded for Council's consideration:

#### **Road Markings**

As an urgent matter of Public Safety, the Ross Local District Committee requests the Northern Midlands Council repaint the white traffic dividing lines on the Northern (Chiswick Rd), and Southern (Roseneath Road), entrances to Ross. The bend on Roseneath Road approaching the Ross Bridge is of particular concern where the white dividing line is heavily worn and is barely visible.

**Officer's comment:**

Council officers will investigate and action accordingly.

**Officer's recommendation:**

That Council note the information, investigate the matter and action accordingly.

**DECISION**

Cr Lambert/Cr Adams

That Council note the information, investigate the matter and action accordingly.

Carried unanimously

**416/20 DATE OF NEXT COUNCIL MEETING: WEDNESDAY, 27 JANUARY 2021**

Mayor Knowles advised that the next Ordinary Council Meeting of the Northern Midlands Council would be held at 5.00pm on Wednesday, 27 January 2021 in person or via the Zoom video conferencing platform in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, Section 18 (authorisation for meetings not to be held in person).



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## 417/20 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
30/11/2020	<b>Council Workshop</b> Discussion included: <ul style="list-style-type: none"><li>• Draft Cat Management Strategy</li><li>• Northern Councils Shared Software Feasibility Study</li><li>• Development Projects:<ul style="list-style-type: none"><li>▪ Perth Main Street Streetscape</li><li>▪ Longford Main Street Streetscape</li></ul></li></ul>
14/12/2020	<b>Council Workshop</b> Discussion: <ul style="list-style-type: none"><li>• Council Meeting Agenda items</li></ul>

### 2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 16 November 2020 to 14 December 2020 are as follows:

Date	Activity
17 November 2020	Attended Rossarden & Friends Kids Xmas meeting, Avoca
17 November 2020	Attended Avoca Museum & Information Centre meeting, Avoca
17 November 2020	Attended meeting with resident, Campbell Town
18 November 2020	Attended Northern Tasmania Waste Management Awards, Launceston
18 November 2020	Attended Local Government Association of Tasmania webinar, Longford
18 November 2020	Attended TasCity Building meeting, Longford
18 November 2020	Attended zoom meeting with lawyer, Longford
21 November 2020	Attended VAOAT AGM, Campbell Town
22 November 2020	Attended Perth Bicentenary launch, Perth
23 November 2020	Attended interview with Aaron Stevens, Gipps Creek
24 November 2020	Attended meeting with Deloraine House, Longford
25 November 2020	Attended meeting with Trish Males Our Watch, Longford
25 November 2020	Attended White Ribbon Mentors in Violence workshop, Launceston
25 November 2020	Attended Northern Tasmania Development Corp AGM, Riverside
25 November 2020	Attended Tas Women in Agriculture meeting, Launceston
26 November 2020	Attended Heritage Highway meeting, Ross
2 December 2020	Attended Northern Tasmania Development Corp meeting, Launceston
2 December 2020	Attended Tas Quality Meats meeting, Longford
3 December 2020	Attended Local Government Association of Tasmania one-day Conference, Hobart
4 December 2020	Attended Dr Gray farewell, Campbell Town
7 December 2020	Attended meeting with Council officers, Longford
8 December 2020	Attended Rossarden Christmas Party meeting, Avoca
8 December 2020	Attended funeral Evandale resident, Launceston
9 December 2020	Attended Probus meeting, Longford
9 December 2020	Attended Emergency Management meeting, Longford
9 December 2020	Attended Australian Local Government Women's Association zoom meeting, Gipps Creek
11 December 2020	Attended Cressy District High School Celebration Assembly, Cressy
12 December 2020	Attended Brian Mitchell MP's Christmas BBQ, Perth
14 December 2020	Attended Heart FM meeting, Longford
14 December 2020	Attended Council Workshop and Meeting, Longford

## 3 GENERAL MANAGER'S ACTIVITIES

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

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

- Attended TasWater Owners Rep Meeting
- Attended LGAT General Manager's workshop
- Meeting with Justin Jones re waste transfer station master plan
- Met with consultants re Perth and Longford development projects
- Attended launch of Verandah Music Festival
- Attended Northern Tasmania Waste Management Group, 2020 waste Not Awards
- Met with developer from Tas City Building
- Attended Northern Tasmania Development Corporation board strategy meeting
- Attended Launceston Airport Community Aviation Consultation Group meeting
- Attended Local Government Professionals - Northern Branch Meeting
- Attended Northern Tasmania Development Corporation AGM
- Met with consultants re various projects
- Met with councillors and representative of Northern Tasmania Equestrian Centre

## 4 PETITIONS

### 1 PURPOSE OF REPORT

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

### 2 OFFICER'S COMMENT

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

#### Section 57. Petitions

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

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

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

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

(3) In this section –

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

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

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

**signatory** means –

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

### 3 PETITIONS RECEIVED

#### 3.1 Subdivision of 32 Norfolk Street, Perth

A petition initiated by Barbara Rees of 15 Thyne Avenue, Newstead was received by Council on 14 December 2020.

The petition requests the following action:

- 1) *Rescind the decision (PLN-18-0296) to subdivide 32 Norfolk Street, Perth.*
- 2) *Rehabilitate the historic well at 32 Norfolk Street making it part of the public open space.*
- 3) *Rezone 32 Norfolk Street, Perth to a Heritage Precinct under the Northern Midlands Interim Planning Scheme 2013, Local Historic Heritage Code E13.*

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4) *Prohibit building on or between the historic structures at 32 Norfolk Street, Perth.*

In support of this petition to the Northern Midlands Council, it is noted that a total of 233 signatures were collected. The petition is compliant and meets the requirements of S57.

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

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

## 6 132 & 337 CERTIFICATES ISSUED

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

**S132. Certificate of liabilities**

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

**S337. Council land information certificate**

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

	No. of Certificates Issued 2020/2021 year												Total 2020/2021 YTD	Total 2019/2020
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
<b>132</b>	136	71	95	98	105								<b>505</b>	<b>846</b>
<b>337</b>	34	41	36	44	59								<b>214</b>	<b>449</b>



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 7 ANIMAL CONTROL

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

Item	Income/Issues 2019/2020		Income/Issues for November		Income/Issues 2020/2021	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,278	101,937	65	2,437	4,014	95,408
Dogs Impounded	44	4,089	2	131	6	413
Euthanized	1	-	-	-	-	-
Re-claimed	39	-	2	-	6	-
Re-homed/Dogs Home *	4	-	-	-	-	-
New Kennel Licences	15	1,080	1	72	6	432
Renewed Kennel Licences	70	3,080	1	44	72	3,168
Infringement Notices (paid in full)	42	12,149			15	3,337
Legal Action	-	-	-	-	-	-
Livestock Impounded	-	-	-	-	1	65
<b>TOTAL</b>		<b>122,335</b>		<b>2,596</b>		<b>102,824</b>

\* previously sent to RSPCA (and subsequently Launceston City Council shelter) to 30 January 2019; commenced with utilising the Dogs Home April 2019.

### Registration Audit of the Municipality:

2 weeks each year

### Kennel Licences

1 new kennel licence applied for in November

### Microchips:

0 dogs microchipped

### Infringements:

9 infringement issued. 2 infringements withdrawn

### Attacks:

0 reported

### Impounded Dogs:

2 dog impounded – 2 reclaimed by owner.

## 8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: *Graeme Hillyard, Environmental Health Officer*

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

Ensure safe standards of food offered for sale are maintained.

Investigations/Inspections	2017/2018	2018/2019	2019/2020	2020/2021	No. of premises inspected this month	Current No. of Premises Registered
Notifiable Diseases	4	5	1	0		
Inspection of Food Premises	77	127	111	31	4	125

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.



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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.**

## 9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Animal Control	4	5	6	2	1							
Building & Planning	-	-	-	1	1							
Community Services	-	-	-	-	1							
Corporate Services	-	3	1	-	1							
Governance	-	-	-	-	-							
Waste	1	-	-	-	-							
Works	31	27	28	34	13							

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

Date	Recipient	Purpose	Amount \$
15-Sep-20	Campbell Town District High School	Inspiring Positive Futures Program	7,272.73
15-Sep-20	Campbell Town District High School	Chaplaincy	1,363.64
27-Oct-20	Campbell Town District High School	Donation - School Achievement Awards	150.00
27-Oct-20	Perth Primary School	Donation - School Achievement Awards	50.00
27-Oct-20	Evandale Primary School	Donation - School Achievement Awards	50.00
27-Oct-20	Longford Primary School	Donation - School Achievement Awards	50.00
27-Oct-20	Cressy District High School	Donation - School Achievement Awards	136.36
27-Oct-20	Longford Fire Brigade	Donation	100.00
27-Oct-20	Perth Fire Brigade	Donation	100.00
18-Nov-20	Longford Care-a-car Committee	Donation	1,000.00
25-Nov-20	Helping Hand Association	Donation	1,500.00
<b>School &amp; Bursary Programs</b>			
11-Nov-20	Chanelle Woods	Bursary Program 2019 - instalment 2	1,000.00
		<b>TOTAL DONATIONS</b>	<b>\$12,772.73</b>

## 11 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status
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. Report to Council workshop.
16/03/2020	Deferred item	GOV8 Overhanging Trees/Hedges: Evandale	Deferred to provide opportunity for the community to attend	General Manager	No further action to be taken at this time. To be workshopped and report to be relisted.
29/06/2020	208/20	Footpath Trading By-Law	That the matter be deferred to a Council Workshop for discussion.	General Manager	Listed for workshop discussion.
19/10/2020	343/20	Climate Change: Declaration of A Climate Emergency	That Council: i) declare a Climate Change Emergency; and ii) prepare a Climate Emergency Strategy and Action Plan, inclusive of an audit of initiatives taken by Council over the last 5 years and additional opportunities for improvement; and iii) an allocation for the preparation of the Strategy and Action Plan be included in the 2020/2021 mid-term budget review; and iv) write to the Prime Minister, Tasmanian Premier and Local Government Association of Tasmania (LGAT), urging them to acknowledge and take action to address the climate change crisis.	General Manager	Fee offers to be sought and <b>listed for consideration at the half yearly budget review.</b>
20/07/2020	241/20	Traffic Concerns: Intersection of Marlborough & Wellington streets Longford	That Council i) conduct a vehicle movement survey on the - Wellington/Marlborough street and Wellington/Lyttleton Street - intersections to ascertain the data on vehicle movements through those intersections; and ii) investigate current heavy vehicle movements and routes through Longford and identify possible	Engineering Officer	A Traffic Engineer has been engaged by Council to undertake investigation. Report received. To workshop and report to Council.

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Date	Min. Ref.	Details	Action Required	Officer	Current Status
			solutions and alternate routes; and iii) present the data and options for discussion at a Council Workshop prior to a report being tabled at a future Council meeting.		
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	Works Manager	Design drawing to be provided by Committee. <b>CLDC Secretary to follow up with Committee.</b>
29/06/2020	193/20	Pandemic Recovery Proposal: Incentives to entice Intrastate Visitors to Northern Midlands to Stay, Play and Spend	That Council support the proposed course of action to entice intrastate visitors to Northern Midlands to stay, play and spend, and allocate a budget of \$2,000 towards the project commencing in Longford, and a further recommendations be made to the next Council meeting in relation to the other towns across the Northern Midlands.	Project Officer	Being progressed in liaison with Tourism Officer.
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	Executive & Comms Officer	Contacted DPIPW and Tasmanian Aboriginal Centre, awaiting response. <b>Application to be lodged in March for consideration in April.</b>
16/11/2020	382/20	Recommendations of Sub Committees -Campbell Town District Forum - Tourist Signage	Tourist symbol information to be placed at road entries to Campbell Town. - That Council Officers investigate the matter.	Executive & Comms Officer	<b>Matter being investigated by Tourism and Executive &amp; Comms Officers.</b>
19/10/2020	349/20	Nomenclature: Naming of New Park Created In Norfolk Street Perth	That a decision on the matter be deferred to the December Council meeting to allow time to canvass the Perth Local District Committee, residents of Perth and other interested parties, on a preferred name for the park.	Corporate Services Manager	Public consultation process in progress, <b>survey closes 21/12.</b>
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. <b>Aerial survey to be undertaken prior to seeking quotes for amendment. Aerial Survey complete, modelling can now commence.</b>

#### LONG TERM ACTIONS

Date	Min. Ref.	Details	Action Required	Officer	Current Status
10/04/2017	120/17	Perth Structure Plan	Draft amendments to the planning scheme to be prepared.	Senior Planner	To be presented to future workshop pending <b>aerial</b> fly over.
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	Some Photographs of full NMC Council, for each term since inception, with framers. Some photos still to be sourced.
18/05/2020	146/20	Northern Midlands Youth Voice Forum	That Council endorse the progression of the Northern Midlands Youth Voice Forum	Youth Officer	<b>Postponed to 2021.</b>
19/11/2018	323/18	Tom Roberts Interpretation at Longford	That Council approve the proposal to develop a Tom Roberts interpretation panel for erection in the grounds of Christ Church Longford and a short Tom Roberts' video, and consider funding these items in the mid-year budget review process.	Project Officer	Interpretation panel installed. Video production being negotiated. <b>To be finalised in 2021.</b>

#### COMPLETED ACTION ITEMS FOR DELETION

Date	Min. Ref.	Details	Action Required	Officer	Current Status
29/06/2020	191/20	Information Items	That Council request a meeting with the Minister to address communication, between the Department of State Growth and Council, in regard to progressing the decisions relating to the Perth Link Road Project (By-Pass) transfers.	General Manager	Matter in progress with discussion with General Manager of State Roads. <b>Letter forwarded to Minister seeking a meeting.</b>
16/11/2020	384/20	INFO Items - Longford Blooms	That Council write to the organisers of the Longford Blooms event and congratulate them on the success of their event.	General Manager	<b>Letter sent.</b>
16/11/2020	395/20	Public Questions & Statements - 32 Norfolk Street, Perth - Barbara Rees	Provide response to questions	General Manager	<b>Advice provided.</b>
16/11/2020	395/21	Public Questions & Statements - 32 Norfolk Street, Perth - Lyndon O'Neil	Provide response to questions	General Manager	<b>Advice provided.</b>
16/11/2020	385/20	Ross Oval Lease: Veterans Cricket Tasmania	That Council agrees to: A) a priority-use lease agreement with Veterans Cricket Tasmania Inc., for a 3 (three) year period with right of renewal. B) ground hire fee be negotiated between Veterans Cricket Tasmania Inc. and the Ross Community Sports	General Manager	<b>Advice provided and lease to be prepared and executed.</b>

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Date	Min. Ref.	Details	Action Required	Officer	Current Status
			Club Inc. in liaison with Northern Midlands Council officers. C) Care-taking responsibilities to be shared ...		
16/11/2020	386/20	Council Calendar: Schedule Of Council Meeting & Workshop Dates	That i) Ordinary Council Meetings and Workshops for the period January to December 2021 be held in accordance with the schedule. ii) a Council Workshop be scheduled for 4pm, prior to each Ordinary Council Meeting for the period January to December. iii) the Council bus tour be conducted on 31 March 2021. iv) the Councillors Christmas function be held on 25 November 2021	Exec Assistant	Complete.
16/11/2020	389/20	Local Government Association Of Tasmania (LGAT): Motions For The Annual General Meeting And General Meeting To Be Held On 3 December 2020	That Council A) note/receive the reports listed for noting in the LGAT Agenda for the meeting to be held on Thursday, 3 December 2020	Mayor	Mayor attended LGAT General Meeting and voted.
16/11/2020	389/20	Local Government Association Of Tasmania (LGAT): Motions For The Annual General Meeting And General Meeting To Be Held On 3 December 2020	That Council B) vote as indicated in relation to the items listed in the LGAT Agenda for the meeting to be held on Thursday, 3 December 2020:	Mayor	Mayor attended LGAT General Meeting and voted.
21/09/2020	306/20	Grant funding for upgrade of Longford Waste Transfer Station	That Council i) accepts the \$100,000 grant from the NTRWMG for the construction of a recycling shed and other site upgrades at the Longford Waste Transfer Station; and ii) plans to continue using the current site for at least the next 20 years; and iii) approve a budget adjustment accepting the Capital Grant Revenue of \$100,000; and iv) reallocate \$20,000 from the Waste - All Areas WTS Improvements budget allocation; and v) accesses the balance of the funds required, being \$80,000 from Council's cash reserves.	Engineering Officer	Meeting held with Just Waste, plans being progressed, with a further report to Council.
16/11/2020	393/20	Proposal To Split Collection Of Waste And Recycling In Perth Over Two Days	That Council i) endorse the changes to the kerbside waste and recycling collection services in Perth and the collection services be split over two days in each cycle; and ii) request the service provider absorb the cost of the changeover.	Engineering Officer	Letters sent to ratepayers. Service commencing 14/12.
29/06/2020	204/20	Northern Midlands Business Digital Innovation Program Proposal; Opportunity to promote the Northern Midlands in the IF Locations Guide; Northern Midlands Business Association Pandemic Support Package	That Council ... iii) Dependent on the cost of the production and distribution of the two copies of the business directory in the Courier, allocate the remainder of the \$25,000 budget to the production and distribution of a hard copy television, radio and online video/You Tube production to promote visiting the Northern Midlands to intrastate markets; iv) in conjunction with i) and iii) with a proposal to be brought to council to focus on television and google advertising, and buy Tasmania and promote ecommerce sites; through ecommerce education workshops and identify costs of the initiatives. ...	Project Officer	NMBA have developed an extensive directory which is available on their website. Directory is updated by UTAS students.
29/06/2020	194/20	Proposed Blue Tree Project	That the matter be deferred pending receipt of further proposals relating to mental health initiatives.	Project Officer	Report to Council.
20/07/2020	227/20	Recommendations of Sub Committees - Longford Local District Committee - Tree: Perth Bypass	That Council note the request - That the Committee approach Council to see how the tree on the bypass can be solar lit as a natural artistic feature.	Project Officer	Report to Council.
16/11/2020	394/20	Policy: No Spray Register	That Council endorse the new No Spray Register Policy.	Executive & Comms Officer	Policy document updated. Complete.
16/11/2020	382/20	Recommendations of Sub Committees - Longford Local District Committee - 7.2 Streetscape Wellington & Marlborough Sts with the Heritage Precincts	The Longford Local district committee request the Northern Midlands Council convenes a workshop meeting to allow the LLDC to outline a Longford Streetscape Plan for the main thoroughfares through Longford within the Heritage Precinct. - That Council note the request of the Committee.	Executive & Comms Officer	Meeting scheduled with the General Manager.
16/11/2020	382/20	Recommendations of Sub Committees - Longford Local District Committee - 9 Memorial Hall and village green proposals	9 (1) That the BBQ and shed be cleaned up and upgraded but left in its current form. 9 (2) That additional toilets can be achieved by upgrading and securing the ones on the bicycle track 9 (3) When the decision is made on the Memorial Hall that public toilets be included in the design but inside the structure's envelope. - That Council note the request of the Committee.	Executive & Comms Officer	Suggestions noted.
16/11/2020	382/20	Recommendations of Sub Committees - Campbell Town District Forum - 7.2 South Entrance Signage	The draft design for the southern entrance to Campbell Town is an acceptable style, but the position needs to be reviewed when the Midlands highway design is notified. - That Council note the Committee's comments.	Executive & Comms Officer	Comments noted.

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16/11/2020	382/20	Recommendations of Sub Committees - Campbell Town District Forum - Old pump house repair	The repair work on the Old Pump House be carried out as per the original planned design some years ago. - That Council note the request	Executive & Comms Officer	Comments noted. No further action.
16/11/2020	382/20	Recommendations of Sub Committees - Campbell Town District Forum - The Campbell Town District High School school crossing be repainted	The CTDHS school crossing be repainted - That Council note the request	Executive & Comms Officer	Included in works schedule for mid-2021.
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/ Corporate Services Manager	Review no longer required.
16/11/2020	392/20	Tasmanian Municipal Emergency Management Plan (MEMP): Northern Midlands Council	That Council endorse the Northern Midlands Municipal Emergency Management Plan 2020 prepared in accordance with the Emergency Management Act 2006, and provide to the State Emergency Controller for final approval.	Corporate Services Manager	NMEMC meeting arranged before sending to Commissioner for sign off for adoption.
16/11/2020	388/20	Recruitment: Apprenticeship/Trainee Wage Subsidy	That Council B) endorses the appointment of two new apprentices/trainees.	People & Culture Business Partner	Recruitment process commenced.
16/11/2020	387/20	Recruitment: Building & Maintenance Officer	That Council B) endorses the appointment an additional resource in the Building & Maintenance team.	People & Culture Business Partner	Recruitment process commenced.

## 12 RESOURCE SHARING SUMMARY: 01 JULY 2020 TO 30 JUNE 2021

Resource Sharing Summary 1/7/20 to 30/6/21 As at 30/11/20	Units Billed	Amount Billed GST Exclusive \$
<b>Meander Valley Council</b>		
<b>Service Provided by NMC to MVC</b>		
Street Sweeping Plant Operator Wages and Oncosts	106.00	5,713.07
Street Sweeper - Plant Hire Hours	104.00	9,154.53
<b>Total Services Provided by NMC to Meander Valley Council</b>		<u>14,867.60</u>
<b>Service Provided by Meander Valley Council to NMC</b>		
<b>Wages and Oncosts</b>		
Plumbing Inspector Services	260.70	19,467.19
Engineering Services	2.00	129.00
<b>Total Service Provided by MVC to NMC</b>		<u>19,467.19</u>
<b>Net Income Flow</b>		<u>- 4,599.59</u>
<b>Total Net</b>		<u>- 4,599.59</u>
<b>Private Works and Council Funded Works for External Organisations</b>	<b>Hours</b>	
<b>Economic &amp; Community Development Department</b>		
<b>Northern Midlands Business Association</b>		
Promotion Centre Expenditure		Not Charged to Association Funded from Council Budget A/c 519035
- Tourism Officer	4.00	
<b>Works Department Private Works Carried Out</b>	<u>95.50</u>	
	<u>99.50</u>	

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## 13 VANDALISM

Prepared by: Jonathan Galbraith; Engineering Officer

Incident	Location	Estimated Cost of Damages		
		November 2020	Total 2020/21	November 2019
Signs stolen from roadworks site	Macquarie Road	\$ 300		
Blocks stolen from boat ramp wall	Longford	\$ 500		
Damage in Ross toilets	Ross	\$ 100		
<b>TOTAL COST VANDALISM</b>		<b>\$ 900</b>	<b>\$ 5,000</b>	<b>\$ 0</b>

## 14 YOUTH PROGRAM UPDATE

Prepared by: Billie-Jo Lowe, Youth Officer

### PCYC program

Council fund PCYC activities in Perth and Campbell Town. Both programs have commenced in term 4 and gradually building momentum with attendance as follows:

Session Venue	Date of Session	Attendance
Perth	5/11	9
	12/11	9
	19/12	19
	26/12	13
Campbell Town	6/11	7
	13/11	3
	20/11	6
	27/11	7

### Free2B girls program

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

Session Venue	Date of Session	Attendance
Campbell Town	4/11	7
	11/11	5
	18/11	5
	25/11	12
Longford	5/11	5
	12/11	6
	19/11	7
	26/11	7

Additional volunteers are needed for both programs and this has been promoted in school newsletters and social media.

### Northern Midlands Active Youth Program

The program is funded by Healthy Tasmania and commenced in Campbell Town on 22 October. The program is scheduled to be rolled out in Cressy in Term 1, 2021. Attendance for the month of November as follows:

Session Venue	Date of Session	Attendance
Campbell Town	3/11	10
	10/11	5
	17/11	6
	24/11	2

### Meetings

Billie-Jo represents Council on the Northern Youth Coordinating Committee and the Northern Midlands Interagency Group.

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#### 15 STRATEGIC PLANS UPDATE

Prepared by: Lorraine Green, Project Officer

#### CURRENT AS OF 1 DECEMBER 2020

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
<b>Blessington</b>			
<b>Feasibility Study: Investment in Ben Lomond Skifield Northern Tasmania</b> (TRC Tourism)	Jun-15		<ul style="list-style-type: none"> <li>Ongoing collaboration with Parks and Wildlife Services and other key stakeholders to progress implementation of report recommendations.</li> <li>State Government budget included commitment of \$400,000 to upgrade the shuttle bus carpark below Jacob's Ladder. Project completed June 2019</li> <li>Jan 2019: Nomination submitted for Ben Lomond to be the state's next iconic walk. Nomination unsuccessful.</li> </ul>
<b>Campbell Town</b>			
<b>War Memorial Oval Precinct</b> Tennis/multi-purpose courts			<ul style="list-style-type: none"> <li>September 2017: Funding application submitted to TCF for \$55,000 towards the courts development: application successful. Grant deed executed and funds received. Request submitted March 2020 for extension to deadline to enable completion of court surrounds work – anticipated Sept/Oct 2020..</li> <li>November 2017: Funding application submitted to Sport &amp; Recreation Tas for \$80,000 to assist with the courts development: application successful. Acquittal report submitted December 2019.</li> <li>October 2020: Tennis Club submitted Improving the Playing Field Grant application for a tennis pavilion</li> <li>November 2020: Tennis Club secured funds for a practice 'hit-up' wall</li> </ul>
Oval Irrigation System & Public Toilet			<ul style="list-style-type: none"> <li>October 2020: application submitted to Improving the Playing Field grant program for oval irrigation system and new public toilet facility. Outcome awaited.</li> </ul>
<b>CBD Urban Design and Traffic Management Strategy</b> (GHD) (Lange Design and Rare Innovations)	May-16		<ul style="list-style-type: none"> <li>GHD contracted to prepare the strategy: final report accepted at November 2017 Council Meeting.</li> <li>Council secured \$1 million loan through the Northern Economic Stimulus package towards the implementation of the main street component of the strategy.</li> <li>November 2017 ; Lange Design and Rare Innovations Design contracted to prepare the design and construction tenders. Stage 1 concept plan received April 2018.</li> <li>June 2019: Landscape Works Technical Specification received.</li> <li>Request for funding through the Local Government Land Transport Infrastructure Program submitted April 2020.</li> </ul>
<b>Cressy</b>			
<b>Swimming Pool Master Plan</b> (Loop Architecture)	Dec 15		<ul style="list-style-type: none"> <li>Master Plan accepted at October 2017 Council meeting.</li> <li>Liberal election commitment of \$100,000 to upgrade the complex. Acquittal report due November 2020 – extension requested.</li> <li>Nationals in Government funding commitment of \$400,000 made March 2019. Funding agreement signed January 2020. Design Consultant engaged , tender advertised– late 2021 completion date anticipated.</li> </ul>
<b>Recreation Ground Master Plan</b> (Lange Design & Loop Architecture)	Feb-17		<ul style="list-style-type: none"> <li>Jan 2017: confirmation that the state govt has approved \$220,000 for the ground upgrade through the Northern Economic Stimulus Package.</li> <li>Feb 2017: Lange Design and Loop Architecture contracted to develop the master plan. Master Plan accepted at April 2018 Council Meeting.</li> <li>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.</li> <li>October 2019: assisted Cressy Cricket Club with funding application to Stronger Communities Programme for clubrooms upgrade: funding secured.</li> <li>Facility upgrade design brief completed. Design work completed. Tender advertised completion anticipated late 2020/early 2021</li> </ul>
<b>Evandale</b>			
<b>Honeysuckle Banks</b>			<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Morven Park Master Plan</b>	Nov-16		<ul style="list-style-type: none"> <li>Nov 2016 Lange Design contracted to develop master plan. Council accepted 2030 Master</li> </ul>



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Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
(Lange Design) <b>Clubhouse</b>	April 18		<p>Plan at April 2018 Council Meeting.</p> <ul style="list-style-type: none"> <li>State Liberal election commitment of \$158,000 towards facilities' upgrades. Progress reports submitted Dec 2018, March 2019 and Sept 2019.</li> <li>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)</li> <li>AFL Tas funding commitment of \$60,000 secured – to be paid upon project completion.</li> <li>Anticipated completion in late 2020/early 2021.</li> <li>October 2020: Application submitted to Improving the Playing Field Grant Program for ground drainage works. Outcome awaited.</li> </ul>
<b>Longford</b>			
<b>Community Sports Centre Master Plan</b> (RT & NJ Construction Services)	Feb-15		<ul style="list-style-type: none"> <li>Jan 2017: Council advised State Govt has approved \$1,000,000 for the centre upgrade through the Northern Economic Stimulus Package</li> <li>Work progressing.</li> </ul>
<b>CBD Urban Design Strategy</b> (Lange Design and Loop Architecture)	May-16		<ul style="list-style-type: none"> <li>December 2016: Draft Urban Design Strategy received.</li> <li>Strategy and Guidelines manual accepted at the October 2017 Council Meeting.</li> <li>Negotiations underway February 2018 with State Growth towards development of a deed regarding the future maintenance of the Illawarra Road roundabout.</li> <li>Nationals in Government funding commitment of \$4 million made in March 2019. Documentation to secure funds submitted October 2019. Deed of Agreement signed June 2020.</li> </ul>
<b>Memorial Hall &amp; Village Green Infrastructure</b>			<ul style="list-style-type: none"> <li>Sept 2017: Philp Lighton Architects contracted to undertake the study of the Council Offices, Memorial Hall, Town Hall and Library facilities. Report received.</li> <li>March 2019: Nationals in Govt commitment of \$4m to Longford Urban Design Project memorial hall redevelopment and village green infrastructure upgrade are components of the project. Application to secure the funding commitment submitted 3 October 2019. Agreement signed June 2020. Tenders being prepared.</li> </ul>
<b>Perth</b>			
<b>Community Centre Development Plan/Perth Early Learning Centre Redevelopment</b> (Loop Architecture)	Oct-15		<ul style="list-style-type: none"> <li>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 signed</li> <li>November 2020: Project in schematic design phase. .</li> </ul>
<b>CBD Precinct Concept Master Plan</b> (Lange Design and Loop Architecture)	Apr-20		<ul style="list-style-type: none"> <li>Consultancy Agreement signed. Draft concept plans prepared.</li> </ul>
<b>Ross</b>			
<b>Swimming Pool Master Plan</b> (Loop Architecture)	Dec-15		<ul style="list-style-type: none"> <li>Draft Master Plan received May 2016: structural assessment approved August 2016</li> <li>Final plan received June 2017</li> <li>Final report to be presented to workshop September 2017</li> <li>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.</li> <li>Council resolved at June 2020 Meeting to develop a Swimming Pool Strategy. Work on strategy underway.</li> </ul>
<b>Village Green Master Plan</b> (Lange Design, Loop Architecture)	Jun-16		<ul style="list-style-type: none"> <li>Master Plan accepted in principle at Council December 2016 Meeting.</li> <li>Jan 2017: cost estimate for design and documentation, tender process and project management received from JMG.</li> <li>Jan 2017: Council advised State Government has approved \$300,000 loan through the Northern Economic Stimulus Package for the implementation of the Master Plan.</li> <li>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.</li> <li>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.</li> <li>March 2018: Lange Design submitted full project package for Village Green, ready for planning application to be prepared by Council officers.</li> <li>Stage 2 work progressing with Local Road &amp; Community Infrastructure funding.</li> </ul>

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Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
<b>Western Junction</b>			
<b>Launceston Gateway Precinct Master Plan</b> Freight Demand Analysis Report (SGS) Master Plan	Oct-15		<ul style="list-style-type: none"> <li>Council approved the preparation of a brief for the precinct master plan at the Sept 2016 Council Meeting.</li> <li>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.</li> </ul>
<b>TRANSLink Stormwater Upgrade Project</b>			<ul style="list-style-type: none"> <li>Applications lodged with National Stronger Regions Fund 2015/ 2016: unsuccessful.</li> <li>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.</li> <li>Application submitted December 2017 for Round Two Building Better Regions Fund: notified July 2018 unsuccessful.</li> <li>Purchase of parcel of land for stormwater detention purpose.</li> </ul>
<b>Municipal wide</b>			
<b>Integrated Priority Projects Plan</b> (Jacobs, Evergreen Lab)	Apr-20		<ul style="list-style-type: none"> <li>Consultancy Agreement signed June 2020. Draft report due for review December 2020.</li> </ul>

#### COMPLETED ACTION ITEMS FOR DELETION

Nil this month.

## 16 STRATEGIC PROJECTS OUTCOMES AND DELIVERY 2017-2027

Prepared by: Departmental Managers

Progress Report:

Not Started (obstacles)
On Hold
On Track
Completed

Status	Comments
<b>GOVERNANCE</b>	
Local Government Reform	<p>Minister Gutwein advised that Council has received the study. GM to report to Council on progress. Expressions of Interest sought for the role of Project Manager, Shared Services Implementation Project. NOA Group engaged. Workshops arranged with Senior Managers of participating councils. NOA Group report finalised, GM's meeting to be arranged to finalise. Legal Services tender submissions being considered. NOA workshops on 5 priority Council functions: IT, Regulatory Services (Planning/Building Compliance), Payroll/Rates, Risk Management/WH&amp;S. Completed, report being reviewed by GMs.</p> <p>Legal Services project considered by GMs, contract finalised.</p> <p>Joint IT platform to be investigated.</p>
Elected Members Development and Annual Plans	Policy and Annual Plan to be prepared.
People and Culture Plan	<p>Framework utilised for recruitment is best practice</p> <ul style="list-style-type: none"> <li>Pool Lifeguard Recruitment</li> <li>Early Childhood Educator</li> </ul> <p>COVID-19 Safety Plans for all three pools</p> <p>MOU's for Ross and Cressy Pools. Lease to be prepared for Campbell Town Pool</p> <p>Pool Lifeguard and Operations Manual to be updated to incorporate COVID-19 section</p> <p>Hygiene Policy developed and implemented</p> <p>Council Logo Usage Policy, has been reviewed in accordance with branding project/Northern Midlands Council Style Guide and endorsed at the Sep Council meeting</p> <p>WHS Training for all staff – Put on hold till 2021</p> <p>Developing a Contractor Agreement for use in the Projects Team</p> <p>Employee Satisfaction Survey – Questions complete. Need to populate Survey Monkey. Project on hold till 2021</p> <p>Family and Domestic Violence Policy – complete and with the General Manager for review</p> <p>Employment Contract templates have all been reviewed and updated accordingly</p> <p>Corporate Voice and Organisational Branding Project – complete</p> <p>General human resource matters - ongoing</p> <p>Performance management and disciplinary matters – ongoing (as required)</p> <p>Employee learning and development - ongoing</p>



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

Status		Comments
		Development and implementation of Human Resources Policies and Procedures – ongoing.
Best Business Practice, Governance and Compliance		Legislative Audit, Delegations Review and Policy Manual update ongoing.
Media and Marketing		Communications Strategy and Framework to be developed. Expanding Council's communications through social media and other publications. Marketing Plan to be prepared.
<b>CORPORATE SERVICES</b>		
Asset Management Plan Annual Review		Road and Building revaluation adopted 2019/20, review of Asset Plans to be completed upon finalisation of Audit by Tas Audit Office.
Annual Budget and Quarterly Review		Long Term Financial Plan updated, and annual budget adopted by Council at 29 June 2020 meeting.
Information Technology Upgrade Program		Ability for all to work from home March 2020. Open Office and Technology One upgrade path options for Local Government enterprise software under consideration, including resource sharing option.
Emergency Management		Municipal emergency meeting held in Nov 2019, regular regional meetings attended during Covid19 via zoom. Updated Emergency Recovery Plan adopted May 2017 by Council, revision of Emergency Management Plan tabled at 16 November 2020 Council meeting.
Workplace Health and Safety Action Plan Annual Review		WHS audit assessment complete Nov 2018. Asbestos – individual registers for all properties completed. Risk Register review currently being undertaken.
Customer Service Standards		Participated in LGAT state-wide community satisfaction annual survey. Attending the National Local Government Customer Service Network state meetings on regular basis. Implemented Live-Pro customer service system early 2019. Covid19 recovery and care package developed.
<b>COMMUNITY &amp; DEVELOPMENT</b>		
Land Use and Development Strategy		Endorsed 21 October 2019. To be released for public consultation (awaiting timelines for LPS to consolidate the release)
Tasmanian Planning Scheme Integration		Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. Awaiting contact for post-lodgement meeting.
<b>Strategic Projects Team</b>		
Economic Development Master Plan - Prepare, Prioritise, Implement		1) Council and NMBA collaborated on a small-scale project to identify opportunities to grow the number of businesses in the TRANSlink precinct. Council accepted in principle the TRANSlink Pilot Project: Consultation, Analysis and Recommendations for Growing and Enhancing the TRANSlink Business Precinct in Northern Tasmania Report, August 2018. NMBA contracted April 2019 to implement the TRANSlink Engagement Project. Project completed 2) Economic development framework adopted by Council at May 2020 council meeting. Implementation underway. December 2020 first progress report submitted to Council.
<b>Strategic Infrastructure Projects</b>		
Launceston Gateway Precinct Master Planning		Listed as a component of the Municipal Land Use & Development Strategy. Options for southern expansion prepared.
Northern Midlands Rural Processing Centre		Combined with Launceston Gateway Precinct component of the Municipal Land Use & Development Strategy.
Perth Town Structure Plan		Council has endorsed the plan and draft amendments to planning scheme to be prepared.
Perth Community & Recreation Centre & Primary School Integrated Master Plan		Funding committed from Federal Government toward expansion of Perth Childcare Centre. Funding Agreement signed June 2020. Project in schematic design phase.
Sense of Place Planning - all villages and towns		Master planning for townships underway.
Longford CBD Urban Design Strategy		Commitment of \$4million from National Party prior to federal election. Funding Agreement signed June 2020. Tender for memorial hall upgrade, and BBQ and toilet facility being prepared
Longford Place Activation Plan		Complete.
Campbell Town CBD Urban Design and Traffic Management Strategy		Allocation in 2018/2019 budget to commence works. Tender prepared. State Liberal election commitment of \$1.9 million for underpass between War Memorial Oval and School/Multipurpose Centre
Ross Village Green Master Plan		Planning approval received. . Work progressing
Ross Swimming Pool Master Plan		Plan complete. Community consultation on future of the pool commenced September 2020..
Cressy Recreation Ground Master Plan		Council accepted Cressy Recreation Ground 2030 Master Plan at April 2018 Council meeting. Levelling the Playing Field funding received. Tender called.
Cressy Swimming Pool Master		State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to federal

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

Status		Comments
Plan		election. Funding signed. Tenders called.
Evandale Morven Park Master Plan		Council accepted Morven Recreation Ground 2030 Master Plan at April 2018 Council meeting. State Government levelling the Playing Field grant: \$430,300 secured towards development of inclusive changerooms. Work underway.
Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania		Study being driven by external stakeholders, Council support provided when requested. Included in NMC Priority Projects 2019 document.
Sheepwash Creek WSUD Open Space Corridor		July 2018: WSUD space corridor concept plan and concepts – Phillip to Drummond streets – received from consultants. Land acquired. Stormwater works underway.
<b>Economic Development</b>		
Economic Development Master Plan Strategy Delivery		Economic development framework adopted by Council at May 2020 meeting. Implementation underway. See <i>Strategic Projects Team</i> above.
Economic Development (incl. Tourism) Strategy Delivery		
Tourism Strategy Implementation		Augmented Reality Project - For the northern part of the Heritage Highway, Ross is the first town to come on board. Work close to completion. Northern Midlands Business and Volunteer Expo – postponed due to pandemic.
Youth and Ageing Strategy		Youth programs and services being pursued. Grant funding received for 2020 programs. On hold due to pandemic. Recommencing October 2020.
Discrimination Strategy		Officers investigating development of strategy
Family Violence Strategy		Council continues to support <i>End Men's Violence Against Women</i> campaign. Officers investigating development of strategy
Supporting Health and Education Programs		Participating in the Northern Health Providers Networks meetings. Further Education Bursary Program finalised for 2020.
Supporting Employment Programs		Participate in LGAT special interest groups on a quarterly basis. Support Work for the Dole program. Participate in work experience and University placements.
Supporting Sport and Recreation Programs		Participation in quarterly northern Sport & Recreation meetings. Planning and implementation of upgrade to Council owned sporting facilities underway. Support provided to participants in sporting activities on a state and national level.
Social Recovery Plan		Review complete
Disability Action Plan		Review complete
Cohesive Communities and Communities at Risk		Not yet commenced.
Legislative Audit		Review of legislation ongoing.
Delegations Reviews		Review as new staff commence and legislation changes. Regulatory software purchased to assist.
Council Policy Manual Review		Policies due for review, relevant managers and officers notified, schedule for review in place. Ongoing.
Land Use and Development Strategy		Endorsed 21 October 2019. To be released for public consultation (awaiting timelines for LPS to consolidate the release)
Tasmanian Planning Scheme Integration		Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. Awaiting contact for post-lodgement meeting.
<b>WORKS &amp; INFRASTRUCTURE</b>		
TRANSlink Precinct Renewal - Stormwater		Seeking grant assistance to fund planned works. Included in NMC Priority Projects 2019 document.
Campbell Town War Memorial Oval		External landscaping works, tennis court shade structure and irrigation works outstanding.
Longford NM Sport and Fitness Centre		Stage 3 works commenced, incl: foyer, landscaping and car park.
Evandale Honeysuckle Banks		Masterplan complete. Only minor works being undertaken. Included in NMC Priority Projects 2019 document. Table and bench seating replaced.
Nile Road Upgrade		Included in Roads 5-year Capital Works program. Included in NMC Priority Projects 2019 document.
Stormwater Management Plans		Model build for all Towns in progress.
Waste Management 2017 - 2020		Member of the Northern Waste Management Committee. WTS disposal and supervision contracts tendered for long term provision of services. Concrete material being collected, to be crushed at a later date.
NRM Program Collaboration		Collaborating with NRM North on the WSUD Master Plan for Sheepwash Creek.
Longford Recreation Ground Master Plan		Complete.
Sheepwash Creek		Stage 2 in progress.

## 17 NORTHERN MIDLANDS BUSINESS ASSOCIATION (NMBA): PANDEMIC SUPPORT PACKAGE UPDATE

*Prepared by:* Billie-Jo Lowe, NMBA Liaison

Monthly update as per the 3 month Council support for NMBA Covid programs.

Activities by NMBA during the month of November to support businesses were:

- 1) Attendance and participation in State Government/TCCI COVID strategy and update meetings
- 2) Coordinate and secure NMBA representation on behalf of Northern Midlands to Premier's Economic & Social Recovery Advisory Council (PESRAC)
- 3) Coordinate, create template, and fund monthly half page regular COVID and business support features in Northern Midlands Courier to commence in December
- 4) Update Northern Midlands COVID support webpage on 3 occasions at [www.nmba.asn.au/covid19-recovery-registration](http://www.nmba.asn.au/covid19-recovery-registration)
- 5) Electronic news update sent to 836 recipients at request of Tasmanian Government seeking business feedback on release of COVID grant information
- 6) Electronic news update sent to 842 recipients - information on new \$1.5 million in business advice grants
- 7) Development of Northern Midlands business mental health, wellbeing and resilience support and training program and electronic news update sent to 938 recipients
- 8) Information on border re-opening precautions and communication to members
- 9) Information alert sent to businesses on State Budget, with emphasis on COVID recovery funding
- 10) Maintaining one-on-one COVID safety plan and recovery advice assistance through providers The Project Lab and Van Diemen Project.

## 18 HEARTLAND DRIVE JOURNEY

*Prepared by:* Fiona Dewar, Tourism and Events Officer

There are five Tasmanian Drive Journeys, an initiative of Tourism Tasmania and the Dept of State Growth. They are: Heartlands, Northern Forage, Western Wilds, Great Eastern Drive, and Southern Edge. Great Eastern Drive and Western Wilds already existed and three new journeys have been developed. The self-drive journeys were due to roll out in 2021 but were brought forward to help the tourism economy recover from a very challenging COVID-19 year. The Drive Journeys were launched in November 2020. Marketing the Drive Journeys will roll out via Tourism Tasmania.

Heartlands is the name of the central journey. The footprint for Heartlands takes in the Northern Midlands, Southern Midlands, Central Highlands, and Meander Valley.

The Northern Midlands features several times throughout the Heartlands Drive Journey.

The map shows the regions covered by the five Drive Journeys.

Link to the journeys: <https://www.discovertasmania.com.au/what-to-do/road-trips>.

Link to the project information:

[https://www.stategrowth.tas.gov.au/business/cultural\\_and\\_tourism\\_development/tasmanian\\_journeys\\_project](https://www.stategrowth.tas.gov.au/business/cultural_and_tourism_development/tasmanian_journeys_project), and from there, a link to a report.

Industry consultation (with LTA's tourism groups, etc., and public community forums) took place in 2019. A working group for the central drive journey was formed, and Council's Tourism Officer participated. The working group voted on the name, the themes, and the branding.

Industry consultation (with LTA's tourism groups, etc., and public community forums) took place in 2019. Council represented on the Heartlands Drive Journey Working Group by Tourism and Events Officer.



**19 REQUEST FOR COMMENT ON PROPOSED CLINICAL TRIAL OF GENETICALLY  
MODIFIED HUMAN ADENOVIRUS FOR BLADDER CANCER TREATMENT**

Report prepared by: Gail Eacher, Executive Assistant

On 17 November 2020 Council received an email from the Gene Technology Regulator seeking comment on a clinical trial of genetically modified human adenovirus for bladder cancer treatment (Licence application DIR 177 was submitted by Novotech (Australia) Pty Limited) by the Office of the Gene Technology Regulator (OGTR).

It is noted that clinical trials must also be conducted in accordance with requirements of the Therapeutic Goods Act 1989, which is administered by the Therapeutic Goods Administration (TGA).

The documentation notes that the clinical trial is to be conducted within hospitals located in New South Wales (NSW) and Victoria (VIC). To establish whether Council were the intended recipients of this correspondence, Council emailed the Regulator and was advised that

*The Gene Technology Act 2000 requires the Gene Technology Regulator to seek advice from all relevant Local Government Authorities (LGAs) in regards to the risk assessments for the release of GMOs.*

*The Regulator may determine that it is highly relevant to consult your council in relation to a specific risk assessment being undertaken and may choose to contact your council in that instance. It is your council's decision as to whether or not a response is provided in any consultation process.*

A summary of the consultation RARMP and a set of Questions and Answers on this application are attached for information.

The closing date for submissions is 22 December 2020.

**ATTACHMENTS**

- 1) Information Sheet - Summary of the Risk Assessment and Risk Management Plan (Consultation Version) for Licence Application No. DIR 177
- 2) Questions & Answers on licence application DIR 177 – clinical trial of genetically modified human adenovirus

**DECISION**

Cr Adams/Cr Lambert

That the following petition be received:

***Subdivision of 32 Norfolk Street, Perth***

A petition initiated by Barbara Rees of 15 Thyne Avenue, Newstead was received by Council on 14 December 2020.

The petition requests the following action:

- 1) *Rescind the decision (PLN-18-0296) to subdivide 32 Norfolk Street, Perth.*
- 2) *Rehabilitate the historic well at 32 Norfolk Street making it part of the public open space.*
- 3) *Rezone 32 Norfolk Street, Perth to a Heritage Precinct under the Northern Midlands Interim Planning Scheme 2013, Local Historic Heritage Code E13.*
- 4) *Prohibit building on or between the historic structures at 32 Norfolk Street, Perth.*

In support of this petition to the Northern Midlands Council, it is noted that a total of 233 signatures were collected.

The petition is compliant and meets the requirements of S57 of the Local Government Act 1993.

Carried unanimously

Cr Davis/Cr Lambert

That the Information items be received.

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 418/20 PROPOSED BLUE TREE PROJECT

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Lorraine Green, Project Officer and Leigh McCullagh, Works Manager

### 1 PURPOSE OF REPORT

The purpose of the report is to:

- i) provide Council with an update on the Blue Tree Project, and:
- ii) seek Council's advice with regard to the way forward with the Blue Tree Project.

### 2 INTRODUCTION/BACKGROUND

The mission of the Blue Tree Project is to help spark difficult conversations and encourage people to speak up when battling mental health concerns. By spreading the paint and spreading the message that "it's OK to not be OK", the stigma that's still largely attached to mental health can be broken down.

Communities painting a blue tree raising awareness of mental health well-being are encouraged to register the location of the tree with the Blue Tree Project organisation.

To date the location of close to 525 blue trees, across Australia and internationally, have been registered with the Blue Tree Project.

At the June 2020 Meeting, Council considered the suggestion that the large, dead tree located in a prominent position adjacent to the new highway between Perth and Longford be painted and registered with the Blue Tree Project.

At the time the estimated cost of the project was \$10,426, as follows:

- |   |          |
|---|----------|
| • 150 litres of paint @\$220/15 litre drum    | \$ 2,200 |
| • Painter and spray equipment \$60/hr x16hrs  | \$ 960   |
| • 80 tonne crane with manbox \$330/hr x 16hrs | \$ 5,280 |
| • Rigger to control manbox @ \$75/hr x 16hrs  | \$ 1,200 |
| • Planning fee:                               | \$ 786   |

Council unanimously resolved that the matter be deferred pending receipt of further proposals relating to mental health initiatives.

To date no further proposals relating to mental health initiatives have been received.

At the July 2020 Meeting, Council was advised in an Information Item that Council Officers were exploring opportunities for paint and equipment for the Blue Tree Project to be donated and thus substantially reduce the cost of painting the tree. It was further advised cost estimates were being sought to light the tree.

The cost estimates for the painting of the tree have since been refined in light of:

- K.A.G Enterprises recommending reducing the height of the tree which lessens the amount of paint required to 100litres;
- Beck's Mitre 10 offering to support the project by donating the 100litres of paint;
- Pfeiffer Cranes reviewing the project and advising the crane, rigger and man box will be required for 8hours at a revised cost of \$200/hour, (and in this time, the tree height can be reduced as recommended by K.A.G Enterprises).

Thus the cost estimate for the project is now \$2,080 (if Council approves the donating of the planning fee of \$786) comprising:

- |  |          |
|--|----------|
| • Painter and spray equipment \$60hr x8hrs | \$ 480   |
| • Pfeiffer Cranes \$200hr x 8hrs           | \$ 1,600 |

With regards to lighting the tree, the Department of State Growth has advised that

*“... lighting the tree is an undesirable outcome and could potentially distract drivers negotiating the ramp curve at night.”*

### 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
  - Best Business Practice & Compliance  
Core Strategies:
    - ♦ Council complies with all Government legislation
- People –
  - Sense of Place – Sustain, Protect, Progress  
Core Strategies:
    - ♦ Council nurtures and respects historical culture
    - ♦ Developments enhance existing cultural amenity
  - 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
    - ♦ Caring, Healthy, Safe Communities – Awareness, education & service

### 4 POLICY IMPLICATIONS

N/A

### 5 STATUTORY REQUIREMENTS

N/A

### 6 FINANCIAL IMPLICATIONS

The cost of painting the tree has been refined to an estimate of \$2,080.

There are no traffic management costs involved.

### 7 RISK ISSUES

The painting of the tree requires the contracting of a company specialising in working at exceptional heights.

### 8 CONSULTATION WITH STATE GOVERNMENT

The tree is located on State Growth land. The project has been discussed with State Growth and the Department is supportive of the painting of the tree – with risks taken into account.

## 9 COMMUNITY CONSULTATION

There has been no local community consultation to date. The communities with trees already in the Blue Tree Project have been consistently highly supportive of the initiative.

## 10 OPTIONS FOR COUNCIL TO CONSIDER

Council can either approve or not approve of the painting of the tree at a cost of \$2,080, and the registration of the painted tree with the Blue Tree Project.

## 11 OFFICER'S COMMENTS/CONCLUSION

In the recovery phase from the COVID-19 pandemic we need to focus on action-based resilience initiatives that strengthen local capacity and capability, and encourage community engagement. Never has the need to spread the message that "it's OK to not be OK", and to break down the stigma associated with mental health, been of greater importance.

## 12 ATTACHMENTS

Nil

## RECOMMENDATION

That Council allocate \$2,080 to enable the painting of the large tree adjacent to the new highway between Perth and Longford, and the registration of the tree with the Blue Tree project.

## DECISION

Cr Goninon/Cr Davis

That Council not support the allocation of funds for the blue tree project.

Lost

Voting for the motion:

Cr Adams, Cr Davis, Cr Goninon, Cr Lambert

Voting against the motion:

Mayor Knowles, Cr Brooks, Cr Goss, Cr Polley

## FORESHADOWED MOTION

Cr Goss/Cr Brooks

That Council allocate \$2,080 to enable the painting of the large tree adjacent to the new highway between Perth and Longford, and the registration of the tree with the Blue Tree project.

Lost

Voting for the motion:

Mayor Knowles, Cr Brooks, Cr Goss, Cr Polley

Voting against the motion:

Cr Adams, Cr Davis, Cr Goninon, Cr Lambert

**419/20 MEMBERSHIP OF RECONCILIATION COLLECTIVE AND  
RECONCILIATION ACTION PLAN**

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Fiona Dewar, Tourism and Events Officer

**1 PURPOSE OF REPORT**

Mayor Knowles has requested that a report be prepared for Council to consider membership of the Reconciliation Collective and prepare a Reconciliation Action Plan.

**2 INTRODUCTION/BACKGROUND**

On 26 October Mayor Mary Knowles attended the Reconciliation Forum in Hobart. The forum explained the purpose of the Reconciliation Collective as this:

“The purpose of the Reconciliation Collective is to assist organisations seeking to advance their reconciliation activities either within or outside of a formal RAP framework. Reconciliation Tasmania (RT) is particularly mindful of the critical need for careful and informed planning and execution in this space lest damaging mistakes occur despite good intentions. To this end, RT is well placed to advise and assist such planning but we need a specific vehicle to be able to do so beyond RAP consulting; hence the proposed Collective. We also envisage that Collective members will be well placed to advise and assist each other, perhaps even act jointly on suitable occasions. In short, RT believes the Collective will play a key role in helping us all to ‘get it right’ in what can be a challenging environment.”

The insight gained at the forum shows that the Reconciliation Collective is able to connect members with the ‘right person in the right mob’. This, as well as having a Reconciliation Action Plan, will allow Council to make informed, respectful decisions.

**3 STRATEGIC PLAN 2017-2027**

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

- Lead –
  - Leaders with ImpactCore Strategies:
  - ♦ Communicate – Connect with the community
- People –
  - Sense of Place – Sustain, Protect, ProgressCore Strategies:
  - ♦ Council nurtures and respects historical culture
  - Lifestyle – Strong, Vibrant, Safe and Connected CommunitiesCore Strategies:
  - ♦ Communicate – Communities speak & leaders listen

**4 POLICY IMPLICATIONS**

N/a

**5 STATUTORY REQUIREMENTS**

N/a



## **6 FINANCIAL IMPLICATIONS**

Membership is \$2,000.00.

## **7 RISK ISSUES**

Without a Reconciliation Action Plan or membership of the Reconciliation Collective, Council risks not understanding the critical need for careful and informed planning and execution in moving forward in this space in a constructive way.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/a

## **9 COMMUNITY CONSULTATION**

Membership of the Reconciliation Collective will provide Council with a formal avenue for consultation on matters in this space and provide direction and assist Council to engage with the Aboriginal community respectfully.

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

To consider preparing a Reconciliation Action Plan and membership of the Reconciliation Collective, or not.

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

Given the various projects that Council is involved with that involve the Aboriginal Community, i.e. naming of spaces, interpretation, the recent installation of the permanent Aboriginal Flag, and the likelihood of many more Aboriginal community engagement in the future, becoming members of the Reconciliation Collective and developing a Reconciliation Action Plan will provide direction and assist Council to engage with the Aboriginal community respectfully.

An example of why membership of the Reconciliation Collective is important and valuable:

A recent local project, Longford Legends, recognises people, organisations and events worthy of the title "Longford Legends" with panels installed in Stokes Park. The project committee consulted with a local aboriginal community member and the Aboriginal Land Council of Tasmania, who provided wording for one of the panels that acknowledges the Panninher Clan. An Aboriginal community member expressed concern to Mayor Knowles that there was no consultation with her Aboriginal community about the content on the panel. The Mayor advised there had been consultation and with whom, and received this response: "They don't speak for me".

Membership of the Collective will eliminate these occurrences because the Collective represents all the groups.

## **12 ATTACHMENTS**

- 12.1 Mayor Knowles notes from Reconciliation Tasmania Forum
- 12.2 Reconciliation Collective Membership Application
- 12.3 Reconciliation Collective Info Sheet

## **RECOMMENDATION**

That Council prepare a Reconciliation Action Plan and become members of the Reconciliation Collective:



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

*Mayor Knowles vacated the Chair at 5.49pm, at which time Cr Goss took the Chair.*

## DECISION

Cr Goninon/Cr Polley

That Council defer a decision in order that that additional information can be sought and presented to Council, including costs.

Motion withdrawn

## FORESHADOW

Cr Davis/Cr Goninon

That Council,

- i) defer consideration of the matter subject to it being properly costed and actions outlined;
- ii) in the interim, make contact with Reconciliation Tasmania to ascertain further information; and
- iii) consider funding in the 2021/2022 budget.

Carried unanimously

*Mayor Knowles resumed the chair at 5.55pm.*

**420/20 PERTH BICENTENARY COMMITTEE CALENDAR FUNDING REQUEST**

*Responsible Officer:* Des Jennings, General Manager/  
*Report prepared by:* Fiona Dewar, Tourism and Events Officer

**1 PURPOSE OF REPORT**

The purpose of the report is to give consideration to a request from the Perth Bicentenary Committee to provide funding for a calendar project.

**2 INTRODUCTION/BACKGROUND**

The Perth Bicentenary Planning committee is a sub-committee of the Perth District Committee. The group is planning a number of events and functions to commemorate Perth's bicentenary in 2021. One of their projects is to produce and sell a 2021 Perth Bicentennial Calendar, to raise funds for bicentennial events, and the group have requested for Council to fund the production.

**3 STRATEGIC PLAN 2017-2027**

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

- Lead –
  - Money Matters
  - Core Strategies:
    - ♦ Budgets are responsible yet innovative
- Progress –
  - Economic Development – Supporting Growth & Changes
    - ♦ Towns are enviable places to visit, live & work
  - Tourism Marketing & Communication
    - ♦ Tourism thrives under a recognised regional brand
    - ♦ Tourism partnerships build sense of place identity
- People –
  - Lifestyle – Strong, Vibrant, Safe and Connected Communities
  - Core Strategies:
    - ♦ Connect – Improve sense of community ownership

**4 POLICY IMPLICATIONS**

N/a

**5 STATUTORY REQUIREMENTS**

N/a

**6 FINANCIAL IMPLICATIONS**

\$1,826.00 to produce 200 A5, colour and spiral bound, from Officeworks (costing \$9.13 per calendar, retailing at \$15.00).

**7 RISK ISSUES**

There is a risk that the calendars may not sell.

Reputational risk – to be considered unsupportive of community initiative.



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/a

## **9 COMMUNITY CONSULTATION**

Consultation was within the Perth Bicentenary Planning committee.

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

Council can either support the request or not.

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

With 200 copies of the calendar, it is highly likely they will easily sell to local families. The group have members with the skills and networks to sell the calendars.

The Council logo will be on the back cover of the calendars, indicating Council's support for community initiative.

## **RECOMMENDATION**

That Council support the project and provide the \$1,826 in funding to production the calendars.

## DECISION

Cr Polley/Cr Adams

That Council support the project and provide \$1,826 in funding to produce the calendars or for other appropriate purpose, to be funded from the secretarial services allocation for 2020/2021.

Carried unanimously

*Mayor Knowles adjourned the meeting for the meal break at 6.05pm, at which time Miss Bricknell left the meeting*

*Mayor Knowles reconvened the meeting after the meal break at 6.32pm.*

**421/20 COUNCIL'S ECONOMIC DEVELOPMENT FRAMEWORK: PROGRESS  
REPORT**

Responsible Officer: Des Jennings, General Manager

Report prepared by: Lorraine Green, Project Officer

**1 PURPOSE OF REPORT**

To provide Council with the first six monthly report on progress with the implementation of Council's Economic Development Framework.

**2 INTRODUCTION/BACKGROUND**

Council's Economic Development Framework was developed to articulate Council's role in ensuring sustainable economic growth in the Northern Midlands.

Council adopted the framework at the 18 May 2020 Council Meeting and resolved

*Cr Polley/Cr Calvert*

*That Council adopt the Northern Midlands Council Economic Development Framework and request six monthly reports on progress with implementation of the Framework.*

*Carried unanimously*

The first six monthly report is held as an Attachment.

**3 STRATEGIC PLAN 2017-2027**

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

- Lead –
  - Leaders with Impact  
Core Strategies:
    - ♦ Communicate – Connect with the community
    - ♦ Lead – Councillors represent honestly with integrity
    - ♦ Manage – Management is efficient and responsive
  - Money Matters  
Core Strategies:
    - ♦ Budgets are responsible yet innovative
    - ♦ Improve community assets responsibly and sustainably
  - Best Business Practice & Compliance  
Core Strategies:
    - ♦ Council complies with all Government legislation
    - ♦ Excellent standards of customer service
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future  
Core Strategies:
    - ♦ Strategic, sustainable, infrastructure is progressive
    - ♦ Proactive engagement drives new enterprise
    - ♦ Collaborative partnerships attract key industries
    - ♦ Attract healthy, wealth-producing business & industry
  - Economic Development – Supporting Growth & Changes
    - ♦ New & expanded small business is valued
    - ♦ Support new businesses to grow capacity & service
    - ♦ Towns are enviable places to visit, live & work
    - ♦ Maximise external funding opportunity

- Tourism Marketing & Communication
  - ♦ Tourism thrives under a recognised regional brand
  - ♦ Tourism partnerships build sense of place identity
- Lifestyle – Strong, Vibrant, Safe and Connected Communities  
Core Strategies:
  - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
  - ♦ Communicate – Communities speak & leaders listen
  - ♦ Participate – Communities engage in future planning
  - ♦ Connect – Improve sense of community ownership
  - ♦ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
  - Environment – Cherish & Sustain our Landscapes  
Core Strategies:
    - ♦ Cherish & sustain our landscapes
    - ♦ Meet environmental challenges

#### **4 POLICY IMPLICATIONS**

N/A

#### **5 STATUTORY REQUIREMENTS**

N/A

#### **6 FINANCIAL IMPLICATIONS**

A number of the framework's strategies are being implemented within current budgetary allocations. Many require the securing of external funding and/or consideration in future Council budget deliberations.

#### **7 RISK ISSUES**

The implementation of Council's Economic Development Framework assists with minimising the risk of Council failing to effectively foster economic growth in the Northern Midlands.

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

N/A

#### **9 COMMUNITY CONSULTATION**

Extensive community and business consultation underpinned the development of the framework and its strategies.

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

Council can either accept or not accept the economic development framework progress report.

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

The report clearly articulates the progress being made with the implementation of Council's Economic Development framework.

## 12 ATTACHMENTS

12.1 Economic Development Framework Progress Report December 2020

### RECOMMENDATION

That Council accept the Northern Midlands Council Economic Development Framework progress report.

### DECISION

Cr Adams/Cr Lambert

That Council accept the Northern Midlands Council Economic Development Framework progress report.

Carried unanimously

**422/20 LONGFORD MOTOR RACING BOOK**

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

**1 PURPOSE OF REPORT**

The purpose of this report is to seek Council's support for a book that is being written by Neil Kearney about Longford Motor Racing. The book is being written from a community perspective – how the people of Northern Midlands conceived and created an event that is still famous throughout the world, more than half a century after it ended.

Once the book is complete, Mr Kearney is hoping that Council will publish the book, or at least support his company, Media Makers with the financial cost of publishing the book.

**2 INTRODUCTION/BACKGROUND**

Council at its meeting on 21 September 2020 resolved (minute number 299/20):

**DECISION**

*Cr Goninon/Cr Polley*

*That the matter be deferred pending further information on costings, together with a business case, and investigation on the possible printing thereof.*

*Carried unanimously*

The Corporate Services Manager and General Manager met with Mr Neil Kearney on 1 December 2020 at which time additional information was provided by Mr Kearney and is attached for Council's consideration.

Mr Kearney, at the meeting, also provided a copy of the Longford manuscript first draft, November 2020. The draft will be available to Councillors upon request and will be provided on an in-confidence basis.

**3 STRATEGIC PLAN 2017-2027**

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

- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy FutureCore Strategies:
  - Tourism Marketing & Communication
    - ♦ Tourism thrives under a recognised regional brand
    - ♦ Tourism partnerships build sense of place identity
- People –
  - Sense of Place – Sustain, Protect, ProgressCore Strategies:
  - ♦ Council nurtures and respects historical culture
  - Lifestyle – Strong, Vibrant, Safe and Connected CommunitiesCore Strategies:
  - ♦ Living well – Valued lifestyles in vibrant, eclectic towns
  - ♦ Communicate – Communities speak & leaders listen
  - ♦ Connect – Improve sense of community ownership

**4 POLICY IMPLICATIONS**

N/A



## **5 STATUTORY REQUIREMENTS**

N/A

## **6 FINANCIAL IMPLICATIONS**

A copy of the quote is attached.

The contribution sought from Council is:

- \$35,00 for 1,200 copies
- \$40,000 for 1,500 copies

If 1,000 copies are sold at recommended price, Council would be reimbursed \$27,600; 1,200 copies \$33,120 and 1,500 copies \$41,400.

It is recommended the actual amount is determined at the half year budget review.

## **7 RISK ISSUES**

The risk associated with the proposal relates to actual funds provided to support the printing of the book and the rate of sale.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/A

## **9 COMMUNITY CONSULTATION**

The book will promote the Northern Midlands region around Tasmania, Australia and the world, reminding all of the significant historic Longford Motor Racing era, 1953 to 1968.

Mr Kearney continues to interview people from the community, to assist with writing the book and has access to pictures for inclusion through a local community member. As such, the community have been consulted because the approach Mr Kearney wanted to take was that the book is written from a community perspective.

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

Neil Kearney continues to assist community groups and organisations with events and promotion of Longford in Tasmania, across Australia and the world. His promotion over many years has made Longford a destination to visit, and also inspires pride and enthusiasm in the local community.

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

It is strongly suggested that Council consider supporting Mr Kearney's book initiative, as this book is the most favourable way to tell the personal stories, of how a voluntary workforce collaborated to pull together an extraordinary event, a global event which still to this day is Tasmania's biggest ever sporting event.

## **12 ATTACHMENTS**

- 12.1 Quote
- 12.2 Letter from Mr Kearney dated 1 December 2020
- 12.3 Introductory Chapter to the book



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## RECOMMENDATION

That Council support Mr Kearney's book publication and list the funding for consideration in the half yearly budget review for 2020/2021.

## DECISION

Cr Adams/Cr Polley

That Council support Mr Kearney's book publication and list the funding for consideration in the half yearly budget review for 2020/2021.

Lost

Voting for the motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Polley

Voting against the motion:

Cr Davis, Cr Goninon, Cr Goss, Cr Lambert

**423/20 POLICY REVIEWS**

Responsible Officer: Des Jennings, General Manager

Report prepared by: Gail Eacher, Executive Assistant

**1 PURPOSE OF REPORT**

The purpose of this report is to seek Council approval of the updates to the following policies:

- Reduction in Planning Application Fees for Community Projects
- Elected Members Professional Development
- Public Liability Insurance Requirements for use of Council Facilities
- Council Chambers, Longford – Use of
- Copyright
- Fraud and Corruption
- Gifts and Benefits
- Heritage Incentive Scheme
- Town Entrance Statements
- Recreational Vehicles: Development and Management of Facilities
- Illawarra Road Signs Advertising

**2 INTRODUCTION/BACKGROUND**

A recent review of the above policies has resulted in only slight amendments

- Inserted: Red Font, Highlighted in Yellow
- Deleted: Red Font, Strikethrough, Highlighted in Yellow

Amendments made listed below:

- Reduction in Planning Application Fees for Community Projects
  - Amended Date:  
Reviewed 20 December 2020 – Min. No. ....
  - Review cycle:  
Next review 2019 2022.
- Elected Members Professional Development
  - Originated Date:  
Adopted 21 January 2019 ...
  - Amended Date:  
Reviewed 20 December 2020 – Min. No. ....
  - Review cycle:  
Annual review, following budget process. Next review 2019–2023 within 6 months after each Council election.
  - 2. Scope:  
in-house in house
  - 8. Statement of Adoption and Review:  
This Policy was adopted by Council at its meeting held on 21 January 2019 (Min. No 009/19) and will be reviewed annually in conjunction with the development of the Annual Budget allocation and the review of the Professional Development Plan within 6 months of each council election
- Public Liability Insurance Requirements for use of Council Facilities
  - Amended Date:

**Reviewed 20 December 2020 – Min. No. ....**

- Review cycle:  
Every **2 3** years. Next review **2019 2023**.
- Interpretation:  
*Council's insurance policy* – Northern Midlands Council Public Liability Insurance **Policy Number: AVA363884PLB, QBE** Broadform Liability, Class: Casual Hirers.
- Exclusions:  
Council's insurance policy does not extend to special events such as markets, sporting events, performances and contractors or sub-contractors **(however special arrangements may be quoted by the insurer on an as needed basis).**
- Review:  
This Policy is to be reviewed every **two-three** years
- Council Chambers, Longford – Use of
  - Amended Date:  
**Reviewed 20 December 2020 – Min. No. ....**
  - Review cycle:  
Every **3 4** years. Next review **2019 2024**.
  - Policy review:  
This policy to be reviewed every **4 3** years.
- Copyright
  - Amended Date:  
**Reviewed 20 December 2020 – Min. No. ....**
  - Review cycle:  
fNext review **2019 2024**.
  - Roles and Responsibilities:  
... All managers must ensure that the appropriate permission to use forms have been completed and filed on Council's **Dataworks Information Management** software.
- Fraud and Corruption
  - Amended Date:  
**Reviewed 20 December 2020 – Min. No. ....**
  - Review cycle:  
Every 3 years. Next review **2019 2023**.
- Gifts and Benefits
  - Amended Date:  
**Reviewed 20 December 2020 – Min. No. ....**
  - Review cycle:  
Next review **2019 2024**.
- Heritage Incentive Scheme
  - Amended Date:  
**Reviewed 20 December 2020 – Min. No. ....**
  - Review cycle:  
Next review **2019 2024**.
- Town Entrance Statements
  - Amended Date:  
**Reviewed 20 December 2020 – Min. No. ....**
  - Review cycle:

Every 3 2 years. Next review 2019 2023.

5. Review:

This Policy is to be reviewed every 3 2 years.

• Recreational Vehicles: Development and Management of Facilities

▪ Amended Date:

Reviewed 20 December 2020 – Min. No. ....

▪ Review cycle:

Every 4 2 years. Next review August 2019 2024

▪ Free Overnight Rest Areas:

Blackburn Park Wardlaw Park, Campbell Town

• Illawarra Road Signs Advertising

▪ Amended Date:

Reviewed 20 December 2020 – Min. No. ....

▪ Review cycle:

Next review 2020 2024.

### 3 STRATEGIC PLAN 2007/2017

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

▪ Workforce Standards

Core Strategies:

- ♦ Emergency Management & Safety Plans work well

### 4 POLICY IMPLICATIONS

Regular review of Policies is important to ensure they remain current and correspond with any legislative changes.

### 5 STATUTORY REQUIREMENTS

N/A

### 6 FINANCIAL IMPLICATIONS

As per policy provisions.

### 7 RISK ISSUES

It is important for Council to set out its guidelines for the provision of services within the municipality.

### 8 CONSULTATION WITH STATE GOVERNMENT

N/A

**9 COMMUNITY CONSULTATION**

N/A

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can accept/reject the amended policies as circulated.

**11 OFFICER'S COMMENTS/CONCLUSION**

Only minor amendments (review dates, grammatical and corrections) have been made to these policies.

**12 ATTACHMENTS**

- 12.1 Reduction in Planning Application Fees for Community Projects
- 12.2 Elected Members Professional Development
- 12.3 Public Liability Insurance Requirements for use of Council Facilities
- 12.4 Council Chambers, Longford – Use of
- 12.5 Copyright
- 12.6 Fraud and Corruption
- 12.7 Gifts and Benefits
- 12.8 Heritage Incentive Scheme
- 12.9 Town Entrance Statements
- 12.10 Recreational Vehicles: Development and Management of Facilities
- 12.11 Illawarra Road Signs Advertising

**RECOMMENDATION**

That Council endorse the amendments to the following policies:

- Reduction in Planning Application Fees for Community Projects
- Elected Members Professional Development
- Public Liability Insurance Requirements for use of Council Facilities
- Council Chambers, Longford – Use of
- Copyright
- Fraud and Corruption
- Gifts and Benefits
- Heritage Incentive Scheme
- Town Entrance Statements
- Recreational Vehicles: Development and Management of Facilities
- Illawarra Road Signs Advertising

**DECISION**

Cr Adams/Cr Davis

That Council endorse the amendments to the following policies:

- Reduction in Planning Application Fees for Community Projects
- Elected Members Professional Development
- Public Liability Insurance Requirements for use of Council Facilities
- Council Chambers, Longford – Use of
- Copyright
- Fraud and Corruption
- Gifts and Benefits



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

- [Heritage Incentive Scheme](#)
- [Town Entrance Statements](#)
- [Recreational Vehicles: Development and Management of Facilities](#)
- [Illawarra Road Signs Advertising](#)

[Carried unanimously](#)

**424/20 RURAL ALIVE AND WELL (RAW): FUNDING AGREEMENT**

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Billie-Jo Lowe, Liaison & Gail Eacher, Executive Assistant

**1 PURPOSE OF REPORT**

To provide Council with the Rural Alive and Well (RAW) Funding Agreement, for review and endorsement.

**2 INTRODUCTION/BACKGROUND**

RAW employs coordinators to work with individuals, families and communities to build resilience and capacity to react to challenging life experiences. The service's ultimate aim is to prevent suicide attempts and deaths

RAW currently has an office base at Oatlands which it rents from the Southern Midlands Council. Due to the nature of their work and the geographic spread of the RAW team across the state, having one office is no longer a viable option and RAW management is proposing to establish an office and visual presence at Perth.

RAW has identified suitable premises at 86 Main Road Perth: a church (formerly the Utsi Cafe) and the adjacent hall. The proposal is to transform the hall into an office space for 11 staff members and the church into a training and educational activities venue. The annual rent for the property is \$45,000: of which the landlord is willing to provide \$15,000 in kind – thus the weekly rent to RAW equates to \$577/week.

The Perth office provides a base for the RAW Northern team, and a regular meeting place for RAW staff from the North West and East; and statewide team meetings, plus board meetings and training sessions.

At the 20 July 2020 Council meeting, the following was the decision of Council:

*Cr Polley/Cr Lambert*

*That Council subsidise Rural Alive and Well (RAW) for an amount up to \$30,000 over 3 years to establish a service base in Perth.*

*Carried unanimously*

Subsequent to the meeting a funding agreement was drawn up, with a focus on collaborative partnerships.

The annual report on the RAW website (attached) reflects the 2018-19 statistics; however, Council may require RAW to provide statistics specific to the Northern Midlands community.

**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
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future  
Core Strategies:



- ♦ Proactive engagement drives new enterprise
- People –
  - Lifestyle – Strong, Vibrant, Safe and Connected Communities
 Core Strategies:
  - ♦ Caring, Healthy, Safe Communities – Awareness, education & service

#### **4 POLICY IMPLICATIONS**

N/A

#### **5 STATUTORY REQUIREMENTS**

N/A

#### **6 FINANCIAL IMPLICATIONS**

At the 20 July 2020 meeting Council agreed to provide financial support to RAW, endorsement of the Funding Agreement would allow the release of funding to the organisation.

#### **7 RISK ISSUES**

The further delay in executing the agreement and the release of funds may impede the organisation and their ability to meet their obligations.

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

N/A

#### **9 COMMUNITY CONSULTATION**

N/A

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

Council can either approve or not approve the execution of the amended funding agreement.

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

This matter has been listed for Workshop discussion.

Councillors may wish to endorse the execution of the funding agreement by the General Manager.

The funding agreement is attached.

#### **12 ATTACHMENTS**

12.1 Raw Funding Agreement

12.2 2018-19 Annual Report

#### **RECOMMENDATION**

That Council endorse the execution of the Funding Agreement by the General Manager.

#### **DECISION**

Cr Polley/Cr Lambert

That Council endorse the execution of the Rural Alive and Well (RAW) Funding Agreement by the General Manager.

Carried unanimously

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 425/20 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

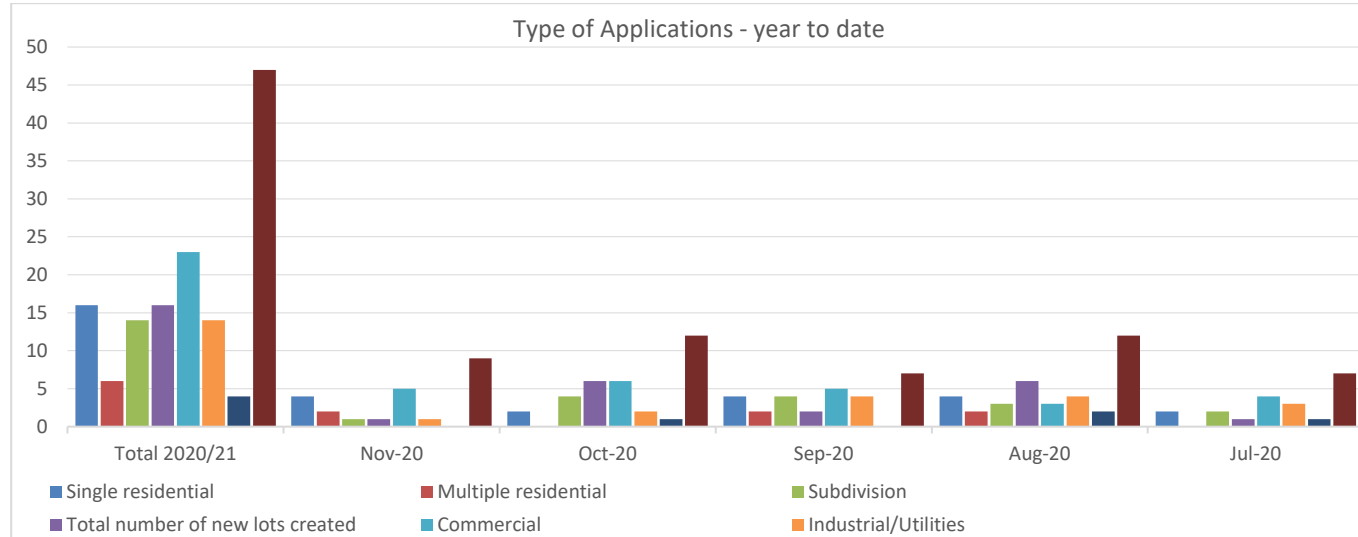
### 1 PURPOSE OF REPORT

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

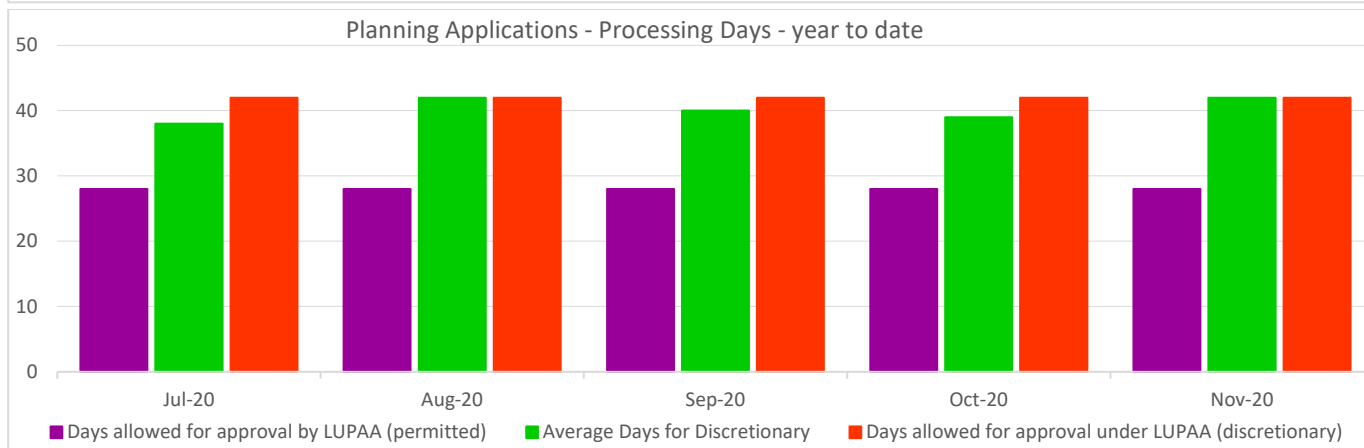
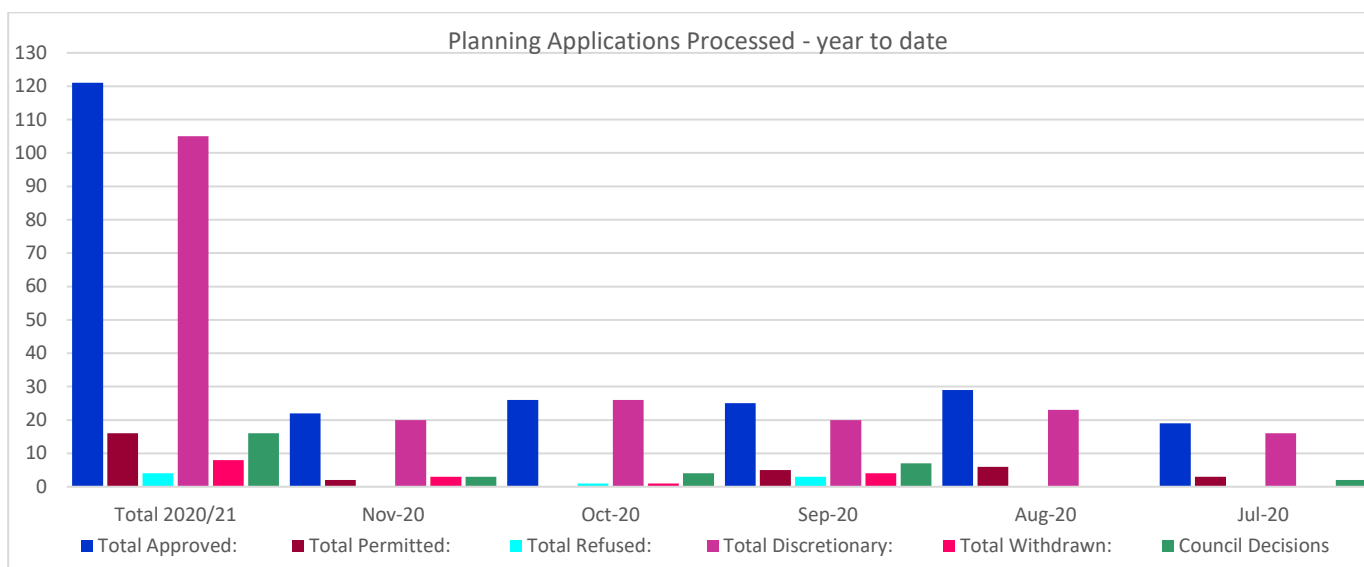
### 2 DEVELOPMENT SERVICES REPORTING

#### 2.1 Planning Decisions

	Total YTD	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
Number of valid applications	76	21	11	19	18	7							
Single residential	16	2	4	4	2	4							
Multiple residential	6	0	2	2	0	2							
Subdivision	14	2	3	4	4	1							
Total number of new lots created	16	1	6	2	6	1							
Commercial	23	4	3	5	6	5							
Industrial/Utilities	14	3	4	4	2	1							
Visitor Accommodation	4	1	2	0	1	0							
Total permitted	0	0	0	0	0	0							
Total discretionary	4	1	2	0	1	0							
Other	47	7	12	7	12	9							
Total number of applications approved	121	19	29	25	26	22							
Total Permitted	16	3	6	5	0	2							
Average Days for Permitted		25	26	29	-	24							
Days allowed for approval by LUPAA		28	28	28	28	28	28	28	28	28	28	28	28
Total Exempt under IPS	42	8	5	4	8	17							
Total Refused	4	0	0	3	1	0							
Total Discretionary	105	16	23	20	26	20							
Average Days for Discretionary		38	42	40	39	42							
Days allowed for approval under LUPAA		42	42	42	42	42	42	42	42	42	42	42	42
Total Withdrawn	8	0	0	4	1	3							
Council Decisions	16	2	0	7	4	3							
Appeals lodged by the Applicant	2	0	0	0	1	1							
Appeals lodged by third party	0	0	0	0	0	0							



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020



November 2020					
Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-20-0277	Alterations and additions to dwelling	791 Pateena Road, Longford TAS 7301	Apogee (Tas) Pty Ltd	20	P
PLN-20-0248	Replacement dwelling and tree removal	1494 Liffey Road, Liffey TAS 7301	Trent Swain	27	P
PLN-20-0216	Multiple dwellings x 2, alterations to existing dwelling, new access (vary front setback, fence and access surface provisions & visitor parking)	76 Burghley Street, Longford TAS 7301	Ricky John Tarrant	42	D
PLN-20-0233	Removal of 2 trees (Native Vegetation)	24 Summit Drive, Devon Hills TAS 7300	Ian Goninon	42	D
PLN-20-0236	Shed addition for manufacturing and processing (Airports Impact Management Code, no on-site stormwater detention)	17 Richard Street, Western Junction TAS 7212	Mario de Jong	41	D
PLN-20-0244	Vegetation Removal (Native Vegetation)	11 Lake View Road, Lake Leake TAS 7210	Michael Cubit	43	D
PLN-20-0250	Shed (6m x 6m) (vary setbacks, Heritage Precinct)	18 Marlborough Street, Longford TAS 7301	John Talbot	42	D
PLN-20-0255	Partial demolition & addition on shack (A17)	414 Lake Road, Lake Leake TAS 7210	Mr Christopher Perkins	43	D
PLN-20-0239	Sign (other) (heritage precinct)	7 Marlborough Street, Longford TAS 7301	Kendra Perkins	40	D
PLN-20-0242	Shed (vary rear setback, heritage precinct)	84 Wellington Street, Longford TAS 7301	Design to Live	37	D

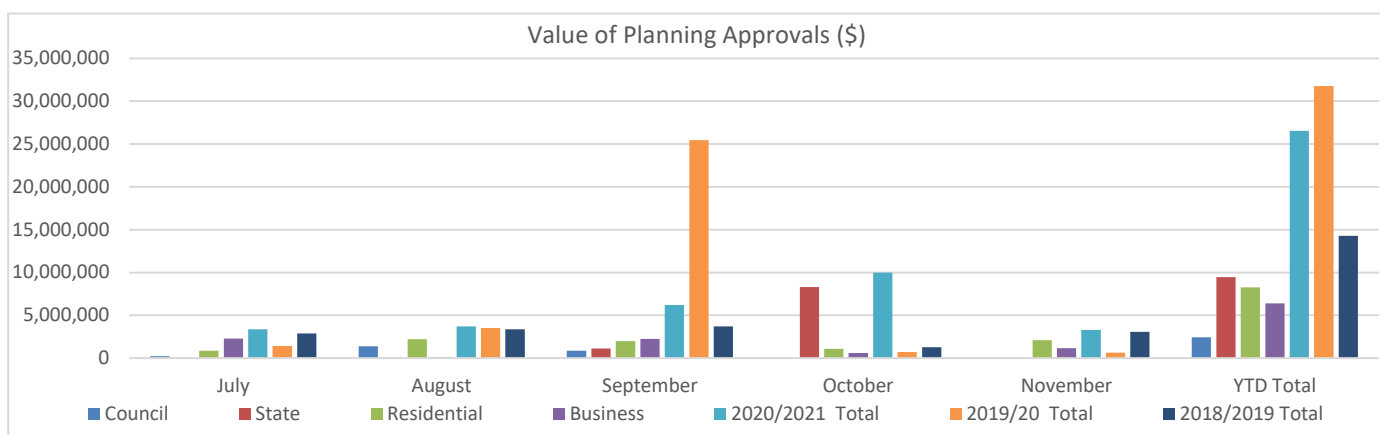
# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

November 2020

Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-20-0185	Demolish existing sheds, construct new shed, relocate shipping container 25m from High Street	23 William Street & High Street (CT 116894/1), Longford TAS 7301	Design to Live	42	D
PLN-20-0199	Dwelling (attenuation area) and retrospective vegetation removal (native vegetation)	3 Brewis Place, Lake Leake TAS 7210	Mr Paul Miltenburg	49	D
PLN-20-0229	New Dwelling (vary internal front setback)	10 Cygnet Court, Longford TAS 7301	Richard & Anna Goss	42	D
PLN-20-0231	Dwelling additions & alterations (vary setbacks)	1001 Deddington Road, Deddington TAS 7212	Samuel & Laura Gowans	35	D
PLN-20-0235	Vegetation removal & shipping containers (retrospective) (vary side setback and total floor area of outbuildings)	79 Devon Hills Road, Devon Hills TAS 7300	Giuseppe & Karen Lionetti	42	D
PLN-20-0245	2 x carports (7m x 7m) (vary internal frontage and [S] side setbacks)	40 Pakenham Street, Longford TAS 7301	John Austin	43	D
PLN-20-0246	Dwelling & shed (vary setbacks, irrigation district)	709 Illawarra Road (access over 2135 Bishopsbourne Road & CT 173345/2), Longford TAS 7301	Prime Design	43	D
PLN-20-0247	2-lot subdivision (vary setback to existing buildings & solar orientation)	13 Phillip Street, Perth TAS 7300	Woolcott Surveys	43	D
PLN-20-0249	Garage (vary rear setback)	U 2/16A Catherine Street, Longford TAS 7301	Ms Kate Gallard	42	D
<b>COUNCIL DECISIONS - REFUSAL</b>					

## 2.2 Value of Planning Approvals

	Council	State	2020/2021 Residential	Business	Total	2019/20 Total	2018/2019 Total
July	217,500	0	877,000	2,283,000	3,377,500	1,429,000	2,863,500
August	1,370,000	10,000	2,208,500	121,000	3,709,500	3,503,000	3,369,300
September	850,000	1,120,000	1,971,000	2,248,000	6,189,000	25,457,550	3,704,400
October	0	8,302,500	1,083,000	601,500	9,987,000	717,900	1,282,500
November	0	15,000	2,113,000	1,153,226	3,281,226	648,500	3,079,000
<b>YTD Total</b>	<b>2,437,500</b>	<b>9,447,500</b>	<b>8,252,500</b>	<b>6,406,726</b>	<b>26,544,226</b>	<b>31,755,950</b>	<b>14,298,700</b>
<b>Annual Total</b>						<b>55,891,900</b>	<b>36,482,950</b>



## 2.3 Matters Awaiting Decision by TPC & RMPAT

TPC	TASMANIAN PLANNING COMMISSION
TPS	Tasmanian Planning Scheme. The State Planning Provisions (SPPs) came into effect on 2/3/2017. They will have no practical effect until the Local Provisions Schedule (LPS) is in effect in a municipal area. Northern Midlands Council's Draft Local Provisions Schedule submitted to the Commission 19/12/2019. Post lodgement meeting held 5/5/2020. Matters raised by the Commission and recommended response tabled at the 29/6/2020 Council meeting. Remaining responses to post lodgement enquiries provided 28/08/2020. TPC has given until 20 January 2021 to provide clarification on questions regarding Heritage Code and Scenic Management Code.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

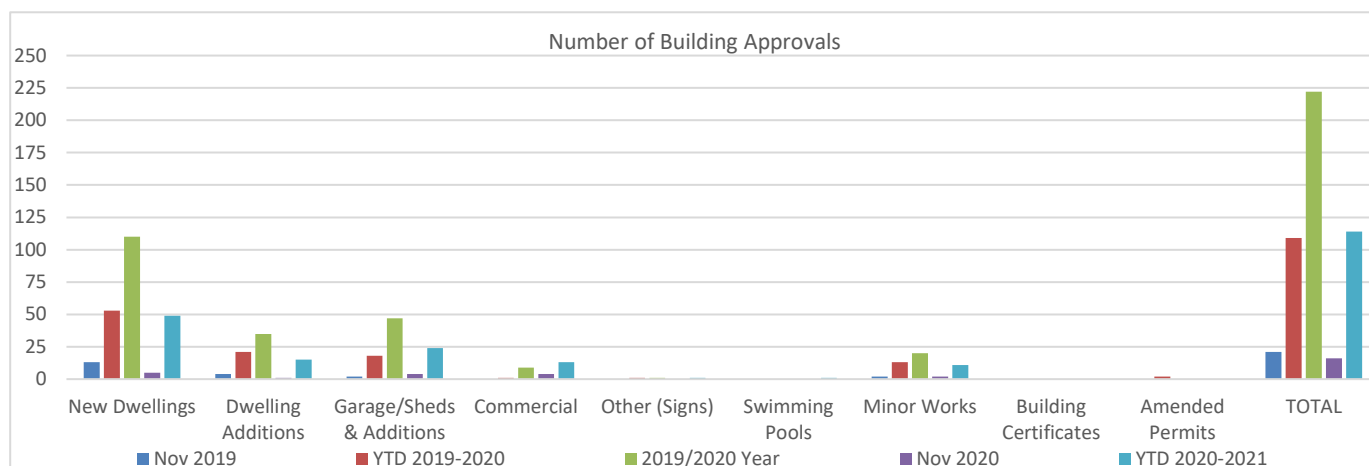
### 14 DECEMBER 2020

02/2019	PLN-19-0070, 86 Burghley St Longford, rezone to General Residential and s43A application for 7 Lot Subdivision. Hearing held 13/12/2019. Additional information provided to the Commission on 21/1/2020. The Commission had flood report reviewed. The Commission has advised that it considers it would be difficult to approve the amendment and permit in the absence of further site specific flood modelling being submitted and gave the proponent (Woolcott Surveys) until 4/8/2020 to provide further flood modelling, noting that the invitation to submit further flood modelling is not intended to indicate that the application will be approved if the modelling work is completed. The Commission gave Woolcott Surveys a further extension, until 16 October 2020, to submit further flood modelling work. On 16 November 2020 the Commission requested a peer review of the further submission on flood modelling.
01/2020	PLN-20-0001, 41-43 Wellington St Longford, rezone to General Residential and s43A application for 3 lot subdivision. S39 Report sent to the Commission 3/7/2020. Hearing held 14/10/2020. Response to Tasmanian Heritage Council submission provided 2/12/2020. Awaiting decision.
03/2020	PLN20-0071, 2A Saundridge Rd Cressy Site specific amendment to allow for subdivision, in conjunction with s43A for 2 lot subdivision. Council's report on representation sent to Commission 24/9/2020. Hearing held 25/11/2020. Awaiting decision.
04/2020	PLN-20-0230 - Low Density Residential Land at the south of Longford. Report on representation to be considered at Council meeting of 14/12/2020.
RMPAT	RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL
92/20P	11 Gay Street Longford, appeal against Council's refusal of an application for storage units. Preliminary conference held 13 November 2020. Mediation being undertaken.
Decisions received	
TPC	
-	-
RMPAT	
-	-

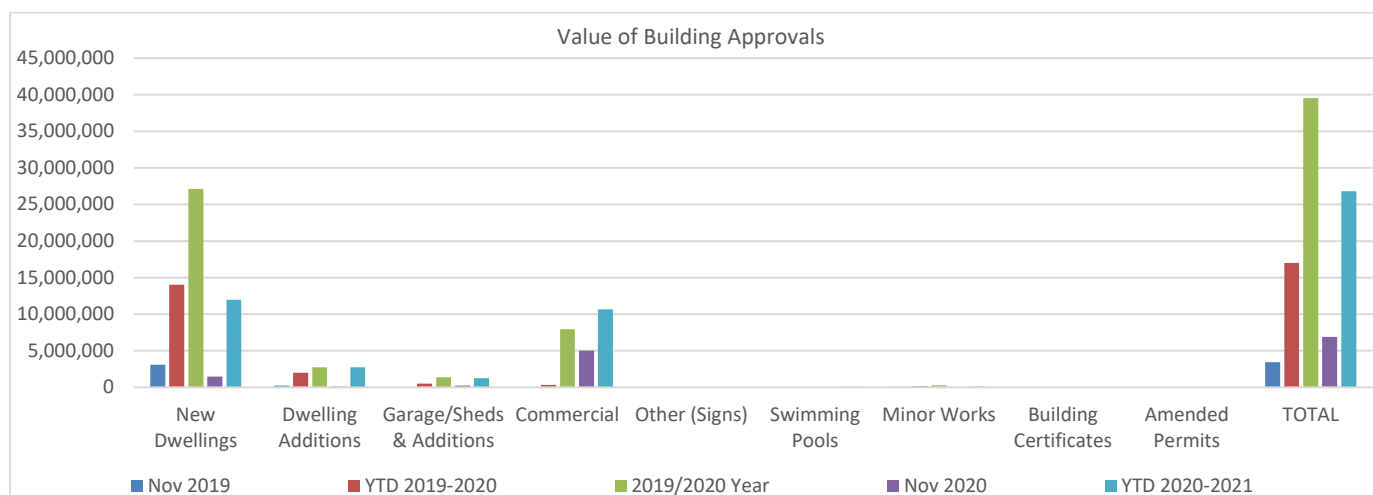
## 2.4 Building Approvals

The following table provides a comparison of the number and total value of building works for 2019/2020 – 2020/2021 (figures do not include Building Approvals processed under Resource Sharing Agreements).

	YEAR: 2019-2020				YEAR		YEAR: 2020-2021			
	Nov 2019		YTD 2019-2020		July 2019 - June 2020		Nov 2020		YTD 2020-2021	
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$
New Dwellings	13	3,106,846	53	14,016,005	110	27,131,594	5	1,492,000	49	11,956,433
Dwelling Additions	4	248,750	21	2,000,001	35	2,757,001	1	135,000	15	2,743,970
Garage/Sheds & Additions	2	32,800	18	493,800	47	1,394,142	4	227,000	24	1,250,700
Commercial	0	0	1	320,000	9	7,952,000	4	5,014,500	13	10,675,650
Other (Signs)	0	0	1	5,000	1	5,000	0	0	1	12,000
Swimming Pools	0	0	0	0	0	0	0	0	1	49,000
Minor Works	2	58,700	13	160,705	20	287,983	2	9,200	11	115,088
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	2	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>21</b>	<b>3,447,096</b>	<b>109</b>	<b>16,995,511</b>	<b>222</b>	<b>39,527,720</b>	<b>16</b>	<b>6,877,700</b>	<b>114</b>	<b>26,802,841</b>
<b>Inspections</b>										
Building	1		1		58		0		15	
Plumbing	35		155		282		37		147	



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 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	2020/2021	Total 2019/2020
Number of Inspections		14	43
Property owner not home or only recently started			1
Complying with all conditions / signed off		9	21
Not complying with all conditions			
Re-inspection required		1	17
Notice of Intention to Issue Enforcement Notice			
Enforcement Notices issued			
Enforcement Orders issued			
Infringement Notice			
No Further Action Required		4	4
Building Permit Reviews	This Month	2020/2021	Total 2019/2020
Number of Inspections		6	25
Property owner not home or only recently started			
Complying with all conditions / signed off		1	5
Not complying with all conditions			1
Re-inspection required		1	6
Building Notices issued			
Building Orders issued			
No Further Action Required		4	12
Illegal Works - Building	This Month	2020/21	Total 2019/2020
Number of Inspections	1	8	26
Commitment provided to submit required documentation		2	1
Re-inspection required	1	3	6
Building Notices issued		1	4
Building Orders issued		1	4
Emergency Order			
No Further Action Required		3	12
Illegal Works - Planning	This Month	2020/21	Total 2019/2020
Number of Inspections	5	42	77
Commitment provided to submit required documentation	1	3	7
Re-inspection required	2	28	42
Enforcement Notices issued		1	

Illegal Works - Planning	This Month	2020/21	Total 2019/2020
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			5
No Further Action Required	2	10	20

### 3 STRATEGIC PLAN 2017-2027

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

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

### 4 STATUTORY REQUIREMENTS

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

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

#### 4.2 Building Act 2016

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

### 5 RISK ISSUES

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

### 6 COMMUNITY CONSULTATION

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

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

**7 OFFICER'S COMMENTS/CONCLUSION**

There have been 13 commercial building approvals valued at \$10,675,650 for 2020/21 (year to date), compared to 1 commercial building approval valued at \$320,00 (year to date) for 2019/2020.

In total, there were 114 building approvals valued at \$26,802,841 (year to date) for 2020/2021, compared to 109 building approvals valued at \$16,995,511 (year to date) for 2019/20.

**RECOMMENDATION**

That the report be noted.

DECISION

Cr Polley/Cr Adams

That the report be noted.

Carried unanimously



**426/20 NORTHERN REGIONAL CAT MANAGEMENT STRATEGY (2020-2030)**

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Tammi Axton, Animal Control Officer

**1 PURPOSE OF REPORT**

The purpose of this report is to seek Councils endorsement of the Northern Regional Cat Management Strategy (2020-2030).

**2 INTRODUCTION/BACKGROUND**

In April 2019, there was a request to NRM North from several northern councils, via the General Managers' forum, to undertake a facilitated process with council representatives to improve domestic and stray cat management in the Northern region.

Consequently, a subcommittee of the Northern Regional Cat Management Working Group (CMWG) was established to develop a *Northern Regional Cat Management Strategy* (the strategy).

This activity is consistent with the *State Cat Management Plan 2017-22*, which supports regional plans and strategies to address domestic, stray and feral cat management.

The strategy is intended as a guidance document for key partners and stakeholders, such as Cat Management Facilities, RSPCA, the Australian Veterinary Association, the Tasmanian Parks & Wildlife Service, State Government and NRM North.

The strategy guides future cat management activities by identifying and prioritising suitable actions and providing a framework for collaboration between councils and key stakeholders.

Public consultation on the strategy was considered, however, due to the timeframe and available resources, the decision was to produce a strategy with input from councils, key partners and industry stakeholders, and consider community consultation if appropriate for initiatives which may flow on from implementation of the strategy.

A consultant (TerraForm Design) was engaged by NRM North to facilitate the strategy development process.

The strategy working group is a sub-committee of the CMWG, consisting of council representatives and key stakeholder representatives who participated in three facilitated workshops and reviewed draft documents out of session.

Throughout the process, regular updates were provided to stakeholders, and a document framework and final draft of the strategy were circulated to the strategy working group and Council General Managers on 2 September and 17 December 2019 respectively.

The strategy is not intended to bind stakeholders to being responsible for the activities identified, rather it is an aspirational document that provides direction for future cat management activities. It requires collaboration to implement, while retaining flexibility to enable stakeholders to engage as appropriate and where resources permit.

The strategy document has six sections and two appendices, with a focus on ten cat management issues for northern Tasmania and the associated strategic directions which will guide implementation activities.

The strategy also refers to the development of annual implementation plans which will guide activities and assist in determining roles and resources required to implement activities over the subsequent 12 months.

At the General Managers' meeting on 24 January 2020, it was resolved that individual participating councils would workshop the draft strategy prior to endorsement, final design and publication.

During March and April, NRM North staff provided presentations to two Councils on the draft strategy. Presentations to other participating councils were cancelled or postponed due to COVID-19 restrictions. Several councils have since indicated their willingness to endorse the strategy, while others are yet to consider the draft fully, due to other imperatives ensuring from the COVID-19 crisis.

**The ten cat management issues and corresponding desired outcomes as identified in the draft *Northern Regional Cat Management Strategy***

Cat management issue	Desired outcome of Northern Regional Cat Management Strategy implementation
1. De-sexing and microchipping	For all domestic cats to be de-sexed and identified by microchip from four months of age, and owners to keep their contact details on microchip registries up to date.
2. Responsible cat ownership	For all cat owners to understand and enthusiastically practice responsible cat ownership.
3. Protecting significant conservation, commercial and community assets	To have significant conservation, commercial and community assets identified (mapped) with appropriate strategies identified to mitigate cat related risks at priority sites
4. Nuisance and stray cats	To reduce the impact of nuisance cats by encouraging owners to contain their cats to their property, preventing the feeding of stray cats, educating the community against dumping unwanted cats, and encouraging reporting of stray cats to protect identified significant conservation, commercial and community assets.
5. Feral cats	To ensure best practice techniques to manage feral cats are developed and implemented to support integrated cat management across all land tenures in northern region.
6. Cat breeding and hoarding (permitting and animal welfare)	For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained including by discouraging the keeping of multiple cats and preventing cat hoarding.
7. Professional cat management capacity	To have improved professional cat management capacity that is shared across all collaborating cat management partners in northern region.
8. Shared regional cat management facilities and resources	To progressively develop a network of partners to enable rural and remote communities' access to shared regional resources including cat management facilities to service the northern region.
9. Voluntary compliance	For all cat owners and community members to voluntarily comply with their legal and moral rights and obligations for responsible cat ownership and management.
10. Improved knowledge to better inform cat management	To have cat management in the region guided by best available science and regionally relevant data to support evidence-based decision making.

### 3 STRATEGIC PLAN 2017-2027

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

- Lead –
  - Best Business Practice & Compliance
 Core Strategies:
  - ♦ Council complies with all Government legislation
- People –
  - Lifestyle – Strong, Vibrant, Safe and Connected Communities
 Core Strategies:
  - ♦ Communicate – Communities speak & leaders listen
  - ♦ Participate – Communities engage in future planning
  - ♦ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
  - Environment – Cherish & Sustain our Landscapes

Core Strategies:

- ♦ Meet environmental challenges

#### **4 POLICY IMPLICATIONS**

There are no policy implications

#### **5 STATUTORY REQUIREMENTS**

- Cat Management Regulations 2012
- *Cat Management Act 2009*

The Cat Management Amendment Bill 2019 passed through both houses of Parliament on October 15, 2020

Key amendments that will soon become law include:

- Compulsory desexing and microchipping of cats from four months of age;
- Limiting to four, the maximum number of cats allowed to be kept at a property without a permit (breeders will be exempt);
- Improvements to better support landholders to control cats on their property;
- Replacing the State Government-registration of cat breeders with a permit system to breed cats;
- A requirement for all cats to be microchipped and desexed before being reclaimed from a cat management facility; and
- Removal of care agreements.

The following amendments have a 12-month transition period:

- compulsory microchipping of cats by four months of age;
- compulsory desexing of cats by four months of age;
- removal of care agreements;
- limit to four, the maximum number of cats allowed at a property without a permit; and
- replace the State Government registration of cat breeders with a permit system to breed cats.

Two provisions that will commence immediately are:

- changes to protection of private land; and
- requirement for cat management facilities to ensure microchipping/desexing before release of cats.

The specific changes to the protection of private land are:

- any individual can trap, seize or detain a cat on private land regardless of distance to nearest residence;
- the trap must be checked at least every 24 hours;
- any trapped cat must be either returned to its owner if known or taken to cat management facility.

In terms of the ability to destroy a cat trapped on private property, the term 'primary production' has been amended to 'production premises'.

#### **6 FINANCIAL IMPLICATIONS**

There may be some financial costs, depending on what level of involvement Council wishes to participate in.

For example:

- Community microchipping days.
- education programs.

- significant conservation, commercial and community assets identified (mapped) with appropriate strategies identified to mitigate cat related risks at priority sites.

## **7 RISK ISSUES**

- Increased community expectation
- Limited resources

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/A

## **9 COMMUNITY CONSULTATION**

N/A

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

There are 2 options for Council to consider:

- Endorse the Northern Regional Cat Management Strategy (2020-2030) or,
- Not endorse the Northern Regional Cat Management Strategy (2020-2030).

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

The Strategy emphasises that everyone can have a role to play in cat management. Implementing the strategy will require cooperation, commitment and resources from all partners. The Strategy recognises that each partner has different resources and priorities, Partners can contribute voluntarily and tailor their approach.

## **ATTACHMENTS**

- Northern Regional Cat Management Strategy (2020-2030) – Working Draft

## **RECOMMENDATION**

That Council endorse the Northern Regional Cat Management Strategy (2020-2030) and consider an allocation in the 2021/2022 budget for future cat management activities.

*Miss Bricknell attended the meeting at 6.39pm.*

## **DECISION**

Cr Davis/Cr Goninon

That Council endorse the Northern Regional Cat Management Strategy (2020-2030) and consider an allocation in the 2021/2022 budget for future cat management activities.

Carried unanimously

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

## 427/20 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 30 November 2020.

### 2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 30 November 2020 is circulated for information.

### 3 ALTERATIONS TO 2020-21 BUDGET

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

#### SUMMARY FINANCIAL REPORT

For Month Ending: 30-Nov-20 5

A. Operating Income and Expenditure						
	Budget	Year to Date Budget	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$11,236,820	-\$11,236,820	-\$11,633,408	\$397	103.5%	
Recurrent Grant Revenue	-\$4,293,307	-\$1,788,878	-\$921,184	-\$868	51.5%	
Fees and Charges Revenue	-\$1,848,426	-\$770,178	-\$877,850	\$108	114.0%	
Interest Revenue	-\$675,507	-\$281,462	-\$111,738	-\$170	39.7%	
Reimbursements Revenue	-\$63,880	-\$26,617	-\$85,017	\$58	319.4%	
Other Revenue	-\$968,444	-\$403,518	-\$343,101	-\$60	85.0%	
	-\$19,086,384	-\$14,507,473	-\$13,972,298	-\$535	96.3%	
Employee costs	\$5,536,773	\$2,306,989	\$1,642,553	\$664	71.2%	
Material & Services Expenditure	\$5,248,743	\$2,186,976	\$1,544,495	\$642	70.6%	
Depreciation Expenditure	\$5,732,369	\$2,388,487	\$1,910,529	\$478	80.0%	
Government Levies & Charges	\$861,522	\$358,968	\$201,838	\$157	56.2%	
Councillors Expenditure	\$199,210	\$83,004	\$46,029	\$37	55.5%	
Interest on Borrowings	\$272,007	\$113,336	\$117,996	-\$5	104.1%	
Other Expenditure	\$1,712,984	\$713,743	\$707,673	\$6	99.1%	Pension rebates for full year
Plant Expenditure Paid	\$524,700	\$218,625	\$217,056	\$2	99.3%	
	\$20,088,308	\$8,370,128	\$6,388,169	\$1,982	76.3%	
	\$1,001,924	-\$6,137,344	-\$7,584,129			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$602,390	\$250,996	\$0	\$251	0.0%	
Underlying (Surplus) / Deficit	\$1,604,314	-\$5,886,349	-\$7,584,129			
Capital Grant Revenue	-\$10,749,146	-\$4,478,811	-\$350,000	-\$4,129	7.8%	
Subdivider Contributions	-\$524,114	-\$218,381	0	-\$218	0.0%	
Capital Revenue	-\$11,273,260	-\$4,697,192	-\$350,000			

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

#### 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

Nov

Oct

Barton Road Reconstruction - deferred	751586	-\$535,000	Awaiting removal of trees and land acquisition
Green Rises Road - Supplementary	Asset 524	\$535,000	2.29 km - chainage 8.3 to 10.59

Sept

Aug

July

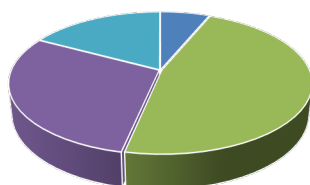
#### B. Balance Sheet Items

	Year to Date Actual	Monthly Change	Same time last year	Comments
<b>Cash &amp; Cash Equivalents Balance</b>				
- Opening Cash balance	\$16,905,670	\$20,211,728		
- Cash Inflow	\$12,008,837	\$2,363,332		
- Cash Payments	-\$8,020,609	-\$1,681,163		
- Closing Cash balance	\$20,893,898	\$20,893,898		
<b>Account Breakdown</b>				
- Trading Accounts	\$1,976,863			
- Investments	\$18,917,035			
	\$20,893,898			

#### Summary of Investments

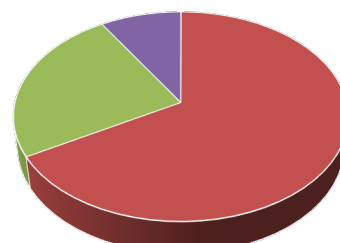
	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value
Tasmanian Public Finance Corporation					
Call Account	3/11/2020	30/11/2020	0.10	\$5,392	\$5,392
CBA Call Account	4/11/2020	30/11/2020	0.01	\$1,574	\$1,574
CBA Business Online Saver	25/11/2020	30/11/2020	0.20	\$4,030,514	\$4,030,625
Westpac	9/09/2020	9/12/2020	0.47	\$2,503,781	\$2,506,715
Bank of Us	30/03/2020	29/01/2021	2.00	\$522,229	\$530,957
My State Financial	25/05/2020	25/05/2021	1.20	\$3,303,434	\$3,343,076
Westpac - Green Deposit	25/11/2020	28/09/2021	0.45	\$2,000,000	\$2,007,570
Westpac	6/10/2020	4/07/2022	3.37	\$5,500,000	\$5,822,966
Westpac	29/09/2020	29/06/2023	3.30	\$1,050,000	\$1,145,216
Total Investments	0/01/1900	0/01/1900	0.00	\$18,916,925	\$19,394,090

Investments by Institution



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

Total Investments by Rating (Standard & Poor's)



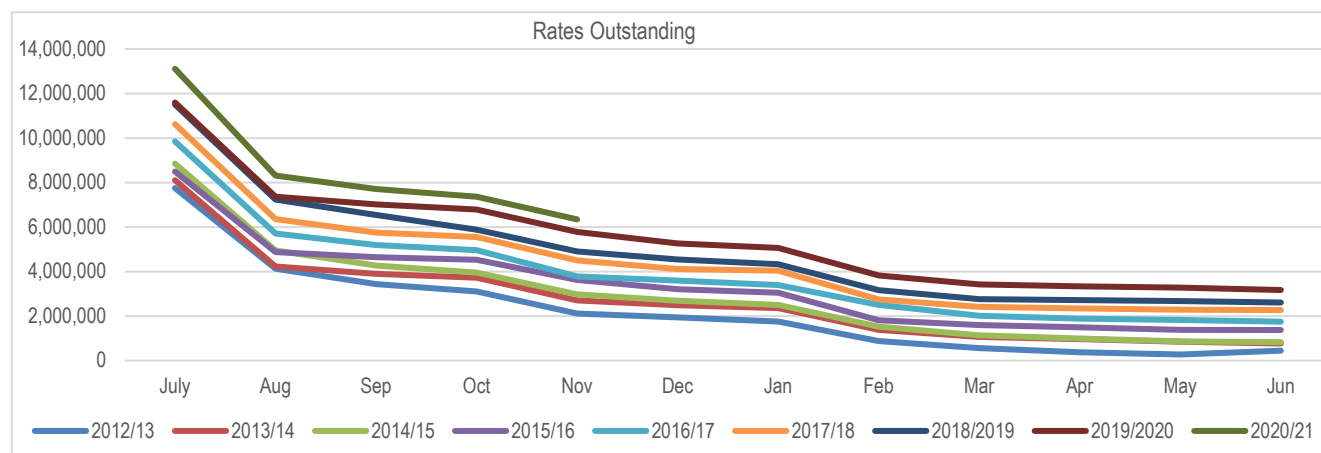
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Rate Debtors	2020/21	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$2,808,852		\$2,275,315	
Rates Raised	\$11,678,054		\$11,389,483	
	\$14,486,906		\$13,664,798	



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

Rates collected	\$7,762,266	66.5%	\$7,539,892	66.2%	<div></div>
Pension Rebates	\$481,731	4.1%	\$453,405	4.0%	<div></div>
Discount & Remissions	\$56,731	0.5%	\$42,672	0.4%	<div></div>
	<b>\$8,300,728</b>		<b>\$8,035,969</b>		
Rates Outstanding	\$6,347,430	54.4%	\$5,789,990	50.8%	<div></div>
Advance Payments received	<b>-\$161,252</b>	1.4%	<b>-\$161,160</b>	1.4%	<div></div>



## Trade Debtors

Current balance	\$130,872		
- 30 Days	\$62,380		
- 60 Days	-\$1,158		
- 90 Days	\$18,526		
- More than 90 days	\$51,124		
Summary of Accounts more than 90 days:	-		
- Norfolk Plains Book sales	171		Paid by outlet as sold
- Hire/lease of facilities	16,702		
- Removal of fire hazards	6,867		
- Dog Registrations & Fines	15,988		Send to Fines Enforcement
- Private Works	10,671		
- Regulatory Fees	726		
- Govt Reimbursements	-		

## C. Capital Program

	Budget	Actual (\$,000)	Target 42%	Comments
Renewal	\$11,293,402	\$3,006,320	27%	
New assets	\$9,542,194	\$2,460,558	26%	
Total	\$20,835,595	\$5,466,878	26%	

## Major projects:

- Longford Sports Centre stage 2 & carpark	\$890,000	\$299,210	34%	In progress
- Campbell Town Rec Ground Site Works	\$166,500	\$41,701	25%	
- Evandale Rec Ground Amenities	\$866,205	\$362,553	42%	In progress
- Cressy Rec Ground Amenities	\$837,855	\$92,782	11%	Tender stage
- Cressy Pool Improvements	\$516,000	\$61,265	12%	Tender stage
- Ross Caravan Park units	\$220,000	\$218,603	99%	Complete
- Ross Village Green	\$400,000	\$153,032	38%	In progress
- Sheepwash Creek development	\$715,000	\$599,037	84%	In progress
- Green Rises Road reconstruction	\$535,000	\$0	0%	
- Macquarie Road reconstruction	\$370,000	\$12,267	3%	Commenced
- Bridge 1469 Storys Creek Road	208,000	\$199,133	96%	Substantially complete
- Bridge 1813 Hop Valley Road	192,000	\$192,406	100%	Complete
- Bridge 1940 Cressy Road	200,000	\$7,500	4%	
- Bridge 4519 Verwood Road	112,035	\$121,300	108%	Complete

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

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

#### D. Financial Health Indicators

	Target	Actual	Variance	Trend	
<b>Financial Ratios</b>					
- Rate Revenue / Total Revenue	58.9%	83.3%	-24.4%	↘	■
- Own Source Revenue / Total Revenue	78%	93%	-15.9%	↘	■
<b>Sustainability Ratio</b>					
- Operating Surplus / Operating Revenue	-8.4%	54.3%	-62.7%	↘	■
- Debt / Own Source Revenue	50.2%	56.9%	-6.7%	↔	■
<b>Efficiency Ratios</b>					
- Receivables / Own Source Revenue	43.8%	44.4%	-0.6%	↘	■
- Employee costs / Revenue	29.0%	11.8%	17.3%	↗	■
- Renewal / Depreciation	197.0%	157.4%	39.7%	↗	■
<b>Unit Costs</b>					
- Waste Collection per bin	\$10.53	\$6.32		↔	■
- Employee costs per hour	\$46.14	\$27.37		↗	■
- Rate Revenue per property	\$1,581.76	\$1,637.59		↔	■
- IT per employee hour	\$3.30	\$2.84		↘	■

#### E. Employee & WHS scorecard

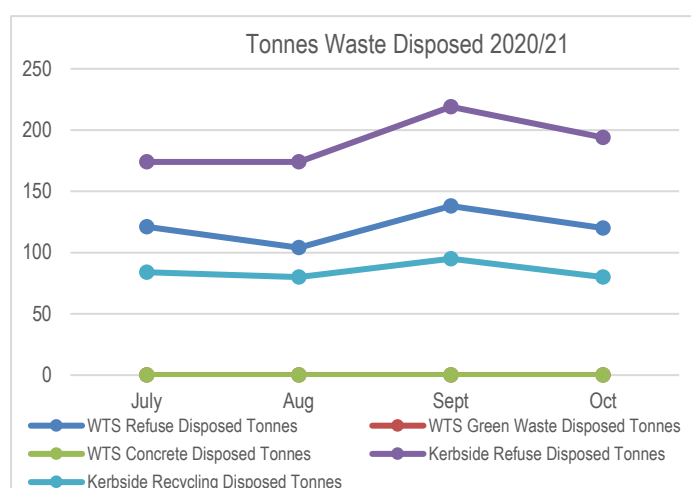
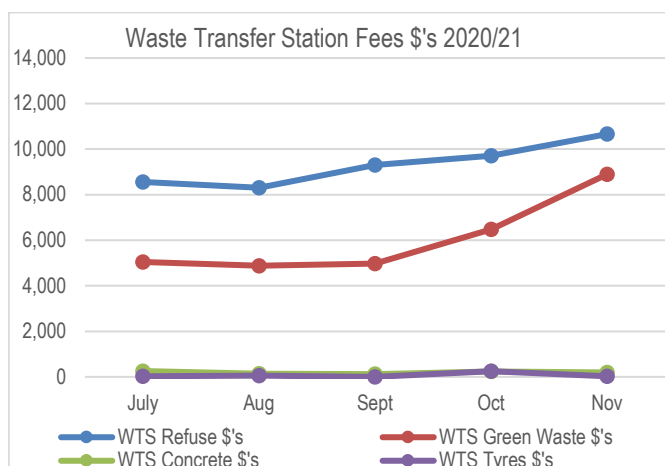
	YTD	This Month	
Number of Employees	96	96	■
New Employees	12	7	■
Resignations	7	1	■
Total hours worked	60,003	10,006	■
Lost Time Injuries	1	0	■
Lost Time Days	0	0	■
Safety Incidents Reported	4	1	■
Hazards Reported	45	8	■
Risk Incidents Reported	4	0	■
Insurance claims - Public Liability	1	0	■
Insurance claims - Industrial	1	0	■
Insurance claims - Motor Vehicle	3	0	■
IT - Unplanned lost time	1	0	■
Open W/Comp claims	5	1	■

#### F. Waste Management

Waste Transfer Station	2018/19	2019/20	2020/21 Budget	2020/21	
<b>Year to Date</b>					
<b>Takings</b>					
- Refuse	\$93,411	\$92,611	\$38,242	\$46,518	
- Green Waste	\$52,960	\$50,996	\$20,115	\$30,276	
- Concrete	\$2,376	\$1,551	\$630	\$938	
			\$0	\$353	
Total Takings	\$152,877	\$142,782	\$58,987	\$78,085	■
<b>Tonnes Disposed</b>					
WTS Refuse Disposed Tonnes	1,325	1388	1954	483	■
WTS Green Waste Disposed Tonnes	5200	5400	6015	0	■
WTS Concrete Disposed Tonnes	0	0	0	0	■
Kerbside Refuse Disposed Tonnes	2217	2326	1806	761	■
Kerbside Recycling Disposed Tonnes	1051	1036	869	339	■
Total Waste Tonnes Disposed	\$9,793	10150	10644	1583	■



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020



## 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 November 2020.
- 5.2 Capital Works Report to end November 2020.

## RECOMMENDATION

That Council

- i) receive and note the Monthly Financial Report for the period ending 30 November 2020, and
- ii) authorise Budget 2020/21 alterations as listed in item 3.

## DECISION

Cr Adams/Cr Goss

That Council

- i) receive and note the Monthly Financial Report for the period ending 30 November 2020, and
- ii) authorise Budget 2020/21 alterations as listed in item 3.

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 428/20 PUBLIC QUESTIONS & STATEMENTS

Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* relates to the provision of Public Question Time during a Council meeting. Regulation 31(7) of the Regulations stipulates that “a Council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.”

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

Due to COVID-19 the Council Meeting scheduled for **Monday 14 December 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 12.00pm on Monday 14 December 2020.**

Questions can be emailed to [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au); or be mailed or hand delivered to the Council Chambers, 13 Smith Street, Longford.

A public recording of the meeting will be placed on Councils website as soon as practicable after the meeting.

*Mr Jennings left the meeting at 6.42pm.*

## 1 PUBLIC QUESTIONS

**PLAN 4: (WITHDRAWN) PLANNING APPLICATION PLN-20-0174: 173 MARLBOROUGH STREET, LONGFORD**

### **Michael Morris - Longford**

*Mr Morris queried the following in relation to the withdrawal of PLAN 4 from the Council Meeting Agenda:*

- 1) *On who's initiative had the item been withdrawn*
- 2) *Would he have the opportunity to raise his concerns when the item is heard at a later time*
- 3) *Is it known why the proponent withdrew the item*

**Council's Development Supervisor advised that**

- 1) **the item had been withdrawn from the meeting by the proponent to be considered at a later time.**
- 2) **Mr Morris would have the opportunity to address Council at the meeting when the matter is considered.**
- 3) **the reasons were not known.**



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 429/20 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 Goss/Cr Adams

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 2, PLAN 3 and PLAN 5.

Carried unanimously

*Mr Jennings returned to the meeting at 6.45pm.*

## 2 STATEMENTS

### PLAN 1: PLANNING APPLICATION PLN-20-0127: 16338 MIDLAND HIGHWAY, HAGGERSTON ROAD AND DEVON HILLS ROAD

#### George Walker, 60 Degrees, for the applicant

*Mr Walker advised that the application had been revised and was based on the decision of the Tribunal. The previous grounds for refusal were primarily based on stormwater and reticulated water.*

*The stormwater ground was not upheld. The application addresses the other matter by extending and upgrading the water line from Devon Hills Road along Haggerstone Road and into the subdivision.*

*The other aspects of the application remain the same and Mr Walker requested Councils support of the application.*

### PLAN 2: DRAFT AMENDMENT 04/2020: LOW DENSITY RESIDENTIAL LAND AT THE SOUTH OF LONGFORD

#### Michael Morris, Longford

*Mr Morris advised Council that he could not see a reason for the change in the proposed change of Land Use as the original purpose of the zoning was to support the Longford Training Centre, which is still used as much as it was when the zoning was put in place.*

*He expressed the opinion that*

- the land would be essential to the survival of the Race Day and Training Centre; and the Longford Cup Day could not be held without the adjacent land which accommodates the horses, car parking, etc at that time;*
- Trial Days also depended on the additional land available;*
- to allow residential development up to the Race Track would impede the activities at the Race Track;*
- where residential developments are in existence close to Race Tracks, there is conflict;*
- the land is an essential part of having a training centre and the current land uses should remain.*

*Mr Morris also raised concerns that*

- the change in the land use would enable the Veterinary Practice located in the centre of town to relocate to that area, on the main thoroughfare;*
- all traffic and his clients would have to pass the relocated Veterinary Clinic, which would place him at a disadvantage;*
- the decision would advantage one business to the detriment of its opposition business;*
- Council should be treating businesses in an even- handed manner and not providing advantage to one over another.*



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 430/20 PLANNING APPLICATION PLN-20-0127: 16338 MIDLAND HIGHWAY, HAGGERSTON ROAD AND DEVON HILLS ROAD

*File Number:* 203300.29  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

### 1 INTRODUCTION

This report assesses an application for a 26 lot subdivision at 16338 Midland Highway, Perth and a water main in Devon Hills Road and Haggerston Road.

### 2 BACKGROUND

**Applicant:**

6ty ° Pty Ltd

**Owner:**

William Grant Dornauf & Sonia Ann Dornauf

**Zone:**

Low Density Residential Zone

**Codes:**

Bushfire-Prone Areas Code  
Road & Railway Assets Code  
Flood Prone Areas Code  
Parking and Sustainable Transport Code  
Recreation & Open Space Code

**Classification under the Scheme:**

Subdivision and Utilities

**Existing Use:**

Residential (single dwelling)

**Deemed Approval Date:**

19 December 2020

**Recommendation:**

Approve with conditions

#### Discretionary Aspects of the Application

- Variation to development standards of the Low Density Residential zone – 7 lots less than 1 hectare, lots not connected to reticulated sewer
- New junction with Haggerston Road
- Flood prone area
- Provision of public open space

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013, Version 32, Effective from 19 October 2020*

#### Preliminary Discussion

Further information was requested from the applicant – copies of correspondence attached.

Image 1 - Subject site looking northwards



### 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 undertake a 26 lot subdivision including:

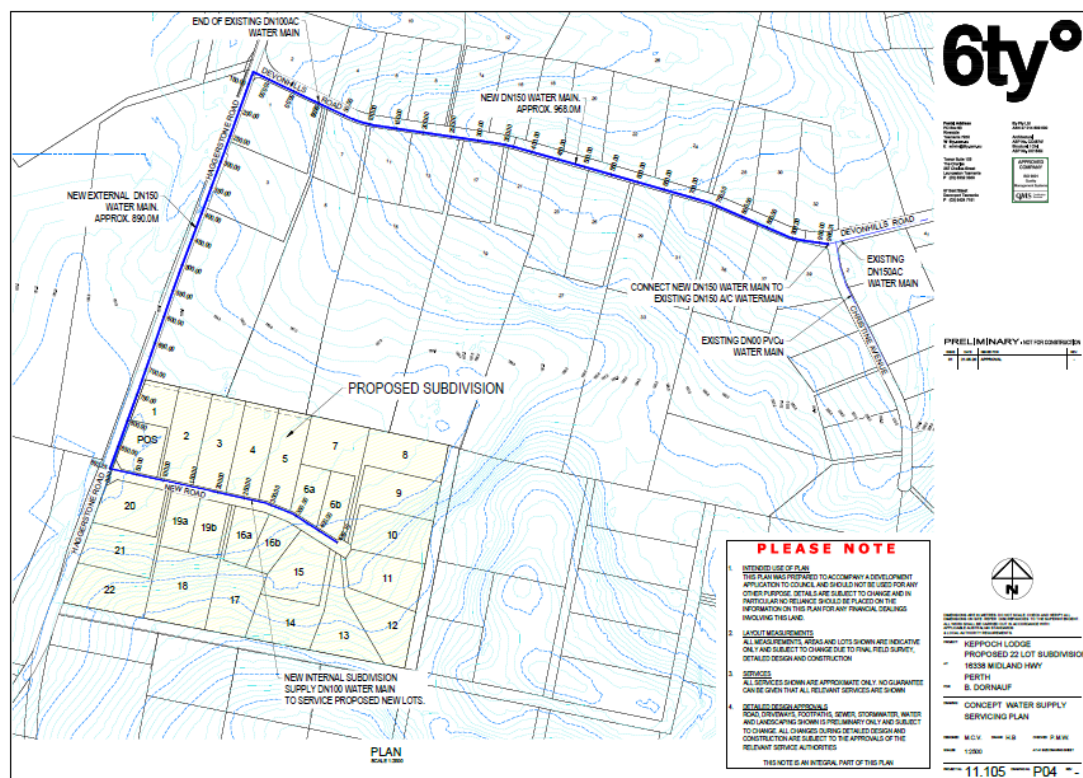
- shared stormwater detention/Public Open Space.
- new road and junction with Haggerston Road.
- creation of 7 lots less than 1 hectare.
- water main in Devon Hills Road & Haggerston Road.



Image 2 – proposed subdivision plan

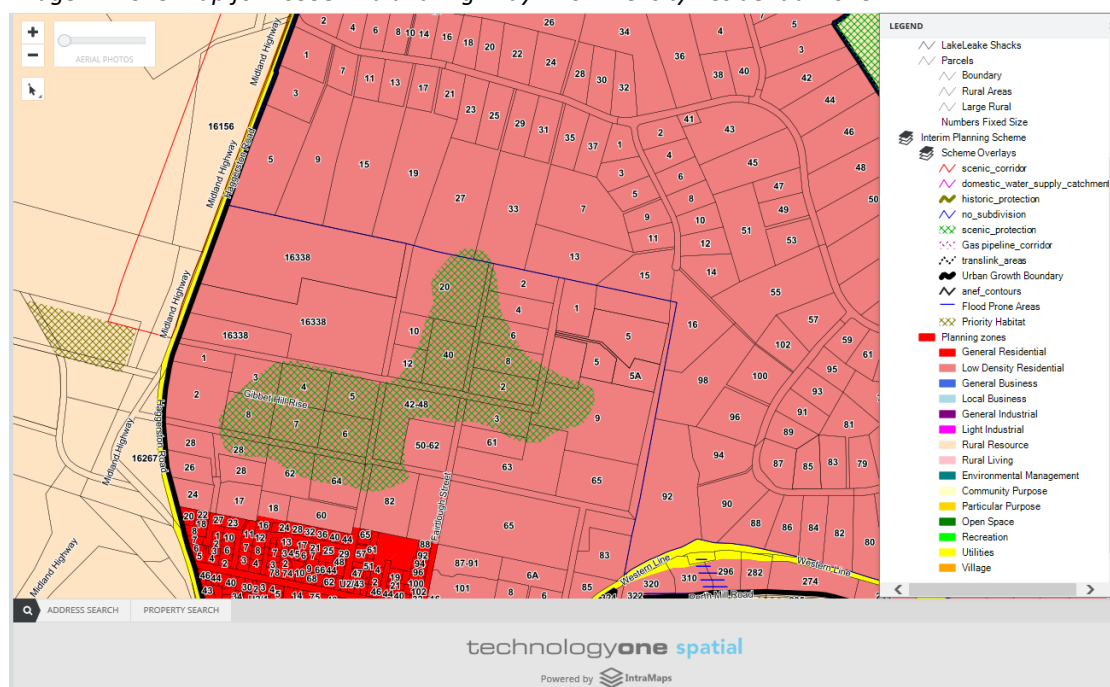


Image 3 – concept water supply servicing plan



#### 4.2 Zone and land use

Image 4 - Zone Map for 16338 Midland Highway – Low Density Residential Zone



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

<i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing.</i>
<i>Utilities</i>	<p><i>use of land for utilities and infrastructure including:</i></p> <ul style="list-style-type: none"> <li><i>(a) telecommunications;</i></li> <li><i>(b) electricity generation;</i></li> <li><i>(c) transmitting or distributing gas, oil, or power;</i></li> <li><i>(d) transport networks;</i></li> <li><i>(e) collecting, treating, transmitting, storing or distributing water; or</i></li> <li><i>(f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.</i></li> </ul> <p><i>Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.</i></p>

The application is discretionary due to reliance on the performance criteria of the Planning Scheme. Future residential use of the land for a single dwelling would be Permitted (with permit).

#### 4.3 Subject site and locality

The author of this report carried out a site visit on 7th December 2020. The site is approximately 23.3 hectares and comprises three titles. The subject site contains a dwelling, horse stable and a horse training track. Otherwise the contains pasture, trees and scrub.

The subject site is located to the northern end of Perth township and is surrounded to the north, east and south by other Low Density Residential zoned properties, predominantly developed with single dwellings. To the west is the former Midland Highway, now named Haggerston Road. The new highway is located approximately 20 metres to the west of Haggerston Road. Haggerston Road is in the process of being reverted to a local road to be transferred to the Northern Midlands Council.



Image 6 – subject site looking southwards



#### 4.4 Permit/site history

**PLN-18-0216:** 26 Lot subdivision refused by Council on 19 August 2019. The applicant appealed the refusal and the Resource Management and Planning Appeal Tribunal decided on the matter in *6ty° Pty Ltd v Northern Midlands Council* [2019] TASRMPAT 29.

Council's grounds of refusal were that:

- 1) *The lots proposed with areas less than 1ha do not provide sufficient useable area and dimensions to allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development, contrary to Clause 12.4.3.1 P1.1(e).*

**Comment:** Both the consultant planners that Council sought to provide evidence in support this ground were of the opinion that the ground would fail at a hearing. As council was unable to provide evidence on this ground it was withdrawn.

- 2) *The subdivision is not provided with reticulated water services, contrary to Clause 12.4.3.1 P3(a).*

**Comment:** This ground of refusal was upheld by the Tribunal. The current application proposes an extension of the water main from Devon Hills to provide reticulated water to the subdivision.

- 3) *The public open space unreasonably restricts public use of the land as a result of being shared with a stormwater detention basin, contrary to Clause E10.6.1 P1(b)(ii).*

**Comment:** The Tribunal did not uphold this ground of refusal, stating:

*To satisfy P1(b)(ii) in E10.6.1 the "provision of public open space...must not unreasonably restrict public use of the land as a result of...stormwater detention basins". The clause clearly contemplates collateral or dual use. The provision is grammatically curious, but clearly the intention is that a stormwater detention basin not unreasonably restrict public use of a public open space.*



*In this case the stormwater detention basin will not by reason of physical structure restrict public use. Restriction will only occur by reason of flooding in the context of storm events. The extent of flooding that will restrict public use of the land will be occasional and, except in severe events, partial, and will, at least in respect to one year and ten-year events, drain within a matter of hours. No doubt there are circumstances in which having a dual public open space and stormwater detention basin will unreasonably restrict public use, but this is not such a circumstance.*

#### 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:

- K Thomas, 30 Devon Hills Road, Devon Hills
- N Johnson, 27 Devon Hills Road, Devon Hills
- E Eiffe, Gibbett Hill
- D Hamilton, 31 Devon Hills Road, Devon Hills

*Image 5 - Aerial photograph showing location of representors' properties (where address given in representation) in relation to the subject site*



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

#### Issue 1

- If the land is to be subdivided it should be in accordance with the surrounding property sizes at Devon Hills and Gibbet Hill which is in excess of approximately 2 hectares and maximum of 10 hectares or larger.

#### Planner's comment:

Lots of at least 1 hectare comply with the planning scheme requirement. The criteria for deciding whether to approve lots less than 1 hectare is:

*Each lot for residential use must provide sufficient useable area and dimensions to allow for:*

- a) a dwelling to be erected in a convenient and hazard free location; and
- b) on-site parking and manoeuvrability; and

- c) *adequate private open space; and*
- d) *reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and*
- e) *development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.*

Lots 1, 6a, 6b, 16a, 16b, 19a and 19b all rely upon assessment against the performance criteria. The application has demonstrated that each of these seven lots will be provided with sufficient useable area and dimensions having regard to the following:

- a) Each lot is capable of accommodating a hazard management area equal to a BAL 19, as demonstrated in the certified BHMP accompanying the application. The subject sites are not identified as being subject to any other natural hazards including landslip and flooding;
- b) Each lot is to be provided with sufficient area to accommodate a driveway, parking and vehicle manoeuvrability;
- c) Each lot is provided with sufficient area to provide for an area of private open space;
- d) All will have direct road frontage, except for lot 1 which will be an internal lot with a frontage of at 6m;
- e) The size and dimensions of all lots proposed, enable a future dwelling to be located compliant with the acceptable setback provisions. Except for Lot 1, and lot 20 which is to be increased by 432m<sup>2</sup> to 1 hectare, all lots less than 1 hectare will be centrally located, with Lot 1 adjacent to the dedicated public open space and therefore appearing as a larger lot within the streetscape. The lots greater than 1 hectare will be located adjacent to Devon Hills and Gibbet Hill, with a Part 5 Agreement requiring no further subdivision. It is considered that the lots less than 1 hectare will allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.

#### **Issue 2**

- Concern over the impact the development will have on native wildlife.

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

The impact of development on wildlife needs to be assessed when land is being considered for rezoning. The subject site was zoned Low Density under the Northern Midlands Planning Scheme 1995, effective from 9 December 1997 to 31 May 2013, and under the planning scheme prior to that.

The planning scheme requires consideration of biodiversity under the Biodiversity Code, which applies to land identified as priority habitat, or for the removal of native vegetation

The subject site is not identified as priority habitat and does not propose the removal of native vegetation. TASVEG4.0 identifies the land as agricultural.

#### **Issue 3**

- Concerns over the impact the development will have on water pressure for Devon Hills residents as the water pressure in parts of Summit Drive is already compromised.

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

TasWater has advised:

*The proposed development is located in the Devon Hills Booster Pump pressure zone supplied from the Devon Hills Booster Pump with a top water level of 256m AHD. This development is at an elevation of 185m AHD, giving a maximum static pressure of 71m from a single-direction feed pipe.*

*The pressure head described above is at the assumed connection point at the eastern end of the proposed road within the subdivision road and does not include losses through the proposed water main in this new road or the individual lot service connections.*

In response to the issues raised in the representations TasWater advised:

*We undertake water modelling for all large subdivisions, and modeling had been done for this one at the time of our response to council. Can confirm that Summit Drive, at the crest of the hill has a slightly lower pressure than the minimum 220kPa and is a known problem. When the new 25 lots are applied to the existing network, it will reduce the pressure at the crest on Summit Drive by approximately 5kPa on a peak day, which is not to be confused with an average day. Peak days occur occasionally, approximately 1 to 15 days a year.*

#### **Issue 4**

- Disagree with Council accepting cash in lieu of public open space.

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

One of the Council's grounds for refusing the previous application on this site was:

*The public open space unreasonably restricts public use of the land as a result of being shared with a stormwater detention basin, contrary to Clause E10.6.1 P1(b)(ii).*

The Tribunal did not uphold this ground of refusal, stating:

*To satisfy P1(b)(ii) in E10.6.1 the "provision of public open space...must not unreasonably restrict public use of the land as a result of...stormwater detention basins". The clause clearly contemplates collateral or dual use. The provision is grammatically curious, but clearly the intention is that a stormwater detention basin not unreasonably restrict public use of a public open space.*

*In this case the stormwater detention basin will not by reason of physical structure restrict public use. Restriction will only occur by reason of flooding in the context of storm events. The extent of flooding that will restrict public use of the land will be occasional and, except in severe events, partial, and will, at least in respect to one year and ten-year events, drain within a matter of hours. No doubt there are circumstances in which having a dual public open space and stormwater detention basin will unreasonably restrict public use, but this is not such a circumstance.*

#### **Issue 5**

- Stormwater drainage - there is an 8m wide stormwater drain along the northern perimeter of lots 1-5. This proposed drain is not going to help lots 6a, 6b 7, 8 or 9 as the concentration of water during May through to mid-November runs on a natural watercourse from 27 Devon Hills Rd

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

It is proposed to clean and regrade the drain along the northern boundary so that water flows along the northern boundaries of lots 1-5 and into the drain in Haggerston Road.

A Stormwater report accompanied the development application. The report recommends that the minimum floor level for future dwellings created as part of the proposed subdivision be at least 300mm higher than the expected ARI flood level, this would seem appropriate to condition a Part V Agreement so that future land owners are aware of this requirement.

#### **Issue**

- Sewerage – please provide assurance that in the event of overflow the technology within these septic tanks will not cause excess runoff.

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

Council's Environmental Health Officer, Chris Wicks, advised that on 17 June 2019 he visited 16338 Midland Highway Perth to consider the potential for on-site wastewater disposal. Having considered features including the topography, exposed rock, pasture and recent rainfall and the proposed lot sizes, it is reasonable to conclude that safe wastewater disposal for residential development can be achieved on the proposed parcels of land. My conclusion is supported by land use information provided by the owner and the various on-site wastewater management system options currently available.

## **4.6 Referrals**

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

Summary: The conditions recommended by Council's Works & Infrastructure Department are included in the recommended conditions of approval.

### **TasWater**

Summary: TasWater provided a Submission to Planning Authority Notice on 30/10/2020 (attached). The Notice imposes conditions on the proposed development and advises:

*The proposed development is located in the Devon Hills Booster Pump pressure zone supplied from the Devon Hills Booster Pump with a top water level of 256m AHD. This development is at an elevation of 185m AHD, giving a maximum static pressure of 71m from a single-direction feed pipe.*

The pressure head described above is at the assumed connection point at the eastern end of the proposed road within the subdivision road and does not include losses through the proposed water main in this new road or the individual lot service connections.

In response to the issues raised in the representations TasWater advised:

We undertake water modelling for all large subdivisions, and modeling had been done for this one at the time of our response to council. Can confirm that Summit Drive, at the crest of the hill has a slightly lower pressure than the minimum 220kPa and is a known problem. When the new 25 lots are applied to the existing network, it will reduce the pressure at the crest on Summit Drive by approximately 5kPa on a peak day, which is not to be confused with an average day. Peak days occur occasionally, approximately 1 to 15 days a year.

#### Department of State Growth

Precis: The Department advised of no objections and provided conditions to be included in the permit.

#### Environmental Health Officer

Summary: Council's Environmental Health Officer, Chris Wicks, advised that the applicant is to submit to Council a wastewater disposal assessment, representative of each proposed parcel of land, indicating the suitability of the land for wastewater effluent disposal. The assessment is to be undertaken by a suitably qualified person.

## 4.7 Planning Scheme Assessment

### 12 Low Density Residential Zone

#### 12.1 Zone Purpose

##### 12.1.1 Zone Purpose Statements

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

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

12.1.1.3 To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

##### 12.1.2 Local Area Objectives

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

##### 12.1.3 Desired Future Character Statements

There are no desired future character statements

#### 12.2 Use Table

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

#### 12.3 Use Standards

Not applicable to this application for subdivision.

#### 12.4 Development Standards

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

Not applicable to this application for subdivision.

#### 12.4.3 Subdivision

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

<b>Objective</b> To ensure: <ul style="list-style-type: none"> <li>a) the area and dimensions of lots are appropriate for the zone; and</li> <li>b) the conservation of natural values, vegetation and faunal habitats; and</li> <li>c) the design of subdivision protects adjoining subdivision from adverse impacts; and</li> <li>d) each lot has road, access, and utility services appropriate for the zone.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1.1 Each lot must:</b> <ul style="list-style-type: none"> <li>a) have a minimum area of 1ha; and</li> <li>b) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> </ul>	<b>P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</b> <ul style="list-style-type: none"> <li>a) a dwelling to be erected in a convenient and hazard free location; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) adequate private open space; and</li> </ul>



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

<p>c) <i>be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</i></p> <p>d) <i>be for the provision of public utilities; or</i></p> <p>e) <i>for the consolidation of a lot with another lot with no additional titles created; or</i></p> <p>f) <i>to align existing titles with zone boundaries and no additional lots are created.</i></p> <p>A1.2 <i>Subdivision at Devon Hills will not result in any new lots.</i></p>	<p>d) <i>reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</i></p> <p>e) <i>development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</i></p> <p>P1.2 <i>Land in Devon Hills must not be further subdivided</i></p>
<p>Comment:</p> <p>A1.1 a) Other than Lots 1, 6a, 6b, 16a, 16b, 19a and 19b, the lots will have an area greater than 1 hectare and comply with the acceptable solution.</p> <p>A1.1 b) There are three existing buildings on the site to be retained. Lot 18 will contain the existing single dwelling. The setbacks of the dwelling to the proposed boundaries exceed the relevant acceptable solutions. Lot 15 will contain the existing stable and associated outbuilding. The setbacks of the existing buildings to the proposed boundaries exceeds the relevant acceptable solutions.</p> <p>A1.2 Not applicable, the site is not located at Devon Hills.</p>	<p>Comment:</p> <p>P1.1 Lots 1, 6a, 6b, 16a, 16b, 19a and 19b all rely upon assessment against the performance criteria. The application has demonstrated that each of these seven lots will be provided with sufficient useable area and dimensions having regard to the following:</p> <ul style="list-style-type: none"> <li>a) Each lot is capable of accommodating a hazard management area equal to a BAL 19, as demonstrated in the certified BHMP accompanying the application. The subject sites are not identified as being subject to any other natural hazards including landslip and flooding;</li> <li>b) Each lot is to be provided with sufficient area to accommodate a driveway, parking and vehicle manouvability;</li> <li>c) Each lot is provided with sufficient area to provide for an area of private open space;</li> <li>d) All will have direct road frontage, except for lot 1 which will be an internal lot with a frontage of at 6m;</li> <li>e) The size and dimensions of all lots proposed, enable a future dwelling to be located compliant with the acceptable setback provisions. Except for Lot 1, and lot 20 which is to be increased by 432m<sup>2</sup> to 1 hectare, all lots less than 1 hectare will be centrally located, with Lot 1 adjacent to the dedicated public open space and will therefore appearing as a larger lot within the streetscape. The lots greater than 1 hectare will be located adjacent to Devon Hills and Gibbet Hill, with a Part 5 Agreement requiring no further subdivision. It is considered that the lots less than 1 hectare will allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</li> </ul> <p>The proposal is considered to comply with the performance criteria.</p> <p>P1.2 Not applicable, the site is located within the district of Perth.</p>
<p>A2 <i>Each lot must have a frontage of at least 6m.</i></p>	<p>P2 <i>No performance criteria.</i></p>
<p>Comment: Complies, each lot has frontage greater than 6m.</p>	<p>NA</p>
<p>A3 <i>Each lot must be connected to a reticulated:</i></p> <ul style="list-style-type: none"> <li>a) <i>water supply; and</i></li> <li>b) <i>sewerage system.</i></li> </ul>	<p>P3 <i>Lots that are not provided with reticulated water and sewerage services must be:</i></p> <ul style="list-style-type: none"> <li>a) <i>in a locality for which reticulated services are not available or capable of being connected; and</i></li> <li>b) <i>capable of accommodating an on-site wastewater management system.</i></li> </ul>
<p>Comment:</p> <p>A3 a) – complies.</p> <p>A3 b) – does not comply.</p>	<p>Comment: Lots will not be connected to a reticulated sewerage system. The advice of Council's Environmental Health Officer is that each lot is of sufficient size to provide enough space to locate a dwelling and onsite wastewater management system.</p> <p>The proposal is considered to comply with the performance criteria.</p>
<p>A4 <i>Each lot must be connected to a reticulated</i></p>	<p>P4 <i>Stormwater may only be discharged from the site in a manner that will not</i></p>

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stormwater system.	<p>cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <p>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</p> <p>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</p> <p>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</p> <p>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</p>
Comment: Each lot is capable of connecting to the reticulated stormwater system. Council's Works and Infrastructure Department have provided conditions for any approval.	N/a

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	Complies. See Code assessment below
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	Complies. See Code assessment below
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 E1.0 BUSHFIRE-PRONE AREAS CODE

#### E1.6 Development Standards

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

<b>Objective:</b> Subdivision provides for hazard management areas that: <ul style="list-style-type: none"> <li>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</li> <li>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</li> <li>(c) provide protection for lots at any stage of a staged subdivision.</li> </ul>	
Acceptable solutions	Performance criteria
<b>A1</b> <del>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</del> (a) The proposed plan of subdivision: <ul style="list-style-type: none"> <li>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged</li> </ul>	<b>P1</b> <del>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</del> <del>(a) the dimensions of hazard management areas;</del> <del>(b) a bushfire risk assessment of each lot at any</del>

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<p>subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(b) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>
<p>The applicant provided a Bushfire Hazard Management Report by Scott Livingston, Bushfire Practitioner BFP-105, Version 5, Dated 9th September 2020 which demonstrates compliance with A1 (b).</p>	<p>N/a</p>

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

<p><b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <p>(a) allow safe access and egress for residents, fire fighters and emergency service personnel;</p> <p>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</p> <p>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(d) provide access to water supplies for fire appliances; and</p> <p>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or accredited person.</p>	<p><b>P1</b></p> <p>sed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <p>(i) two way traffic;</p> <p>(ii) all weather surfaces;</p> <p>(iii) height and width of any vegetation clearances;</p> <p>(iv) load capacity;</p> <p>(v) provision of passing bays;</p> <p>(vi) traffic control devices;</p> <p>(vii) geometry, alignment and slope of roads, tracks and trails;</p> <p>(viii) use of through roads to provide for connectivity;</p> <p>(ix) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) provision of turning areas;</p> <p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails;</p> <p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p>

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	(ii) fire fighting water supplies; and (c) any advice from the TFS.
The applicant provided a Bushfire Hazard Management Report by Scott Livingston, Bushfire Practitioner BFP-105, Version 5, Dated 9th September 2020 which demonstrates compliance with A1 (b).	N/a

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

<b>Objective:</b> Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
<b>Acceptable solutions</b>	<b>Performance criteria</b>
<b>A1</b> In areas serviced with reticulated water by the water corporation: <del>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</del> <del>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</del> <del>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</del>	<b>P1</b> No Performance Criterion.
The applicant provided a Bushfire Hazard Management Report by Scott Livingston, Bushfire Practitioner BFP-105, Version 5, Dated 9th September 2020 which demonstrates compliance with A1 (b).	-
<b>A2</b> In areas that are not serviced by reticulated water by the water corporation: <del>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</del> <del>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</del> <del>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</del>	<b>P2</b> No Performance Criterion.
The applicant provided a Bushfire Hazard Management Report by Scott Livingston, Bushfire Practitioner BFP-105, Version 5, Dated 9th September 2020 which demonstrates compliance with A2 (b).	-

#### ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

#### E4.6 Use Standards

##### E4.6.1 Use and road or rail infrastructure

<b>Objective</b> To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements	<b>P1</b> Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.



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to or from the site by more than 10%.	
A2 — For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 — For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
A3 — For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	<p>P3 — For limited access roads and roads with a speed limit of more than 60km/h:</p> <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>
<b>Comment:</b> The applicant provided a Traffic Impact Assessment which demonstrates that the new junction with Haggerston Road is designed and located to maintain an adequate level of safety and efficiency for all road users. The proposal complies with P3 c).	

#### E4.7 Development Standards

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

<p><b>Objective</b></p> <p>To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</p> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 — The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <p>a) — new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) — building envelopes 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>
<p><b>Comment:</b> The junction of the new road will be located within 50m of the eastern edge of the new highway which is a category 1 road. Each lot will have sufficient separation from the new Midland Highway to ensure that building envelopes are setback a minimum distance of 50m from the eastern edge of the highway.</p> <p>The proposed road and earthworks associated with the subdivision will not affect the safety and efficiency of the new highway and the proposed road and earthworks will not be affected by transport related environmental impacts generated by the operation of the new Midland Highway.</p> <p>The proposal complies with the performance criteria.</p>	

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

<p><b>Objective</b></p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of</p>	
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existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	P2 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
<p>Comment: A new road junction is proposed, which will not unreasonably impact the safety and efficiency of the road network. The Traffic Impact Assessment submitted with the application, demonstrates that the new junction onto Haggerston Road is unlikely to affect traffic amenity and safety of the road given the low traffic volumes and adequate sight distances in both directions at the road junction.</p> <p>The proposal complies with the performance criteria.</p>	

#### E4.7.3 Management of Rail Level Crossings – 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>Comment: The application demonstrates that sight distances in both direction at the proposed junction onto Haggerston Road will comply with the requirements of Table E4.7.4.</p>	

### ASSESSMENT AGAINST E5.0 FLOOD PRONE AREAS CODE

#### E5.5 Use Standards

##### E5.5.1 Use and flooding

<p>Objective</p> <p>To ensure that use does not compromise risk to human life, and that property and environmental risks are responsibly managed.</p>	
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.
<p>Comment: Complies. The proposal is for subdivision which does not include habitable rooms. Building areas on the future lots are located outside the flood area.</p>	

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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.
Comment: The stormwater catchment and flooding report submitted with the application concluded that the site is subject to a low risk in accordance with Clause E5.7 and Table E5.1.		N/a	

#### E5.6 Development Standards

##### E5.6.1 Flooding and Coastal Inundation

<b>Objective</b> To protect human life, property and the environment by avoiding areas subject to flooding where practicable or mitigating the adverse impacts of inundation such that risk is reduced to a low level.			
Acceptable Solutions		Performance Criteria	
A1	No acceptable solution.	P1.1	It must be demonstrated that development: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
		P1.2	Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.
		P1.3	Where mitigation of flood impacts is proposed or required, the application must demonstrate that: <ul style="list-style-type: none"> <li>a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and</li> <li>b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures;</li> <li>c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and</li> <li>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.</li> </ul>
N/a		Comment: P1.1 N/a P1.2 The likely inundation in a major 100-year ARI storm event is isolated to Lots 1, 20 and the Public Open Space. The expected inundation zone leaves ample area for an unaffected building envelope on these lots, together with proposed fill on Lot 1. In accordance with the risk assessment in E5.7 the flooding likelihood is deemed to be “unlikely” and the consequence is deemed to be “minor” with temporary access restrictions and minor environmental damage likely in such an event. P1.3 The proposed development will not significantly increase impervious areas on the site. Provided site works are completed in accordance with standard soil and water management policy, the proposal will not result in additional watercourse pollution. The proposal is considered compliant with the performance criteria.	

#### ASSESSMENT AGAINST E6.0

##### CAR PARKING & SUSTAINABLE TRANSPORT CODE

#### E6.6 Use Standards

##### E6.6.1 Car Parking Numbers

Acceptable Solutions	Comment
A1 The number of car parking spaces must not be less than the requirements of	1 sa Complies. One space per bedroom is required. There is sufficient parking space for the existing dwelling, and for future dwellings on the new lots.

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Table E6.1.

#### ASSESSMENT AGAINST E10.0 RECREATION AND OPEN SPACE CODE

#### E10.6 Development Standards

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

Objective	
<p>a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and</p> <p>b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The application must:</p> <p>a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.</p>	<p>P1 Provision of public open space, unless in accordance with Table E10.1, must:</p> <p>a) not pose a risk to health due to contamination; and</p> <p>b) not unreasonably restrict public use of the land as a result of:</p> <ol style="list-style-type: none"> <li>services, easements or utilities; and</li> <li>stormwater detention basins; and</li> <li>drainage or wetland areas; and</li> <li>vehicular access; and</li> </ol> <p>c) be designed to:</p> <ol style="list-style-type: none"> <li>provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</li> <li>reasonably contribute to the pedestrian connectivity of the broader area; and</li> <li>be cost effective to maintain; and</li> <li>respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</li> <li>provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and</li> <li>provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</li> <li>have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</li> <li>create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</li> </ol>
<p>Comment: The previous application for a 26 Lot subdivision on the subject site was refused by Council on 19 August 2019. The applicant appealed the refusal and the Resource Management and Planning Appeal Tribunal decided on the matter in 6ty° Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29. One of Council's grounds of refusal was:</p> <p style="padding-left: 40px;"><i>The public open space unreasonably restricts public use of the land as a result of being shared with a stormwater detention basin, contrary to Clause E10.6.1 P1(b)(ii).</i></p> <p>The Tribunal did not uphold this ground of refusal, stating:</p> <p style="padding-left: 40px;"><i>To satisfy P1(b)(ii) in E10.6.1 the "provision of public open space...must not unreasonably restrict public</i></p>	<p>Comment:</p> <p>The subject land size has an area of 23.318 hectares. 5% of this land area is 11,659m<sup>2</sup>. The total lot area dedicated for Public Open Space/detention is 6,768m<sup>2</sup>. A cash in lieu of the difference should be required and form part of conditions on any approval.</p> <p>It will have frontage to Haggerston Road and the proposed new road.</p> <p>The proposal complies with the performance criteria.</p>

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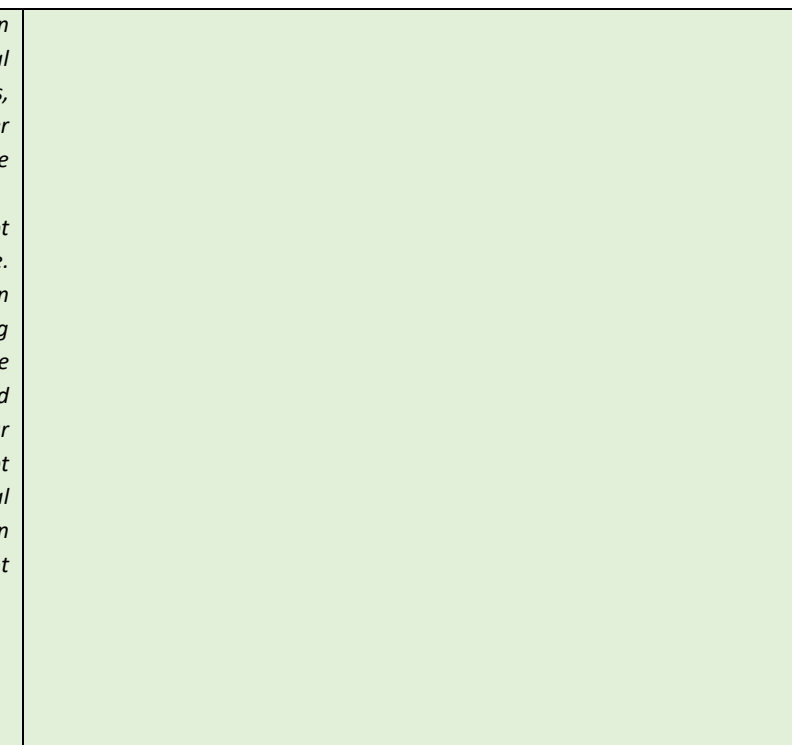
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*use of the land as a result of...stormwater detention basins". The clause clearly contemplates collateral or dual use. The provision is grammatically curious, but clearly the intention is that a stormwater detention basin not unreasonably restrict public use of a public open space.*

*In this case the stormwater detention basin will not by reason of physical structure restrict public use. Restriction will only occur by reason of flooding in the context of storm events. The extent of flooding that will restrict public use of the land will be occasional and, except in severe events, partial, and will, at least in respect to one year and ten-year events, drain within a matter of hours. No doubt there are circumstances in which having a dual public open space and stormwater detention basin will unreasonably restrict public use, but this is not such a circumstance.*

Based on the Tribunal's previous decision, the General Manager has advised that land for public open spaces purposes is required to be provided as part of the subdivision.



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

The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .
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#### STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

<b>Strategic Plan 2017-2027</b>
<ul style="list-style-type: none"> <li>Statutory Planning</li> </ul>

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

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

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## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

	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?		✓
<b>Section 84</b>	<b>Council not to approve subdivision</b>	<b>Yes</b>	<b>No</b>
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		✓
	<b>If 'yes', refuse the subdivision.</b>		
<b>Section 85</b>	<b>Refusal of application for subdivision</b>		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
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.		✓
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	Does council require security for payments and the execution of works for –		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓

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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.		✓
	<b>If 'yes':</b>		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
<b>Section 107</b>	<b>Access orders</b>	<b>Yes</b>	<b>No</b>
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
<b>Section 108</b>	<b>Road widening</b>	<b>Yes</b>	<b>No</b>
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		✓
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

Discretion to refuse the application is limited to:

- Variation to development standards of the Low Density Residential zone – 7 lots less than 1 hectare, lots not connected to reticulated sewer
- New junction with Haggerston Road
- Flood prone area
- Provision of public open space

### Lots less than 1 hectare

Lots 1, 6a, 6b, 16a, 16b, 19a and 19b all rely upon assessment against the performance criteria. The application has demonstrated that each of these seven lots will be provided with sufficient useable area and dimensions having regard to the following:

- a) Each lot is capable of accommodating a hazard management area equal to a BAL 19, as demonstrated in the certified BHMP accompanying the application. The subject sites are not identified as being subject to any other natural hazards including landslip and flooding;
- b) Each lot is to be provided with sufficient area to accommodate a driveway, parking and vehicle manoeuvrability;
- c) Each lot is provided with sufficient area to provide for an area of private open space;
- d) All will have direct road frontage, except for lot 1 which will be an internal lot with a frontage of at 6m;
- e) The size and dimensions of all lots proposed, enable a future dwelling to be located compliant with the



acceptable setback provisions. Except for Lot 1, and lot 20 which is to be increased by 432m<sup>2</sup> to 1 hectare, all lots less than 1 hectare will be centrally located, with Lot 1 adjacent to the dedicated public open space and therefore appearing as a larger lot within the streetscape. The lots greater than 1 hectare will be located adjacent to Devon Hills and Gibbet Hill, with a Part 5 Agreement requiring no further subdivision. It is considered that the lots less than 1 hectare will allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.

#### Lots not connected to reticulated sewer

Council's Environmental Health Officer, Chris Wicks, advised that on 17 June 2019 he visited 16338 Midland Highway Perth to consider the potential for on-site wastewater disposal. Having considered features including the topography, exposed rock, pasture and recent rainfall and the proposed lot sizes, it is reasonable to conclude that safe wastewater disposal for residential development can be achieved on the proposed parcels of land. My conclusion is supported by land use information provided by the owner and the various on-site wastewater management system options currently available.

#### New junction with Haggerston Road

The applicant provided a Traffic Impact Assessment which demonstrates that the new junction with Haggerston Road is designed and located to maintain an adequate level of safety and efficiency for all road users.

#### Flood prone area

The likely inundation in a major 100-year ARI storm event is isolated to Lots 1, 20 and the Public Open Space. The expected inundation zone leaves ample area for an unaffected building envelope on these lots, together with proposed fill on Lot 1. In accordance with the risk assessment in E5.7 the flooding likelihood is deemed to be "unlikely" and the consequence is deemed to be "minor" with temporary access restrictions and minor environmental damage likely in such an event. The minimum floor level for future dwellings on Lots 1 and 20 must be at least RL180.60.

#### Provision of public open space

The previous application for a 26 Lot subdivision on the subject site was refused by Council on 19 August 2019. The applicant appealed the refusal and the Resource Management and Planning Appeal Tribunal decided on the matter in 6ty° Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29. One of Council's grounds of refusal was:

*The public open space unreasonably restricts public use of the land as a result of being shared with a stormwater detention basin, contrary to Clause E10.6.1 P1(b)(ii).*

The Tribunal did not uphold this ground of refusal, stating:

*To satisfy P1(b)(ii) in E10.6.1 the "provision of public open space...must not unreasonably restrict public use of the land as a result of...stormwater detention basins". The clause clearly contemplates collateral or dual use. The provision is grammatically curious, but clearly the intention is that a stormwater detention basin not unreasonably restrict public use of a public open space.*

*In this case the stormwater detention basin will not by reason of physical structure restrict public use. Restriction will only occur by reason of flooding in the context of storm events. The extent of flooding that will restrict public use of the land will be occasional and, except in severe events, partial, and will, at least in respect to one year and ten-year events, drain within a matter of hours. No doubt there are circumstances in which having a dual public open space and stormwater detention basin will unreasonably restrict public use, but this is not such a circumstance.*

Based on the Tribunal's previous decision, the General Manager has advised that land for public open spaces purposes is required to be provided as part of the subdivision

The subject land size has an area of 23.318 hectares. 5% of this land area is 11,659m<sup>2</sup>. The total lot area dedicated for Public Open Space/detention is 6,768m<sup>2</sup>. A cash in lieu of the difference should be required and form part of conditions on any approval.



The proposal complies with the requirements of the planning scheme and is recommended for approval.

## 8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Referral responses
- Representations

## RECOMMENDATION

That land at 16338 Midland Highway, Perth, Haggerston Road, Perth and Devon Hills & Devon Hills Road, Devon Hills be approved to be developed and used for a 26 lot subdivision including shared stormwater detention/Public Open Space, cul-de-sac (creation of 7 lots less than 1 hectare) (Road & Railway Assets Code, Flood Prone Areas Code) and water main (utilities) in Devon Hills Road & Haggerston Road in accordance with application PLN-20-0127, and subject to the following conditions:

### 1 LAYOUT NOT ALTERED

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

- **P1** Proposed Subdivision Plan (Project No. 11.105, Drawing No. P01, Rev. D, 26.07.19)
- **P2** Concept Water Supply Servicing Plan (Project No. 11.105, Drawing No. P04, Rev. -, 21.05.20);
- **P3** (Project No. 11.105, Drawing No. P05, Rev. -, 21.05.20);
- **P4** (Project No. 11.105, Drawing No. P06, Rev. -, 21.05.20);
- **D1** Planning Submission, 6ty° June 2020
- **D2** Stormwater Report, 6ty° Issue 02, 10.11.2020
- **D3** Traffic Impact Assessment, 6ty° August 2020
- **D4** Bushfire Hazard Management Report, Livingston Natural Resources, 9<sup>th</sup> September 2020, Version 5

**Except that Lot 20 must be increased to at least 1 hectare.**

## 2 COUNCIL'S WORKS & INFRASTRUCTURE CONDITIONS

### 2.1 Stormwater

- A Part V agreement shall be applied to lots 2,3,4, & 5 requiring them to provide a clear access to easement at the rear of their property suitable for a medium size truck for purposes of draining cleaning.
- A stormwater design plan including long sections, cross sections and calculations shall be provided for all stormwater drains. The plan must demonstrate that all water can be adequately drained to the roadside drainage system in Haggerston Road.

### 2.2 Access (Rural)

- A driveway crossover and hotmix sealed apron must be constructed from the edge of Road to the property boundary of all Lots in accordance with Council standard drawing TSD R03. If headwalls are less than 3.2m from the road the type DCe headwalls on the standard drawing must be used.
- Access works must not commence until an application for vehicular crossing has been approved by Council.
- Driveway culverts must be sized adequately for the peak 20% AEP event and calculations provided.
- Details must be provided regarding culvert type and cover

### 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 (if Haggerston Road is still DSG at the time of commencement)

- 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](http://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 Infrastructure Bond

- a) A bond based on 5% of the total cost of the civil works shall be provided to Council as an infrastructure maintenance bond.
- b) The infrastructure maintenance bond shall be held by Council for a minimum period of 12 months and shall be returned after satisfactory final completion inspection.

2.8 Roadworks

- a) Prior to commencement of works a full road design must be provide and approved by Council. The design shall include long sections, cross sections, drainage and driveway details shall be provided to Council for approval. Works must not commence on site until design approval has been given by Council
- b) All roads are to be two-coat sealed and must be in accordance with Council Standard Drawings, including but not limited to TSD-R02-v1, TSD-R04-v1 and TSD-R08

2.9 Easements to be created

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

2.10 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.

2.11 Street Trees

Before the final plan is sealed the applicant must submit a landscaping plan to the approval of the General Manager. The landscaping plan must show at least one street tree outside each non-internal lot along the cul-de-sac including the public open space lot.

The street trees as shown in the approved landscaping plan must be installed prior to the sealing of the final plan, unless the General Manager approves a later installation date, which may or may not be subject to further conditions. Each tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal, and be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each tree.

2.12 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 DEPARTMENT OF STATE GROWTH CONDITIONS

Detailed engineering drawings showing the extent of the proposed intersection and road widening, including removal of the existing access, new or modified drainage infrastructure, remodeling of the shared path and all other associated works must be provided to the Department of State Growth for review and acceptance as part of a works permit application, see Note 1.

The applicant must provide a drainage plan, including catchment area, flows and drainage design for any area discharging to the State road reserve as part of an application for approval to concentrate drainage of the land onto the State road network, see Note 2.

NOTE 1: A valid works permit is required for all works undertaken in the State road (Haggerston Road) reservation.

Details of the permit process and application forms can be found at:

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NOTE 2: Approval is required from the Department of State Growth to concentrate and discharge stormwater or drainage onto the State road network. Details of the permit process and application forms can be found at:

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### 4 TASWATER CONDITIONS

Water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2020/01761-NMC).

### 5 COUNCIL'S ENVIRONMENTAL HEALTH DEPARTMENT CONDITIONS

The applicant is to submit to Council a wastewater disposal assessment, representative of each proposed parcel of land, indicating the suitability of the land for wastewater effluent disposal. The assessment is to be undertaken by a suitably qualified person.

### 6 AGREEMENT UNDER PART 5 OF THE LAND USE PLANNING AND APPORVAL ACT 1993

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

- The minimum floor level for future dwellings on Lots 1 and 20 must be at least RL180.60
- That no lot shall be further subdivided.

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

### 7 PAYMENT IN LIEU OF OPEN SPACE

A cash contribution must be paid in lieu of shortfall of provision of land for public open space. The applicant must obtain a valuation not less than one month old by a registered land valuer, of the subject land. The Public Open Space Rate shall be equivalent to the value of 4,801m<sup>2</sup> of land, as the shortfall of provision of 5% of the total land area for Public Open Space purposes (5% of site area is 11,569m<sup>2</sup> minus detention basin of 6,768m<sup>2</sup> = 4801m<sup>2</sup>).

### DECISION

Cr Polley/Cr Goninon

That the matter be discussed.

Carried unanimously

Cr Polley/Cr Brooks

That land at 16338 Midland Highway, Perth, Haggerston Road, Perth and Devon Hills & Devon Hills Road, Devon Hills be approved to be developed and used for a 26 lot subdivision including shared stormwater detention/Public Open Space, cul-de-sac (creation of 7 lots less than 1 hectare) (Road & Railway Assets Code, Flood Prone Areas Code) and water main (utilities) in Devon Hills Road & Haggerston Road in accordance

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Carried

Voting for the motion:

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

Voting against the motion:

Cr Davis, Cr Goninon, Cr Lambert



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 431/20 DRAFT AMENDMENT 04/2020: LOW DENSITY RESIDENTIAL LAND AT THE SOUTH OF LONGFORD

*File Number:* PLN-20-0230  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

### 1 INTRODUCTION

At its September 2020 meeting, Council resolved to initiate and certify an amendment to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'permitted' in the Low Density Residential Zone in southern Longford.

The draft amendment was placed on public notification and one representation was received.

The representation is considered in this report.

### 2 BACKGROUND

**Applicant:**

Northern Midlands Council

**Proposal:**

Amend the planning scheme to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'permitted' in the Low Density Residential Zone in southern Longford

**Critical Date:**

Report on representations to be sent to Planning Commission by 18 December 2020

**Recommendation:**

Endorse statement of opinion as to the merit of the representation

**Planning Instrument:**

Northern Midlands Interim Planning Scheme 2013

**Planning Authority:**

Northern Midlands Council

### 3 STATUTORY REQUIREMENTS

In accordance with Schedule 6 (3) (2) (b) of the *Land Use Planning & Approvals Act 1993*, Council is required under Section 39 (2) to forward to the Planning Commission a report comprising –

- (a) a copy of each representation received by the authority in relation to the draft amendment; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to—
  - (i) the need for modification of the draft amendment in the light of that representation; and
  - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.

These matters are discussed below.

### 4 REPRESENTATION

Notice of the draft amendment was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993* from 3 October 2020 to 30 October 2020. No representations were received during the notification period.

On 10 November 2020, Council received an email from Mr. Michael Morris of the Longford Equine Clinic, Anstey Street, Longford. Mr. Morris advised:



*I've just become aware of this proposed amendment to the Northern Midlands Planning Scheme 2013. I'm aware the date for comment (30<sup>th</sup> Oct 2020) or objections has passed but am writing to request an extension of this date.*

*It appears the major purpose of the amendment is to permit a general purpose veterinary practice to operate within the low residential area. Given I run the only other veterinary practice in town and I am already in the area it is pretty obvious I would be concerned about this amendment, since it will allow another practice to operate in very close proximity in direct competition.*

*I would have thought I should have been made aware of this proposed amendment and given the opportunity to comment, given I am the one person with the most at stake. For Council not to inform me of this is highly concerning and suggests a desire on their part to push the amendment through unopposed.*

*I await your response.*

The Tasmanian Planning Commission advised that it is Council's decision whether it considers a representation lodged after the notification period.

Council's Planning Department advised Mr. Morris that:

It sent notice of the draft amendment to all properties affected by it including:

Ballymore Stables & Michael Austin Morris  
Cnr Anstey & Brickendon Streets  
Longford Tas 7301

The Occupier  
97 Brickendon St  
Longford Tas 7301

However, as he did not receive the notification, he could lodge a representation to be considered by the Council at its meeting of the 14<sup>th</sup> December.

### Consideration of the Representation

The representation lodged by Mr. Morris is attached. The matters raised in the representation are outlined below followed by the planner's comments.

*The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.*

#### Planner's comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

1	2	3	4
PERMITTED (NO PERMIT REQUIRED)	PERMITTED (WITH PERMIT)	DISCRETIONARY (WITH PERMIT)	PROHIBITED
Utility Services - minor	Equestrian Facility Home Business Passive Recreation Recreation Active Veterinary Establishment	House House & Ancillary Apartment Car Park Subdivision Use or development in accordance with Clause 2.6.1(iii)	All other uses not listed.

The draft amendment is to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'Permitted' in the Low Density Zone south of Longford.

This is consistent with the previous zone, as shown above.



#### Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment

The representation does not impact on the draft amendment.

#### Recommendation

That the draft amendment not be modified as a result of the representation.

#### 6 OPTIONS

- Move the recommendation; or
- Move alterations to the recommendation.

#### 7 ATTACHMENTS

- Draft amendment
- Representation

#### RECOMMENDATION

That Council, in accordance with section 39 (2) (b) of the *Land Use Planning & Approvals Act 1993*, forward to the Tasmanian Planning Commission the following regarding the representation:

#### ISSUE:

*The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.*

#### Planner's comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

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This is consistent with the previous zone, as shown above.

#### Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment

The representation does not impact on the draft amendment.

#### Recommendation

That the draft amendment not be modified as a result of the representation.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

#### DECISION

Cr Davis/Cr Goninon

That the matter be discussed

Carried unanimously

Cr Davis/Cr Goss

That Council, in accordance with section 39 (2) (b) of the *Land Use Planning & Approvals Act 1993*, forward to the Tasmanian Planning Commission the following regarding the representation:

#### ISSUE:

*The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.*

#### Planner's comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

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PERMITTED (NO PERMIT REQUIRED)	PERMITTED (WITH PERMIT)	DISCRETIONARY (WITH PERMIT)	PROHIBITED
Utility Services - minor	Equestrian Facility Home Business Passive Recreation Recreation Active Veterinary Establishment	House House & Ancillary Apartment Car Park Subdivision Use or development in accordance with Clause 2.6.1(iii)	All other uses not listed.

The draft amendment is to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'Permitted' in the Low Density Zone south of Longford.

This is consistent with the previous zone, as shown above.

#### **Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment.

#### **Recommendation**

That the draft amendment not be modified as a result of the representation.

#### AMENDMENT

Cr Polley/Cr Brooks

That Council apply for an extension of time to seek legal advice to withdraw the amendment, and present a further report to the 27 January 2021 meeting.

Carried

Voting for the motion:

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

Voting against the motion:

Cr Davis

The AMENDMENT  
became the motion  
and was Put and  
Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 432/20 PLANNING APPLICATION PLN-20-0232: 1207 ROYAL GEORGE ROAD, ROYAL GEORGE

*File Number:* 502200.08; CT 129201/1  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Erin Miles, Development Supervisor

### 1 INTRODUCTION

This report assesses an application for 1207 Royal George Road, Royal George to construct a distillery, food services & signage.

### 2 BACKGROUND

**Applicant:**

Michelle Baker

**Zone:**

Rural Resource Zone

**Classification under the Scheme:**

Discretionary

**Deemed Approval Date:**

18.12.2020

**Owner:**

Richard John Knight & Michelle Rachel Baker

**Codes:**

Road and Railway Assets Code

Car Parking and Sustainable Transport Code

Signs Code

**Existing Use:**

Visitor accommodation

**Recommendation:**

Approve

#### Discretionary Aspects of the Application

- Discretionary use (food services & resource processing) in the Rural Resource Zone.
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code – No bicycle parking provided (E6.6.2 P1) pervious parking surface (E6.7.1 P1) and parking forward of the building line (E6.7.2 P1).
- Reliance on the performance criteria of the Signs Code (E15.5.3 P34).

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013, Version 32, Effective from 19<sup>th</sup> October 2020.*

#### Preliminary Discussion

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

### 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.

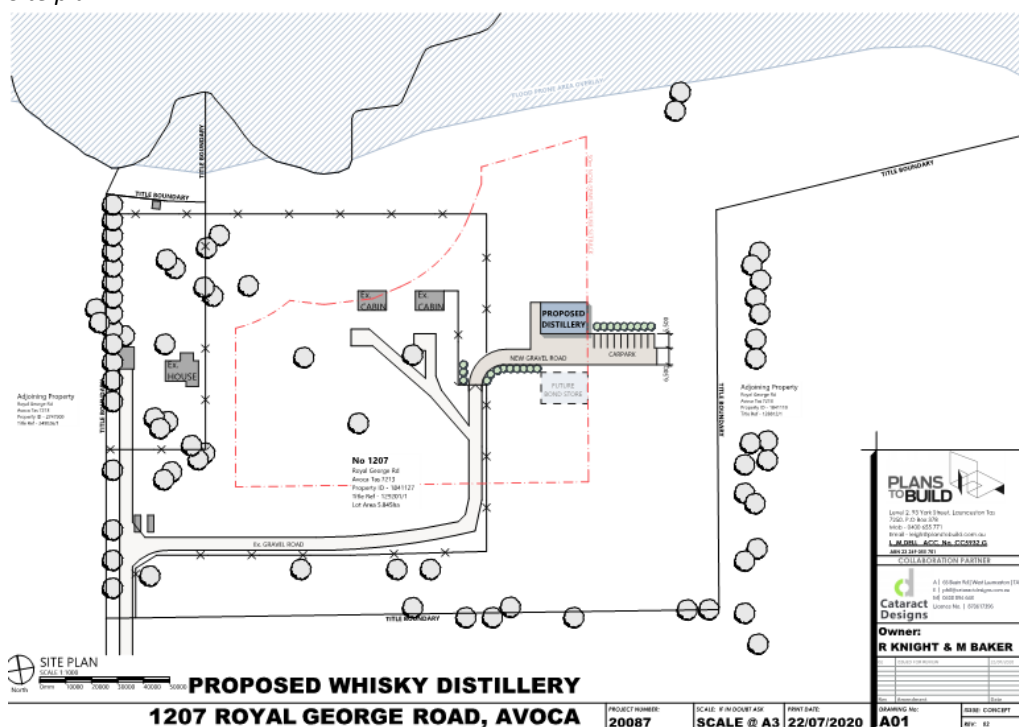
## 4 ASSESSMENT

## 4.1 Proposal

It is proposed to:

- Construct a distillery with associated food services & signage.

*Site plan*

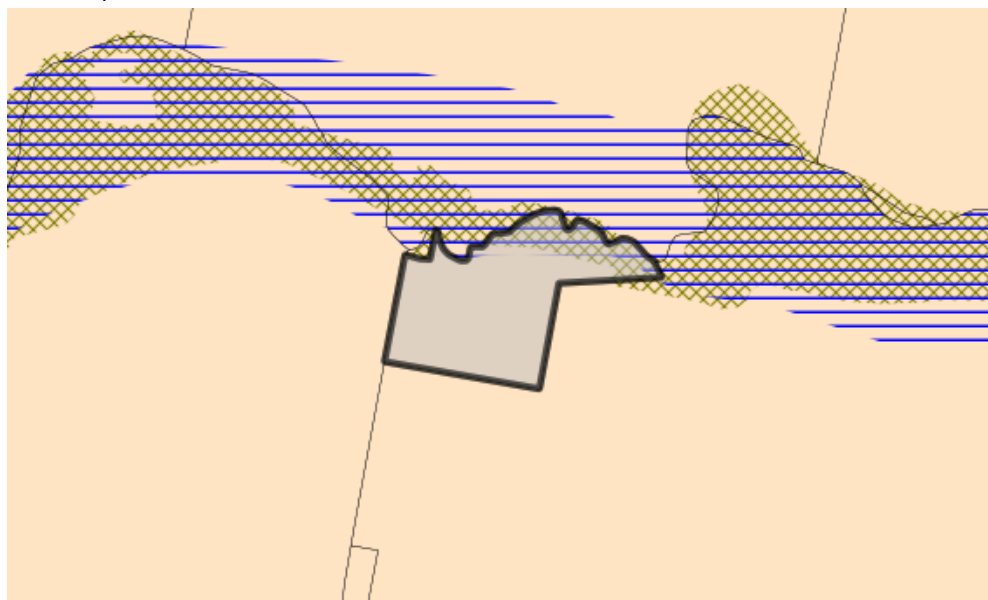


## Elevations



## 4.2 Zone and land use

### Zone Map – Rural Resource Zone



The land is zoned Rural Resource and is partially subject to the Flood Prone Areas Code and Biodiversity Code; however, no development is proposed within these overlays. The Road and Railway Assets, Signs Code and Car Parking and Sustainable Transport Code will apply.

The relevant Planning Scheme definition is:

<i>Food services</i>	<i>use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.</i>
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Resource processing	use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.
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Food Services and Resource processing are Discretionary uses in the zone.

#### 4.3 Subject site and locality

The author of this report carried out a site visit on the 6<sup>th</sup> November 2020. The subject site is a 5.845ha property, that currently contains a dwelling and two accommodation cabins. The area is characterised by rural properties and is approximately 5km west of the village of Royal George. The site is accessed via a Right of Way (approximately 350m long) from Royal George Road.

*Aerial photograph of area (subject site at top of image marked by pinpoint)*





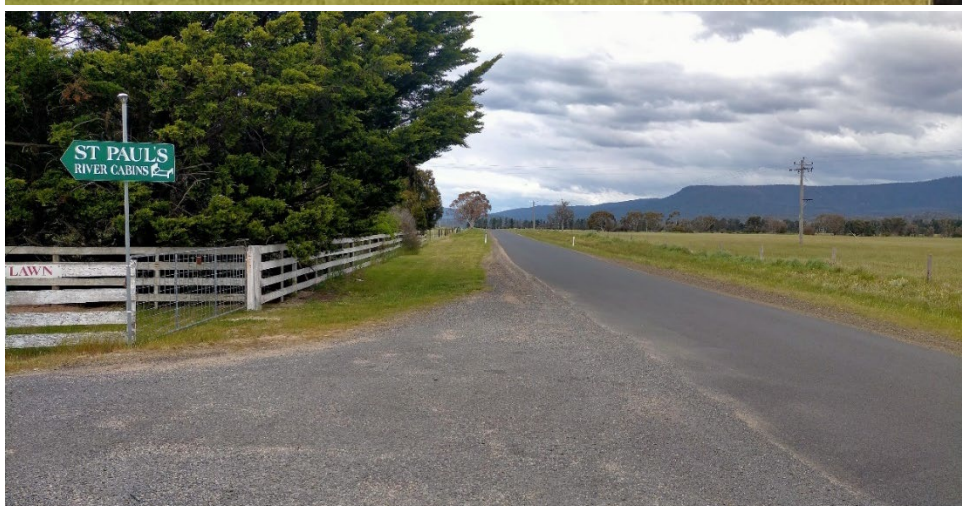
*Photographs of subject site*















#### 4.4 Permit/site history

Relevant permit history includes:

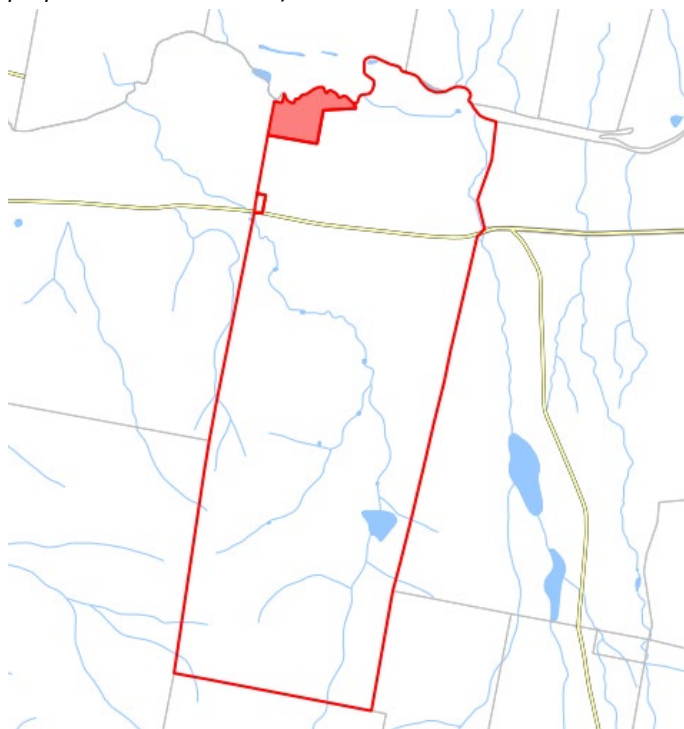
- P04-158 (Tourist Accommodation – up to 6 cabins)

#### 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:

- Trevor Williams, 1205 Royal George Road, Royal George
- Jason Williams, 1205 Royal George Road, Royal George

*Map showing location of representors 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**

- Increase in traffic along right of way and associated issues of dust, wear and tear of 'right of way', safety and security of residents, property, equipment and animals. The representation notes that fencing of the right of way is not a preferred option due to stock trucks and farm machinery using the access and that there is to be no changes to the right of way, unless it becomes necessary to install speed humps to restrict speed.

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

The representors concerns have been considered in the proposal, with the applicant proposing "speed humps and signage down driveway to slow traffic" and an expectation of a maximum of 35-50 patrons at any one time, including bus tours, and 3-5 staff including the owners. The proposal is to operate on Fri/Sat/Sun 10am -3pm. The limited operating hours and provision of signage to reduce speed should also assist in the concern of dust generation and safety. The installation of speed humps is not preferable in the first instance, due to the road being constructed of gravel and use by property owners un-associated with the proposed development, including large farm machinery/trucks. Security is a tangible concern but is not regulated by the Planning Scheme, with breaches dealt with by Tasmania Police.

## **4.6 Referrals**

The following referral was required:

#### **Environmental Health Officer**

**Precis:** Council's Environmental Health Officer, Graeme Hillyard, reviewed the application and made the following comments on the 05.11.2020:

*The following conditions should be included in any approval for the attached building proposal:*

- 1) Fit out of the food preparation and storage area is to comply with the requirements of the Food Act 2003, Food Standards Code and the Australian Standard 4674-2004 for the Design Construction and fit out of Food Premises.
- 2) On site waste-water is to be designed by a suitably qualified waste-water disposal designer and take into consideration the location of the flood prone land located on the site.

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As food premises are regulated under the *Food Act 2003*, it is recommended that part (1) be included as a note to the permit only, if a permit is issued.

#### 4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE
ZONE PURPOSE
<i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i>
<i>To provide for compatible non-residential uses that primarily serve the local community.</i>
<i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i>
<i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i>
<b>Assessment:</b> The proposal 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>
<b>Assessment:</b> The proposal meets the local area objectives.

26.1.3 Desired Future Character Statements
The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.
<b>Assessment:</b> The proposal meets the Desired Future Character Statement, as the development is set back approximately 450m from the road and the development is of a style and form that is consistent with other rural buildings in the area.

#### 26.2 Use Table

Discretionary	
Use Class	Qualification
Food services	If: a) not for existing uses or b) the curtilage increases by more than 30% as at the effective date
Resource processing	If not directly associated with produce from the subject site

USE AND DEVELOPMENT STANDARDS FOR DWELLINGS
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#### 26.3 Use Standards

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

<b>Objective</b>	
a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose-built precincts.	
b) To protect the long-term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.	
c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.	
d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.	
e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.	
f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m <sup>2</sup> over the site.
Relies on performance criteria.	Complies with P1.1. P1.2 – N/a

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A2 If for permitted or no permit required uses.	<p>P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</p> <ul style="list-style-type: none"> <li>i) amount of land alienated/converted is minimised; and</li> <li>ii) location is reasonably required for operational efficiency; and</li> </ul> <p>P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.</p>
Relies on performance criteria.	<p>P2.1 – N/a</p> <p>P2.2 – N/a – not prime ag land (class 4 land).</p>
A3 If for permitted or no permit required uses.	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) the amount of land converted is minimised having regard to: <ul style="list-style-type: none"> <li>i) existing use and development on the land; and</li> <li>ii) surrounding use and development; and</li> <li>iii) topographical constraints; or</li> </ul> </li> <li>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry; or</li> </ul> </li> <li>c) the location of the use on the site is reasonably required for operational efficiency.</li> </ul>
Relies on performance criteria.	<p>Complies with P3 (b) – the subject site is not currently used for agricultural use due to the small lot size, locality, land capability and existing land use. Accommodation cabins have previously been approved at the site. Therefore, the proposal will not result in any conversion of agricultural land to a non-agricultural use.</p>
A4 If for permitted or no permit required uses.	<p>P4 It must demonstrated that:</p> <ul style="list-style-type: none"> <li>a) emissions are not likely to cause an environmental nuisance; and</li> <li>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</li> <li>c) the capacity of the local road network can accommodate the traffic generated by the use.</li> </ul>
Relies on performance criteria.	<p>Complies with P4</p> <ul style="list-style-type: none"> <li>a) The development will not cause any emissions that are likely to cause an environmental nuisance.</li> <li>b) The proposed development is located a minimum of 50m from the property boundary, which is the acceptable zone setback for non-sensitive uses. The adjoining primary industry uses that consist primarily of grazing are therefore not consider to be unreasonably confined or restrained from conducting normal operations. Access via the right of way is already required to be maintained to service the existing dwelling and accommodation cabins.</li> <li>c) The site access via the Right of Way to Royal George Road, a council-maintained road that has sufficient capacity to accommodate the traffic generated by the use.</li> </ul>
<p>A5 The use must:</p> <ul style="list-style-type: none"> <li>a) be permitted or no permit required; or</li> <li>b) be located in an existing building.</li> </ul>	<p>P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <ul style="list-style-type: none"> <li>a) the impacts on skylines and ridgelines; and</li> <li>b) visibility from public roads; and</li> <li>c) the visual impacts of storage of materials or equipment; and</li> <li>d) the visual impacts of vegetation clearance or retention; and</li> <li>e) the desired future character statements.</li> </ul>

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Relies on performance criteria.	Complies with P5 - development is set back approximately 450m from the road on a relatively level site and the development is of a style and form that is consistent with other rural buildings in the area. No storage of materials or equipment are proposed outside of the proposed structure. No significant vegetation removal is required to facilitate the development. The proposal is therefore consistent with the desired future character statement of the zone.
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#### 26.3.2 Dwellings – N/a

#### 26.3.3 Irrigation Districts

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

#### 26.4 Development Standards

##### 26.4.1 Building Location and Appearance

<b>Objective</b> To ensure that the: <ul style="list-style-type: none"> <li>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</li> <li>b) development of buildings is unobtrusive and complements the character of the landscape.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: <ul style="list-style-type: none"> <li>a) 8m for dwellings; or</li> <li>b) 12m for other purposes.</li> </ul>	P1 Building height must: <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding landscape; and</li> <li>b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.</li> </ul>
Complies with A1 – Max. build height 4.06m.	N/a
A2 Buildings must be set back a minimum of: <ul style="list-style-type: none"> <li>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</li> <li>b) 200m where a sensitive use is proposed; or</li> <li>c) the same as existing for replacement of an existing dwelling.</li> </ul>	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: <ul style="list-style-type: none"> <li>a) the topography of the land; and</li> <li>b) buffers created by natural or other features; and</li> <li>c) the location of development on adjoining lots; and</li> <li>d) the nature of existing and potential adjoining uses; and</li> <li>e) the ability to accommodate a lesser setback to the road having regard to:             <ul style="list-style-type: none"> <li>i) the design of the development and landscaping; and</li> <li>ii) the potential for future upgrading of the road; and</li> <li>iii) potential traffic safety hazards; and</li> <li>iv) appropriate noise attenuation.</li> </ul> </li> </ul>
Complies with A2 (a).	N/a

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
E.5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below



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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	Complies – See code assessment below

#### ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

#### E4.6 Use Standards

##### E4.6.1 Use and road or rail infrastructure

<b>Objective</b> To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a – non sensitive use	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 - due to speed limit.	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.
Complies with A3 – Royal George Road experiences an AADT volume of approximately 140vpd. The limited operating hours/days and consolidation of vehicle movements via the use of buses for patrons will result in an AADT movements at the existing access or junction by approximately 10%.	N/a

#### E4.7 Development Standards

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

<b>Objective</b>
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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
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> <li>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</li> <li>b) building areas on new lots; and</li> <li>c) outdoor sitting, entertainment and children's play areas</li> </ul>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <ul style="list-style-type: none"> <li>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</li> <li>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</li> <li>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</li> <li>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.</li> </ul>
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
<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>
N/a	N/a
<p>A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</p>	<p>P2 For limited access roads and roads with a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> <li>a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and</li> <li>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</li> <li>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</li> </ul>
Complies – existing access.	N/a

#### E4.7.3 Management of Rail Level Crossings – N/A

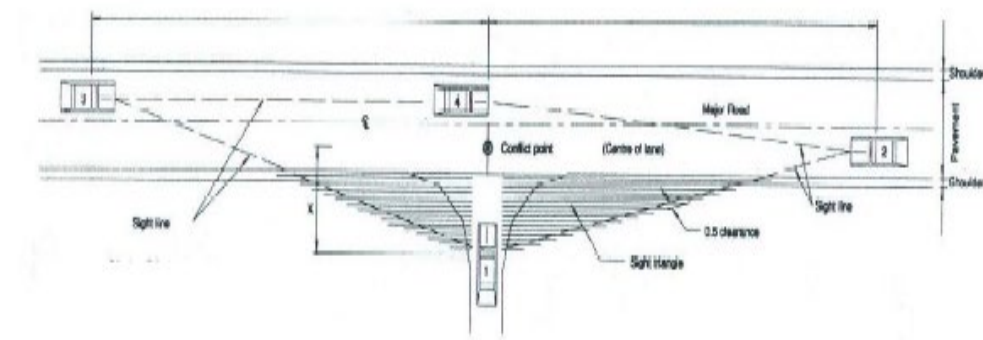
#### E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

##### Objective

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

Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <ul style="list-style-type: none"> <li>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</li> </ul>	<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>

b) rail level crossings must comply with AS1742.7 <i>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.	
Complies – site distances are in excess of 300m in both directions.	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.

**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: a) Table E6.1; or	P1 The number of car parking spaces provided must have regard to: a) the provisions of any relevant location specific car parking plan; and b) the availability of public car parking spaces within reasonable walking distance; and

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b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	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 – 9 spaces required and proposed.	

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

Use	Parking Requirement	
	Vehicle	Bicycle
Residential:		
Food services (restaurant, cafe, take-away)	1 space per 15m <sup>2</sup> net floor area + 6 queuing spaces for drive-through	1 space per 75m <sup>2</sup> net floor area
	Dining + bar area: 97m <sup>2</sup> = 7 spaces required.	2 spaces required.
Resource processing (abattoir, fish/cheese/milk processing)	2 spaces per 3 employees	1 space per 5 employees
	2 spaces required.	1 space required.

#### E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.	
Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: Relies on P1 – no bicycle parking spaces proposed. This is considered acceptable due to the remote location of the development and the distance a cyclist would need to travel to reach 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:	

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N/a – but could utilise additional parking area.

#### E6.6.4 Motorbike Parking Provisions

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

#### 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: Relies on P1 due to gravel parking area. Condition required to ensure compliance with P1.	

##### 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: Complies with P1 -due to the rural nature of the area and setbacks from the road, the location of car parking and manoeuvring spaces will not be detrimental to the streetscape or the amenity of the surrounding areas	
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 – condition required to ensure compliance.	

**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.
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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>
<p>Comment:</p> <p>N/a – less than 20 spaces.</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>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>
<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>
<p>Comment:</p> <p>Condition required to ensure compliance.</p>	

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <p>a) at least one loading bay must be provided in accordance with Table E6.4; and</p> <p>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</p>	<p>P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</p>
<p>Comment:</p> <p>Complies with P1 – adequate space on site to accommodation delivery vehicles.</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>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>

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d) be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and	
A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	
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:	
N/a – not 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:	
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 E15.0

#### SIGNS CODE

#### E15.3 Definition of Terms Used in this Code

E15.3.1 In this Code, unless the contrary intention appears:

Other sign	Any sign not listed.
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#### E15.5 Standards for Use or Development

##### E15.5.1 Third Party Signage

Objective: To ensure that signs relate to the site on which they are located.	
Acceptable Solutions	Performance Criteria
A1 Must only advertise goods and services available from the site.	P1 Shall be a Billboard Sign and consistent with the desired future character statements, if any.
Complies with A1 – the sign is advertising services available from the subject site.	N/a

##### E15.5.2 Heritage Precincts

Objective	
To ensure that the design and siting of signs complement or enhance the streetscape of Heritage Precincts.	
Above Awning Sign	
Acceptable Solutions	Performance Criteria

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A1	No acceptable solution	P1	If within the Heritage Precincts Specific Area Plan, shall be consistent with the Character Statements.
N/a		N/a	

#### E15.5.3 Design and siting of signage

<b>Objective</b>	
To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.	
<b>Other Sign</b>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A34 No acceptable solution	<p>P34 Other signs can be located in any zone except the General Residential Zone and the Low Density Residential Zone, provided it can be shown that:</p> <ul style="list-style-type: none"> <li>a) no other form of permitted signage will meet the needs of the proprietor; and</li> <li>b) the sign does not dominate the streetscape and reflects the prevailing character of the area, in terms of shape, proportions and colours; and</li> <li>c) it does not conflict with the Zone Purpose as outlined in Part D of this planning scheme.</li> <li>d) be sympathetic to the architectural character and detailing of the building; and</li> <li>e) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; and</li> <li>f) not result in loss of amenity to neighbouring properties; and</li> <li>g) not involve the unnecessary repetition of messages or information on the same street frontage; and</li> <li>h) not contribute to or exacerbate visual clutter; and</li> <li>i) not cause a safety hazard or obstruct movement of anyone inside or outside the associated building; and</li> <li>j) not distract motorists as a result of size, illumination or movement.</li> </ul> <p>(re-numbered due to typographical error in scheme)</p>
Relies on Performance Criteria P34.	<p>Complies with P34 as follows:</p> <ul style="list-style-type: none"> <li>a) The main purpose of the signage is to give drivers warning as to the location of the site, along with advertising.</li> <li>b) The shape and size of the sign does not dominate the streetscape, given the rural nature of the area.</li> <li>c) The proposed signage does not conflict with the zone purpose. It will not cause any impact on adjoining agricultural uses.</li> <li>d) N/a</li> <li>e) The shape and size of the sign does not dominate the streetscape, given the rural nature of the area.</li> <li>f) The signage will be screened from neighbouring properties by existing vegetation and there are no dwellings within the immediate vicinity of the sign.</li> <li>g) Complies – the signage provides information as to the use of the site.</li> <li>h) The signage is not considered to contribute to or exacerbate visual clutter. A condition may be applied to the permit to require the removal of existing signage, if the use ceases.</li> <li>i) The signage is not near any other buildings on the site. There are no safety hazard concerns.</li> <li>j) The signage is proposed to assist motorists to identify the site, but is setback from the road edge and is unlikely to cause distraction.</li> </ul>

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





# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## STATE POLICIES

The proposal is consistent with all State Policies.

## OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

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

## STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

### *Strategic Plan 2017-2027*

- *Statutory Planning*

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

## 7 DISCUSSION

Discretion to refuse the application is limited to:

- Discretionary use (food services & resource processing) in the Rural Resource Zone.
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code – No bicycle parking provided (E6.6.2 P1) pervious parking surface (E6.7.1 P1) and parking forward of the building line (E6.7.2 P1).
- Reliance on the performance criteria of the Signs Code (E15.5.3 P34).

Two representations were received, citing concerns about the increase in traffic along right of way and associated issues of dust, wear and tear of 'right of way', safety and security of residents, property, equipment and animals.

The representors concerns have been considered in the proposal, with the applicant proposing "speed humps and signage down driveway to slow traffic" and an expectation of a maximum of 35-50 patrons at any one time, including bus tours, and 3-5 staff including the owners. The proposal is to operate on Fri/Sat/Sun 10am -3pm. The limited operating hours and provision of signage to reduce speed should also assist in the concern of dust generation and safety. Condition of approval can appropriately regulate the development.

## 8 ATTACHMENTS

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

## RECOMMENDATION

That land at 1207 Royal George Road, Royal George be approved to be developed and used for a distillery, food services & signage in accordance with application PLN-20-0232, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P5** (*Drawings prepared by Plans to Build, Drawing No: 20087, Sheet No's: A01 – dated 22.7.2020 and A02-A03 - dated: 26.08.2020 & 2 x signage plans*) & **D1** (*Planning application proposal information*).

### 2 Hours of operation

Operating hours for the use are 10am – 3pm Friday – Sunday only.

### 3 Road signage

Prior to the commencement of use, speed limit signage within the first 50m of the access road, limiting speed to 20km/h must be installed.

### 4 Access and Parking

#### 4.1 General

- a) Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
- b) 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.

#### 4.2 Accessible car parking spaces

Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities and located closest to the main entry point of the building.

### 5 Removal of signs if use ceases

If the use ceases for a period of four continuous months, the signage must be removed.

#### Notes:

- 1) Fit out of the food preparation and storage area is to comply with the requirements of the Food Act 2003, Food Standards Code and the Australian Standard 4674-2004 for the Design Construction and fit out of Food Premises.
- 2) On site waste-water is to be designed by a suitably qualified waste-water disposal designer and take into consideration the location of the flood prone land located on the site.

#### DECISION

Cr Davis/Cr Goninon

That the matter be discussed.

Carried unanimously

Cr Goss/Cr Davis

That land at 1207 Royal George Road, Royal George be approved to be developed and used for a distillery, food services & signage in accordance with application PLN-20-0232, and subject to the following conditions:

#### **1 Layout not altered**

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- 2) On site waste-water is to be designed by a suitably qualified waste-water disposal designer and take into consideration the location of the flood prone land located on the site.

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## WITHDRAWN PLAN 4:

### PLN-20-0174: 173 MARLBOROUGH STREET, LONGFORD

*File Number:* 109300.658; CT173613/2  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Erin Miles, Development Supervisor

## 1 INTRODUCTION

This report assesses an application for 173 Marlborough Street, Longford to develop a 4-lot subdivision (vary lot size and servicing, within Bushfire Prone area and Attenuation area).

## 2 BACKGROUND

**Applicant:**

Mr Carlton Dixon

**Owner:**

Zeekap (No 102) Pty Ltd & New Norfolk Hotels Pty Ltd

**Zone:**

Low Density Residential Zone

**Codes:**

Bushfire Prone Areas Code  
Road and Railway Assets Code  
Car parking and Sustainable Transport Code  
Recreation and Open Space Code  
Environmental Impacts and Attenuation Code

**Classification under the Scheme:**

Discretionary

**Existing Use:**

Vacant

**Deemed Approval Date:**

18.12.2020

**Recommendation:**

Refuse

### Discretionary Aspects of the Application

- Reliance on the performance criteria of the Low Density Residential Zone (clause 12.4.3.1) – variation to lot size, and lack of reticulated stormwater and sewer connections.
- Reliance on the performance criteria of the Environmental Impacts and Attenuation Code (within attenuation distance of Longford Brickworks).

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013, Version 32, Effective from 19<sup>th</sup> October 2020.*

### Preliminary Discussion

The application was subject to a number of revisions, with changes to both the lot and servicing configurations.

*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

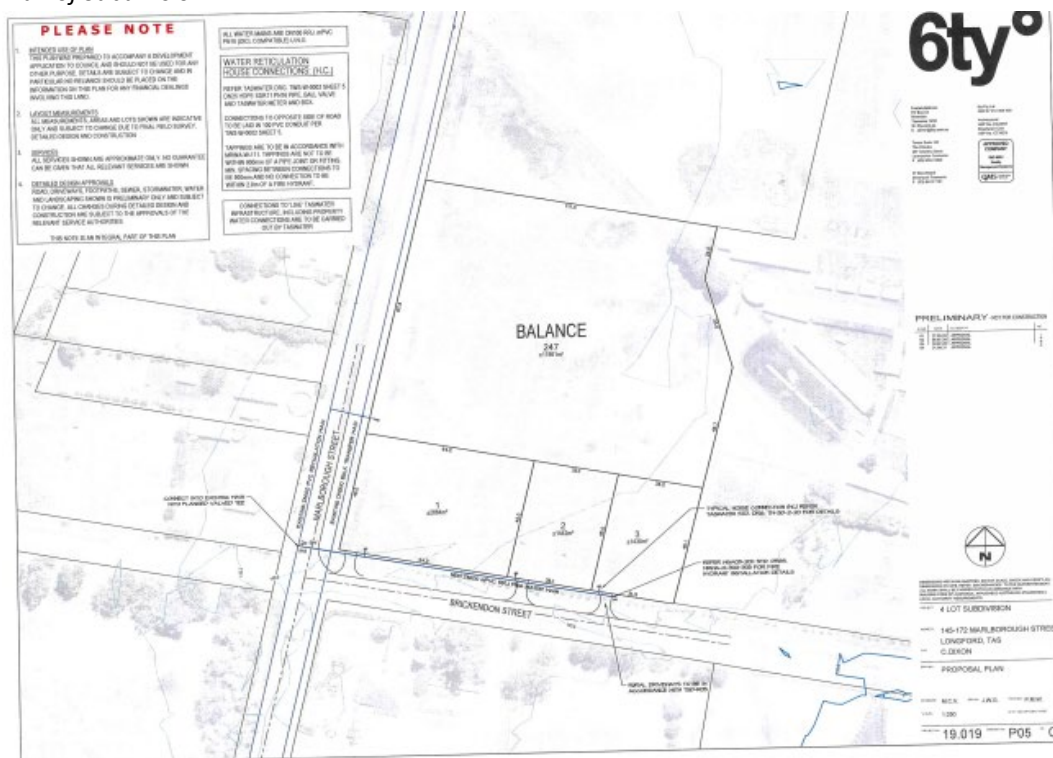
#### 4.1 Proposal

It is proposed to:

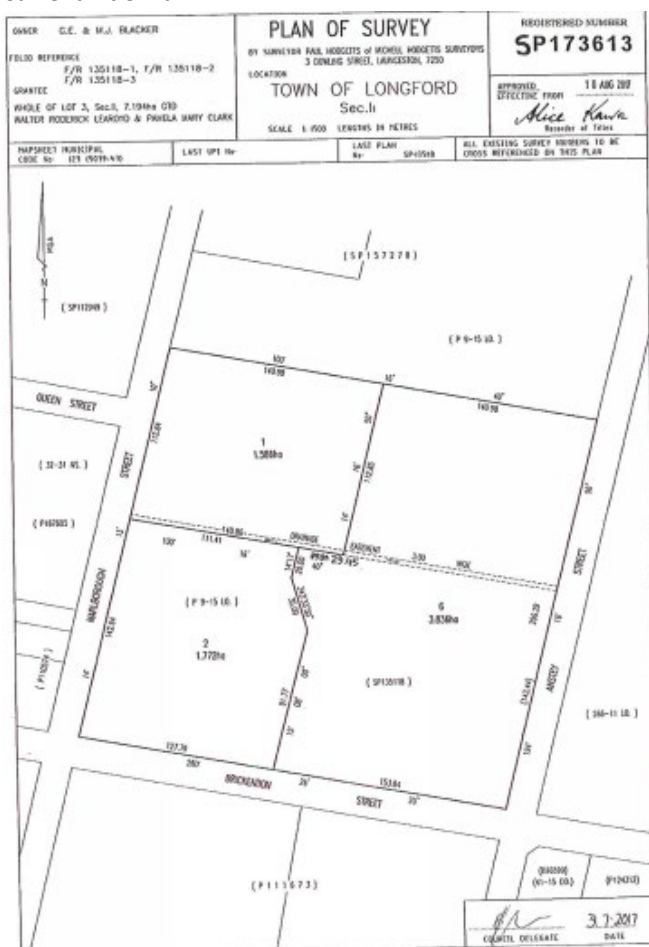
- Subdivide the existing 1.772ha lot into 4 lots, consisting of a 1430m<sup>2</sup> lot, 1442m<sup>2</sup> lot, 2884m<sup>2</sup> lot and 11961m<sup>2</sup> balance lot.



## Plan of Subdivision

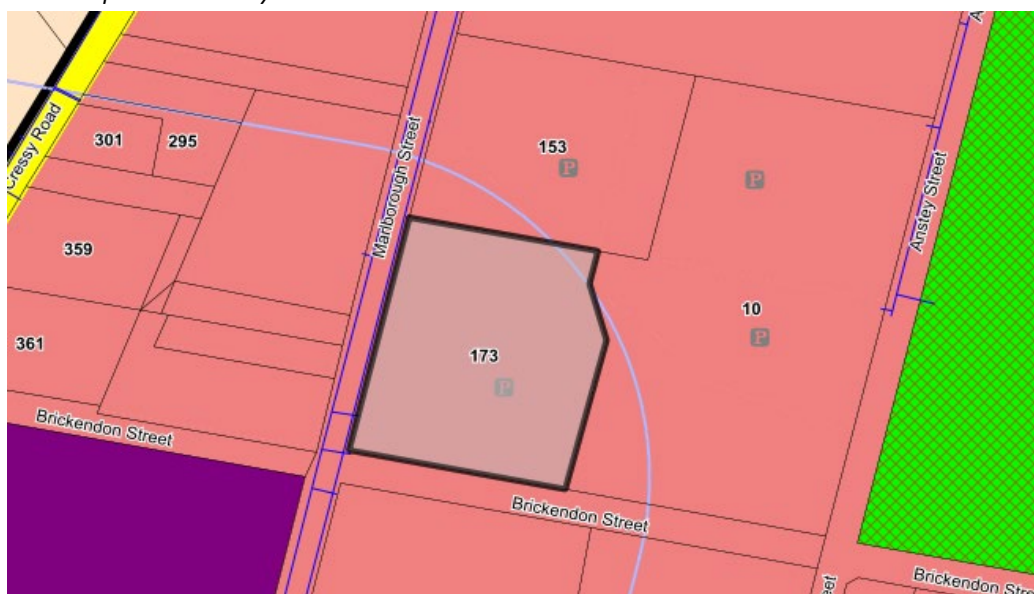


## Current Title Plan



## 4.2 Zone and land use

### Zone Map – Low Density Residential Zone



The land is zoned Low Density Residential and is subject to the Bushfire Prone Areas Code, Road and Railway Assets Code, Car Parking and Sustainable Transport Code, Recreation and Open Space Code and Environmental Impacts 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>
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The application is discretionary due to reliance on the performance criteria of the Planning Scheme. Future residential use of the land for a single dwelling would be “permitted”.

## 4.3 Subject site and locality

The author of this report carried out a site visit on the 8<sup>th</sup> October 2020. The subject site is a 1.772ha parcel of land that is currently used as paddocks for racehorses. The site is flat and is located adjacent to two sets of racing stables. Nearby is the Longford Racetrack, Brickworks Factory and an Equine Veterinary Practice. Residential uses are interspersed amongst the other uses.



*Aerial photograph of area*



*Photographs of subject site*



^ Looking north along Marlborough Street





^ Looking South along Marlborough Street



^ Looking north along Marlborough Street





^Looking across subject site from Marlborough Street



^Looking across subject site from Marlborough Street





^Looking across subject site from Marlborough Street



^Looking South from Marlborough Street





^Existing open drain and paddocks north of subject site

#### 4.4 Permit/site history

Relevant permit history includes:

The subject lot was created by a previous subdivision application P13-140 that originally proposed 8 lots from 3 but was amended to alter and combine staging to create the current configuration of 3 lots.

The subject site has also been subject to two previous proposals:

- PLN-19-0093 – 29 lot staged subdivision at 153-173 Marlborough Street & 30 Anstey Street, Longford (currently on stop clock awaiting further information). Prior to lodgment of this proposal, discussions took place between Council and the developer regarding piped stormwater servicing options to accommodate the entire development area.
- The current proposal is also a revision of a previous proposal for a 5-lot subdivision.

#### 4.5 Representations

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

1	Michael Morris	Via email
2	Dee Alty	Via email
3	Len Langdon	Via email
4	Neil Tubb	Via email
5	Dennis & Rhonda Pettyfor	Via email
6	Tim Flanagan	Via email
7	Bron Baker	Via email
8	Chris Cornes	Via email

9	Kevin Headlam	Via email
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The matters raised in the representations are outlined below followed by the planner's comments.

**Issue 1**

- Land should be set aside to service racing industry, as per Particular Purpose zone under the Northern Midlands Planning Scheme 1995 to avoid conflict in land use and provide ongoing surety of land use for the training facilities associated with the Longford Racetrack.

**Planner's comment:**

The subject site is zoned low density residential, and has been since the commencement of the *Northern Midlands Interim Planning Scheme 2013*, which is the scheme in operation.

**Issue 2**

- Linkage of the land to the historic and cultural value of the Longford Racetrack.

**Planner's comment:**

While the Longford Racetrack is a Heritage Listed Place, the subject site is not, nor is it within a Heritage Precinct.

**Issue 3**

- Insufficient capacity for stormwater disposal due to natural terrain and lack of infrastructure.

**Planner's comment:**

Refer assessment against the zone subdivision standards for clause 12.4.3.1 - Lot Area, Building Envelopes and Frontage (P4).

**Issue 4**

- Bushfire Prone area and water supply

**Planner's comment:**

A Bushfire Report was submitted with the proposal that demonstrates compliance with the provision of the Bushfire Prone Areas Code of the Planning Scheme.

**Issue 5**

- Public Open Space should not be a discretion

**Planner's comment:**

Public Open Space is regulated by the Recreation and Open Space Code of the Planning Scheme and Council Policy. The code allows for a cash payment in lieu of Public Open Space, upon the consent of the General Manager.

**Issue 6**

- Impact on residential amenity

**Planner's comment:**

The subject site is zoned Low Density Residential, which allows for residential uses. Residential uses in both the General Residential and Low Density Residential zones currently exist alongside the racetrack and training facilities with minimal conflict.

**Issue 7**

- Reference to Planning Scheme Amendment 04/2020

**Planner's comment:**

Planning Scheme Amendment 04/2020 to amend the use table of the zone is a separate application and does not influence the current proposal for subdivision.

#### 4.6 Referrals

The following referrals were required:





# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## Council's Works Department

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application on the 16.10.2020 and recommended conditions are included in the conditions of approval.

## TasWater

Summary: A Taswater Submission to Planning Authority Notice was issued on 01.12.2020 (Taswater Ref: TWDA 2020/01877-NMC).

## General Manager

Precis: Application signed by the General Manager due to works proposed within Council's road reserve (access).

## 4.7 Planning Scheme Assessment

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

LOCAL AREA OBJECTIVES
<p><i>To make provision for any additional future needs in low-density residential development at Avoca, Campbell Town, Cressy, Devon Hills and Longford by the incremental expansion of those areas already established for the purpose.</i></p> <p><b>Assessment:</b> The proposal meets the local area objectives.</p>

SUBDIVISION STANDARDS
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### 12.4.3 Subdivision

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

<p>Objective</p> <p>To ensure:</p> <ol style="list-style-type: none"> <li>the area and dimensions of lots are appropriate for the zone; and</li> <li>the conservation of natural values, vegetation and faunal habitats; and</li> <li>the design of subdivision protects adjoining subdivision from adverse impacts; and</li> <li>each lot has road, access, and utility services appropriate for the zone.</li> </ol>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Each lot must:</p> <ol style="list-style-type: none"> <li>have a minimum area of 1ha; and</li> <li>have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> <li>be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>be for the provision of public utilities; or</li> <li>for the consolidation of a lot with another lot with no additional titles created; or</li> </ol>	<p>P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ol style="list-style-type: none"> <li>a dwelling to be erected in a convenient and hazard free location; and</li> <li>on-site parking and manoeuvrability; and</li> <li>adequate private open space; and</li> <li>reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</li> <li>development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.</li> </ol> <p>P1.2 Land in Devon Hills must not be further subdivided</p>

# NORTHERN MIDLANDS COUNCIL

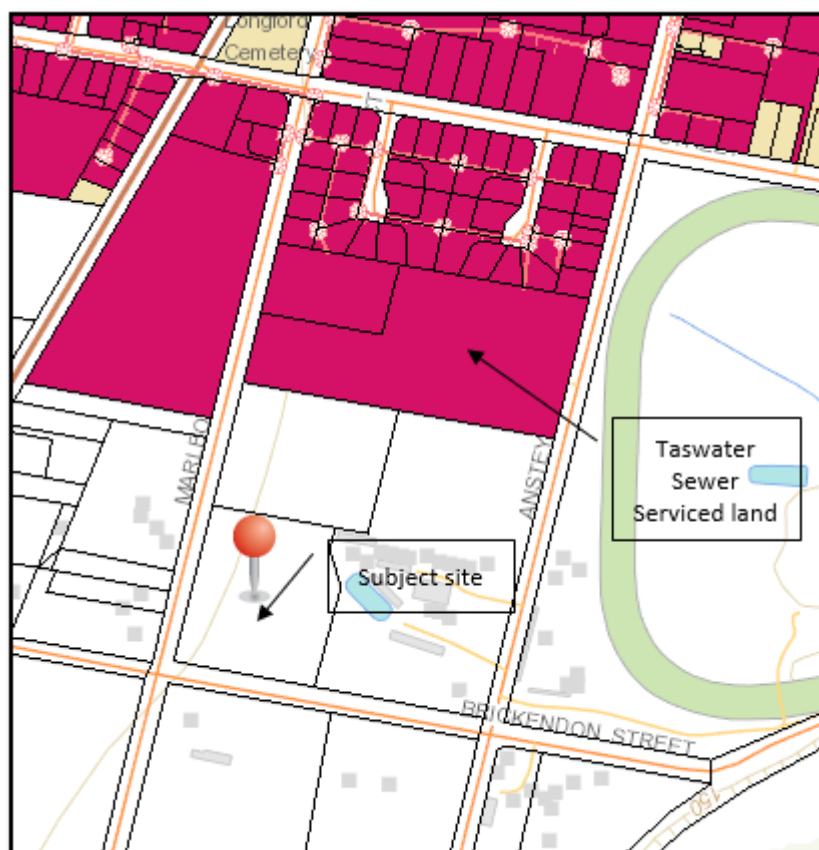
## MINUTES – ORDINARY MEETING

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<p>f) to align existing titles with zone boundaries and no additional lots are created.</p> <p>A1.2 Subdivision at Devon Hills will not result in any new lots.</p>	
<p>Relies on Performance Criteria.</p>	<p>The proposal seeks to establish four lots with areas of 1430m<sup>2</sup>, 1442m<sup>2</sup>, 2884m<sup>2</sup> and 11961m<sup>2</sup>. A residential use for a single dwelling is a 'permitted' use in the zone. Acceptable solution (A1) of Clause 12.4.1.1 requires that site coverage must not exceed 10% of the site. The waste water report provided with the application establishes a typical floor area for a future dwelling of between 200-250m<sup>2</sup>, which is greater than 10% of the proposed lot size for the two smaller lots. Therefore, a standard size dwelling could not be established via a permitted pathway under the zone provisions. The performance criteria is not met as not all of the proposed lots for residential use provide sufficient useable area and dimensions to allow for a dwelling to be erected in a convenient and hazard free location.</p>
<p>A2 Each lot must have a frontage of at least 6m.</p>	<p>P2 No performance criteria.</p>
<p>Complies with A2.</p>	<p>N/a</p>
<p>A3 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <p>a) in a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) capable of accommodating an on-site wastewater management system.</p>
<p>Relies on Performance Criteria – no reticulated sewerage connections are proposed. Complies for reticulated water – connection proposed for each lot.</p>	<p>The proposal relies on P3. The image below shows the location of Taswater sewer serviced land and reticulated sewerage system. In determining compliance with part (a) of performance criteria P3, a recent decision considering water supply, 6ty° Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29 sets out that "the steps in considering P3(a) are:</p> <p>a) to identify the relevant locality;</p> <p>b) to determine whether reticulated water supply services are available in that locality; and</p> <p>c) if they are available, determine whether the reticulated water supply service is capable of being connected to the lots in the subdivision."</p> <p>If the lots in the subdivision are in a locality for which reticulated water supply services are not available, then P3(a) will be satisfied. If they are in a locality in which reticulated water supply services are available, then P3(a) will still be satisfied if the services are not capable of being connected to the lots."</p> <p>It is considered that given the sites location in the same "block" as sewer serviced land and reticulated water supply, the subject site is in a locality where both reticulated water and sewerage is available.</p> <p>In determining the capability of connection, the decision referenced above states:</p> <p>"Whether a service is reasonably capable of being connected to the lots will depend on the existing location of services which may be extended, the engineering issues involved in extending the services, and the cost of doing so."</p> <p>The closest available connection point to existing sewer infrastructure is approximately 300m north of the subject site, in Marlborough Street. Connection via gravity is not possible due to a lack of fall, therefore a pump station would be required.</p> <p>The applicant provided a submission addressing this matter, stating: "The location of the site is such that connection to sewer by gravity is not possible and the cost for installing the pumping station alone would be in the order of \$300 000 with total development costs expected to be \$450 000. Given an expected net return on lots of \$120 000, it is not economically feasible to connect to services."</p> <p>The subject site is separated from the nearby sewer serviced land (of which only a single connection is available) by another lot of similar size to the subject site. It is likely, given the flat nature of the site, that any development of this lot also cannot be serviced by gravity. Proposing on-site disposal of wastewater on the subject site therefore reduces</p>

	<p>the economies of scale when considering the development capacity of adjacent land and would impede the viability of service delivery to both the subject site and surrounding land. Therefore, in considering the capability of connection, the lot cannot be considered in isolation, when the lack of servicing has the potential to stifle the viability of future infrastructure of adjacent zoned land, particularly where the site is identified for residential growth. In summary, relying solely on an economic argument would allow for the requirement for service connection to be easily circumvented by a piecemeal development approach.</p> <p>Further, in researching the service availability in the area, 'as constructed' plans for the dwelling on the corner of Anstey and Brickendon Streets indicates that this lot has connection to the sewer main in Marlborough Street via a private system constructed in 1982, of a septic tank &gt; to a pump well &gt; to private pipe in Marlborough St &gt; to the main. This arrangement was confirmed as being constructed by both the property owner and previous Works employees of Council, demonstrating the capability of connection, albeit, not a desired approach for future connections.</p>
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*Taswater Sewer Serviced Land*



<p>A4 Each lot must be connected to a reticulated stormwater system.</p>	<p>P4 Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol>
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	<p>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</p> <p>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</p>
Relies on P1 – the proposal seeks to establish a stormwater main concluding in a raised grate/bubble up pit in Marlborough Street to service future development on the lots fronting Brickendon Street; however, no connection is proposed for the balance lot and the proposed connections cannot drain the whole of the sites, due to lack of fall.	Relies on P4. The proposal originally proposed on-site stormwater disposal, however, additional information was sought due to calculations being based on the Rational Method and Council's Hydraulic Engineer advised: "The current version of Australian Rainfall Runoff (ARR) does not endorse the Rational Method except under specific exceptions." Subsequently, a Stormwater Study prepared by Flussig Spatial was prepared, proposing open grassed swale drains due to the site exceeding allowable discharge rates, along with cut off drains and swales along boundary fences to accommodate overland flow paths and stormwater pollutant targets. Open drainage lines do not provide an adequate drainage option due to the potential for nuisance around maintenance and laying water in a residential environment. The piped system proposed, although preferable to the previous options, does not accommodate surface water. Empirical assessment of the site over the winter period showed that the site is subject to large areas of laying water and poor infiltration. Surely that stormwater discharged from the site, when combined with on-site waste water, will not cause an environmental nuisance, and prevents erosion, siltation or pollution, has not been provided.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Complies with code requirements - Bushfire Report provided, prepared by Scott Livingston, dated 1.09.20 V3.
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	Consent from GM received 4.12.2020 – meets Clause E10.6.1 A1 (a).
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	See code assessment below
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a – The site is not Heritage Listed, nor is it located within a Heritage Precinct. Therefore, the code does not apply.
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

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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 – future residential use of the land would not generate more 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 b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
N/a	N/a

#### E4.7 Development Standards

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

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



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

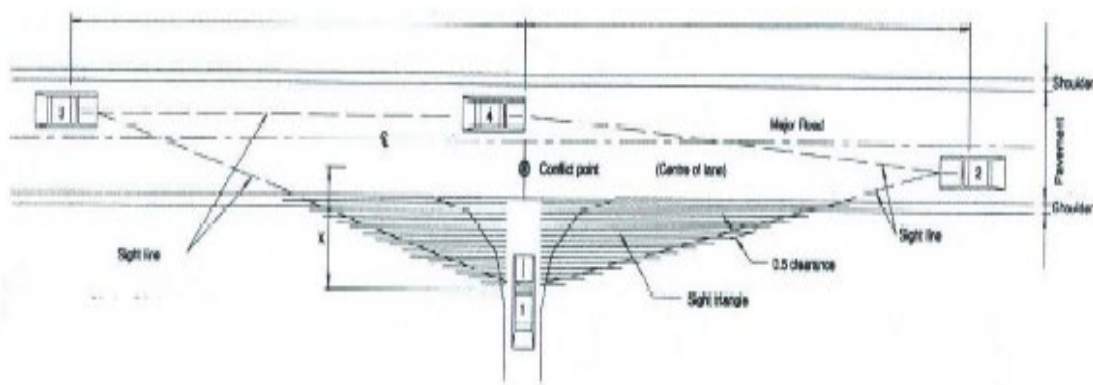
<b>Objective</b> To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies with A1 – each lot proposes a single access.	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

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

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

<b>Objective</b> To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.
Complies with A1 (a) – site distances of 105m + is available in both directions at the proposed access locations, for both Brickendon and Marlborough Streets.	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.

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

<b>Objective:</b> To ensure that an appropriate level of car parking is provided to service use.	
Acceptable Solutions	Comment
<b>A1</b> The number of car parking spaces must not be less than the requirements of: <ol style="list-style-type: none"> <li>Table E6.1; or</li> <li>a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</li> </ol>	Complies with the requirements of Table E6.1 – each lot proposes an area sufficient to accommodate 2 parking spaces for a future residential development.

**E6.6.2 Bicycle Parking Numbers**

<b>Objective:</b> 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

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**A1.1** Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or

**A1.2** The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.

Complies with the requirements of Table E6.1 – each lot proposes an area sufficient to accommodate 1 bicycle space for a future residential development.

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

Use	Parking Requirement	
	Vehicle	Bicycle
<b>Residential</b>	<b>1 space per bedroom or 2 spaces per 3 bedrooms</b>	<b>1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation</b>

**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

#### ASSESSMENT AGAINST E11.0 ENVIRONMENTAL IMPACTS AND ATTENUATION CODE

#### **E11.6 Use Standards**

##### **E11.6.1 Attenuation Distances**

<b>Objective</b> To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.	
Acceptable Solutions	Performance Criteria
<b>A1</b> No acceptable solution.	<b>P1</b> 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"> <li>a) degree of encroachment; and</li> <li>b) nature of the emitting operation being protected by the attenuation area; and</li> <li>c) degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</li> </ul>
Relies on P1.	In order to demonstrate compliance with P1, the proponent submitted a Noise and Air Assessment, prepared by Douglas Ford, revised date: 29.7.20, that concluded: <i>"On this basis it may be concluded that residents of the proposed subdivision will not be exposed to unacceptable environmental harm or environmental nuisance, as a result of noise, dust or air emissions from the brickworks. It may also be concluded that construction of the proposed subdivision will not impose any new compliance burden on the operation of the brickworks, relating to management of emissions."</i> Given the location of existing residential uses in closer proximity, predominately down wind location of the brickworks from the subject site, and regulation provided by the EPA of the brickworks operation, it is considered subdivision for residential use could be established where there will not be an environmental nuisance or environmental harm.
<b>A2</b> 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.	<b>P2</b> 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: <ul style="list-style-type: none"> <li>a) the degree of encroachment; and</li> <li>b) the nature of the emitting operation being protected by the attenuation area; and</li> <li>c) the degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i>.</li> </ul>



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

N/a	N/a
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## E11.7 Development Standards – N/a

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a – not within a Heritage Precinct.
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Access and Provision of Infrastructure Across Land in Another Zone	N/A
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<b>Strategic Plan 2017-2027</b> <ul style="list-style-type: none"> <li>Statutory Planning</li> </ul>	

## 5 SERVICES

### Sewer & Water

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

### Stormwater & Access

The application was referred internally to the Council's Works Department.

### Public Open Space Contribution

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

#### The Public Open Space Rate

1 The Public Open Space Rate shall be \$1400 per additional lot created.

OR

2 The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots (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"?		✓

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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?		✓
<b>Section 84</b>	Council not to approve subdivision	<b>Yes</b>	<b>No</b>
<b>84(1)(c)</b>	<b>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?</b>		✓
	If 'yes', refuse the subdivision.		
<b>Section 85</b>	Refusal of application for subdivision		
	Council may refuse the application for subdivision if it is of the opinion:		
<b>85(a)</b>	<b>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;</b>		✓
<b>85(b)</b>	<b>that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;</b>	✓	
<b>85(ba)</b>	<b>that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;</b>		✓
<b>85(c)</b>	<b>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;</b>		✓
<b>85(d)</b>	<b>that the layout should be altered to include or omit –</b>		
<b>85(d)(i)</b>	<b>blind roads;</b>		✓
<b>85(d)(ii)</b>	<b>alleys or rights of way to give access to the rear of lots;</b>		✓
<b>85(d)(iii)</b>	<b>public open space;</b>		✓
<b>85(d)(iv)</b>	<b>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;</b>		✓
<b>85(d)(v)</b>	<b>private roads, ways or open spaces;</b>		✓
<b>85(d)(vi)</b>	<b>where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;</b>		✓
<b>85(d)(vii)</b>	<b>licences to embank highways under the <i>Highways Act 1951</i>;</b>		✓
<b>85(d)(viii)</b>	<b>provision for widening or deviating ways on or adjoining land comprised in the subdivision;</b>		✓
<b>85(d)(ix)</b>	<b>provision for the preservation of trees and shrubs;</b>		✓
<b>85(e)</b>	<b>that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;</b>		✓
<b>85(f)</b>	<b>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;</b>		✓
<b>85(g)</b>	<b>that one or more of the lots ought not to be sold because of –</b>		
<b>85(g)(i)</b>	<b>easements to which it is subject;</b>		✓
<b>85(g)(ii)</b>	<b>party-wall easements;</b>		✓
<b>85(g)(iii)</b>	<b>the state of a party-wall on its boundary.</b>		✓



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Section 86	Security for payment	Yes	No
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		✓
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		✓
86(2)(f)	the filling in of ponds and gullies;		✓
86(2)(g)	the piping of watercourses.		✓
	If 'yes':		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
Section 107	Access orders	Yes	No
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
Section 108	Road widening	Yes	No
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		✓
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		✓

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 8 OPTIONS

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

## 9 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the Low Density Residential Zone (clause 12.4.3.1) – variation to lot size, and lack of reticulated stormwater and sewer connections.
- Reliance on the performance criteria of the Environmental Impacts and Attenuation Code (within attenuation distance of Longford Brickworks).

Several representations were received in response to the proposal, with valid concerns raised with regard to provision of services.

The proposal is recommended for refusal on the grounds of variation to lot size not allowing a future compliant dwelling to be constructed, non-supply of sewer connection to each lot, and failure to provide adequate stormwater drainage for the whole of the lots.

## 10 ATTACHMENTS

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

## RECOMMENDATION

That application PLN-20-0174 for a 4-lot subdivision (vary lot size and servicing, within Bushfire Prone area and Attenuation area) at 173 Marlborough Street, Longford be refused on the following grounds:

**1. The proposal does not meet performance criteria P1.1 of clause 12.4.3.1 Lot Area, Building Envelopes and Frontage.**

A standard size single dwelling could not be established on the two smaller lots proposed via a permitted pathway under the zone provisions (despite being a permitted use in the zone), due to the maximum 10% site coverage requirements of acceptable solution (A1) of Clause 12.4.1.1. Therefore each lot for residential use does not provide sufficient useable area and dimensions to allow for a dwelling to be erected in a convenient and hazard free location.

**2. The proposal does not meet the performance criteria (P3) (a) of clause 12.4.3.1 Lot Area, Building Envelopes and Frontage.**

The subject site is within a serviced locality and there is no engineering impediment to connection. Proposing on-site disposal of wastewater on the subject site therefore reduces the economies of scale when considering the development capacity of adjacent land and would impede the viability of service delivery to both the subject site and surrounding land. Reliance solely on an economic argument would allow for the requirement for service connection to be easily circumvented by a piecemeal development approach.

**3. The proposal does not meet the performance criteria (P4) of clause 12.4.3.1 Lot Area, Building Envelopes and Frontage.**

Empirical assessment of the site over the winter period showed that the site is subject to large areas of laying water and poor infiltration. Surety that stormwater discharged from the site, when combined with on-site waste water, will not cause an environmental nuisance, and prevents erosion, siltation or pollution, has not been provided.



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**433/20 PLANNING APPLICATION PLN-20-0139: 12 OAKMOUNT STREET,  
PERTH**

*File Number:* 110650.3; CT 11479/3  
*Responsible Officer:* Erin Miles, Development Supervisor  
*Report prepared by:* Chloe Lyne, Planning Consultant

**1 INTRODUCTION**

This report assesses an application for 12 Oakmount Street (previously know as 158 Illawarra Road), Perth to construct 3- lot subdivision, water main extension, shed demolition & vegetation removal (Road and Railway Assets Code).

**2 BACKGROUND**

Applicant:	Owner:
Mr Peter Jones	Peter Andrew Jones & Cameron Keith & Sheila Patricia Oakley
Zone:	Codes:
General Residential Zone	Bushfire Prone Areas Code
	Road & Railway Assets Code
	Car Parking and Sustainable Transport Code
	Recreation and Open Space Code
Classification under the Scheme:	Existing Use:
Discretionary	Residential
Deemed Approval Date:	Recommendation:
18 December 2020	Approve

**Discretionary Aspects of the Application**

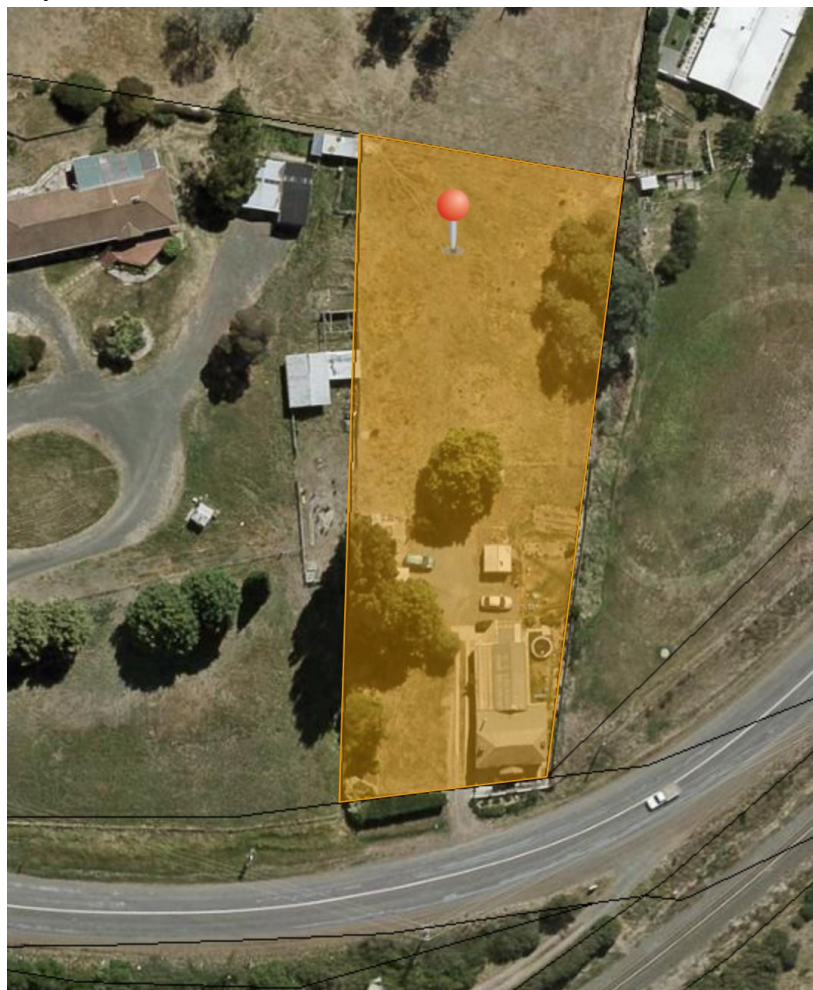
- Reliance on the performance criteria of the Road and Railway Assets Code (clause E4.7.4) due to site distance from access to end of cul-de-sac.

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013, Version 32, effective from 19 October 2020.*

**Preliminary Discussion**

Prior to the application becoming valid / being placed on public exhibition, further information was requested from the applicant. The further information was subsequently supplied.

*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

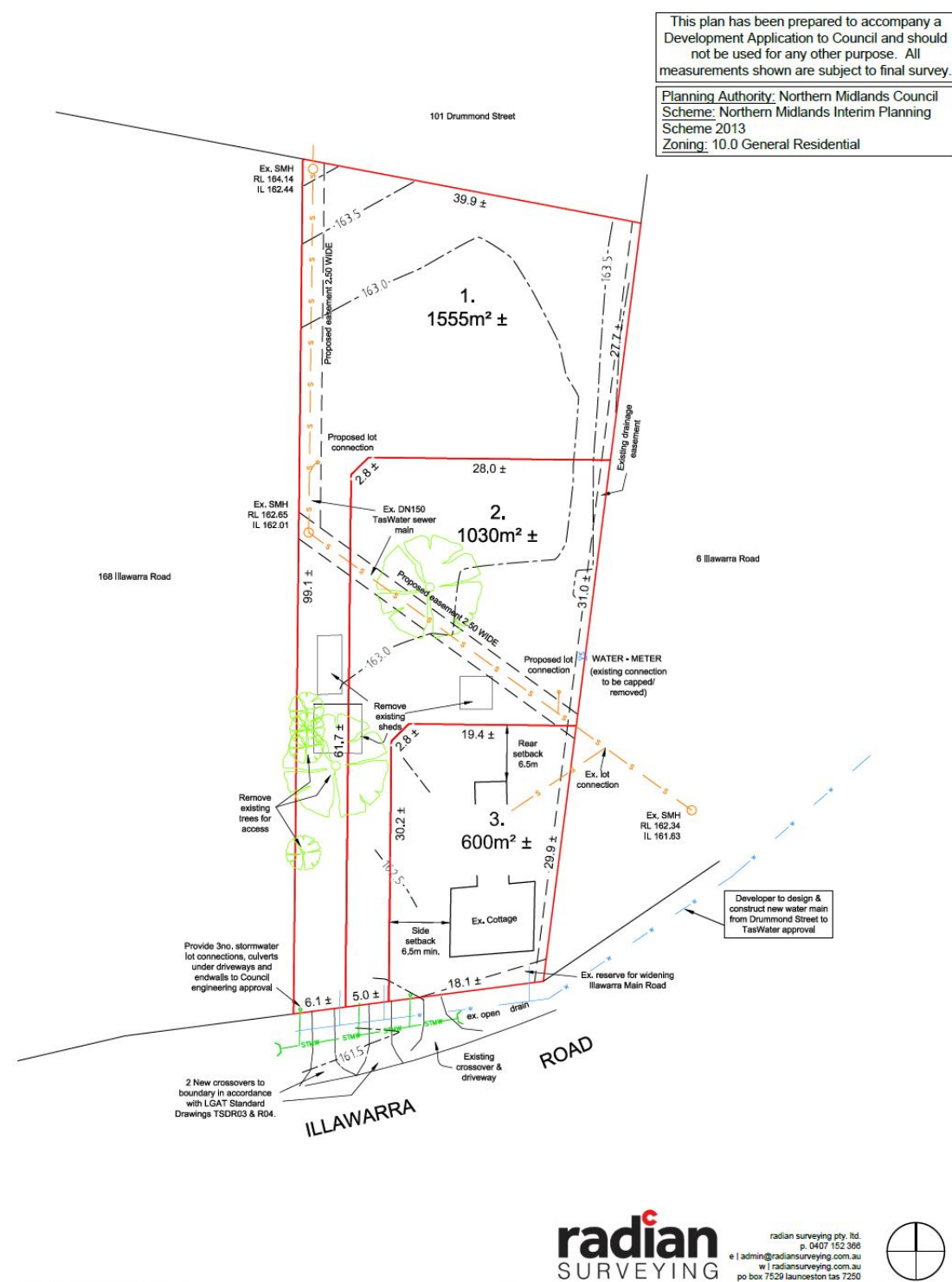
Approval is sought for a 3 lot subdivision including a water main extension, demolition of three existing sheds and vegetation removal. The proposed lots are described as follows:

- Lot 1 – 1555m<sup>2</sup> lot at the rear of the existing property to be accessed via a 6.1m wide crossover onto Oakley Street. This lot will be vacant
- Lot 2 – 1030m<sup>2</sup> located in the middle of the existing property and accessed via a 5m crossover onto Oakley Street. This lot will be vacant.
- Lot 3 – 600m<sup>2</sup> lot with a 18.3m frontage to Oakley Street and containing the existing dwelling and a shed that will remain.

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The proposal requires extension of the water main to the site from Drummond Street at the proponent's expense.

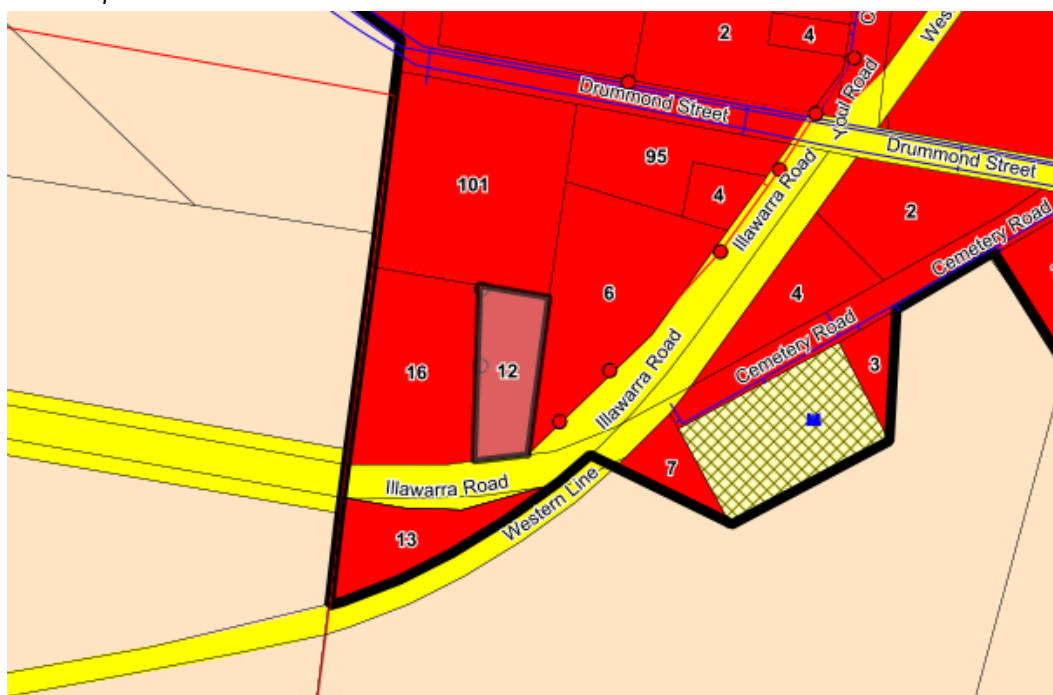
### Subdivision Plan





#### 4.2 Zone and land use

##### *Zone Map – General Residential Zone*



The land is zoned General Residential, and is subject to the Bushfire Prone Areas Code, Road & Railway Assets Code, Car Parking and Sustainable Transport Code and Recreation and Open Space Code.

#### 4.3 Subject site and locality

The author of this report carried out a site visit on 30th November 2020. The subject site is a 3185m<sup>2</sup> irregular shaped lot located on the northern side of Oakmont Street (formerly Illawarra Road) in Perth. The site is developed with a single dwelling and four associated outbuildings.

##### *Aerial photograph of area*



*Photographs of subject site*





#### 4.4 Permit/site history

Relevant permit history includes:

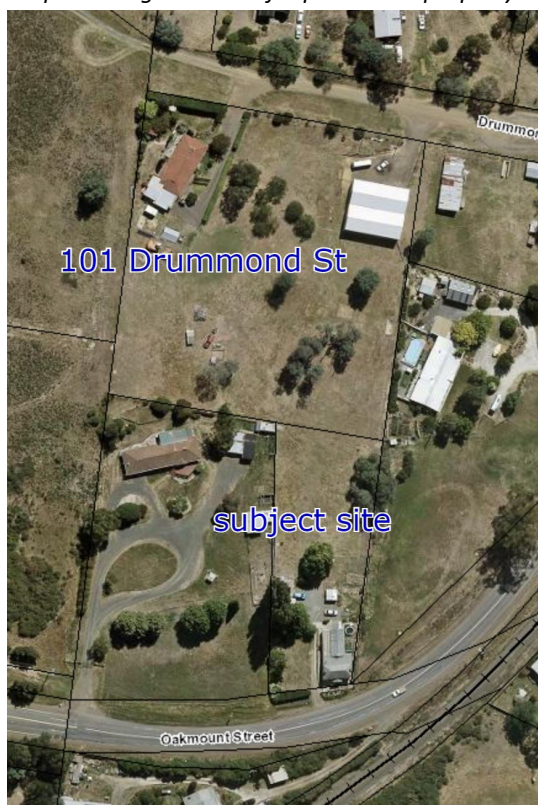
- Garage – 34/1990

#### 4.5 Representations

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

- Rod Franklin, 101 Drummond Street, Perth

*Map showing location of representors property in relation to subject site*



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

##### Issue 1

- Queries plans for drainage as lots 1 and 2 are at the lowest point for run off from the hill. Concerned that the blocks will be built up causing any run off to be contained on my property.

##### Planner's comment:

All three lots will be connected to the reticulated stormwater system via the open drain along the eastern side of the property into new outlets at the frontage. Councils infrastructure department have assessed the application and found no issue with capacity of the stormwater system.

##### Issue 2

- Queries what type of housing will occur on the future lots and whether the current owner will develop or whether they will be on-sold.

##### Planner's comment:

The lots can be developed for single or multiple dwellings as allowed under the General Residential Zone provisions.

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It is unknown as to whether the current owner will develop the lots or sell them to another party. This is not a matter that requires consideration under the Planning Scheme.

#### 4.6 Referrals

The only referrals required were as follows:

##### Council's Works Department

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application and had no comments aside from providing conditions to be included in the permit.

##### TasWater

Summary: A Taswater Submission to Planning Authority Notice was issued on 11<sup>th</sup> November 2020 (Taswater Ref: TWDA 2020/01846-NMC).

##### Heritage Adviser

Not applicable to this application

##### Department of State Growth

Precis: DSG responded to the referral stating that it has no objections to the proposal.

##### Tasrail

Precis: TasRail responded to the referral noting that the existing house is approximately 25m from the rail corridor and the two new lots will be 50m from the rail corridor. TasRail has no objections and asks that the TasRail Standard Notes be attached to any permits approved by Council.

##### General Manager

Precis: Application signed by the General Manager and consent for a cash payment in lieu of public open space was granted.

##### Minister administering Crown Lands

Precis: Application signed by the Minister.

#### 4.7 Planning Scheme Assessment

GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i>
<i>To provide for compatible non-residential uses that primarily serve the local community.</i>
<i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i>
<i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i>
<b>Assessment:</b> The proposal meets the zone purpose. The proposal to create two additional lots on a site that can be connected to full reticulated services makes efficient use of land and services within the existing Perth township.
LOCAL AREA OBJECTIVES
<i>To consolidate growth within the existing urban land use framework of the towns and villages.</i>
<i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i>
<i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i>
<b>Assessment:</b> The proposal meets the local area objectives.

#### 10.4.15 Subdivision

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

<i>Objective</i>	
<i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

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<p><b>A1</b> Lots must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least 450m<sup>2</sup> which: <ul style="list-style-type: none"> <li>i) is capable of containing a rectangle measuring 10m by 15m; and</li> <li>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> </ul> </li> <li>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</li> <li>c) be for the provision of utilities; or</li> <li>d) be for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) be to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<p><b>P1</b> Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> <li>a) a dwelling to be erected in a convenient and hazard-free location; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) adequate private open space.</li> </ul>
<p><b>A2</b> Each lot must have a frontage of at least 3.6m.</p>	<p><b>P2</b> Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>
<p><b>Comment: Satisfies A1 and A2</b></p> <p>Lot 1 has a site area of 1555m<sup>2</sup>, is capable of containing the prescribed rectangle and will be vacant once sheds are demolished.</p> <p>Lot 2 has a site area of 1030m<sup>2</sup> is capable of containing the prescribed rectangle and will be vacant once sheds are demolished.</p> <p>Lot 3 has a site area of 600m<sup>2</sup> has a depth of 30.2 metres and width of 19.4 metres. The site will contain the existing dwelling and associated outbuilding both of which meet the relevant acceptable solutions for side and rear setbacks. The front setback will remain unaltered by the subdivision.</p> <p>Lot 1 has a frontage of 6.1 metres, Lot 2 of 5 metres and Lot 3 18.1m..</p>	

#### 10.4.15.2 Provision of Services

<p><b>Objective</b></p> <p>To provide lots with appropriate levels of utility services.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b> Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<p><b>P1</b> Each lot created must be:</p> <ul style="list-style-type: none"> <li>a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>b) capable of accommodating an on-site wastewater management system.</li> </ul>
<p><b>A2</b> Each lot must be connected to a reticulated stormwater system.</p>	<p><b>P2</b> Each lot created must be capable of disposal of stormwater to a legal discharge point.</p>
<p><b>Comment: Satisfies A1 and A2</b></p> <p>Lots 1 and 2 will be connected to the sewerage system via an extension of the main through lot 2 and along the western boundary of Lot 1. Lot 3 will maintain its existing connection.</p> <p>All lots will be connected to the water main via an extension of the main from the intersection of Drummond and Youl Main road along Oakmont Street to the site where connections will be provided to each lot.</p>	

#### 10.4.15.3 Solar Orientation of Lots

<p><b>Objective</b></p> <p>To provide for solar orientation of lots and solar access for future dwellings.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b> At least 50% of lots must have a long axis within the range of:</p> <ul style="list-style-type: none"> <li>a) north 20 degrees west to north 30 degrees east; or</li> <li>b) east 20 degrees north to east 30 degrees south.</li> </ul>	<p><b>P1</b> 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><b>A2</b> The long axis of residential lots less than 500m<sup>2</sup>, must be within 30 degrees east and 20 degrees west of north.</p>	<p><b>P2</b> Lots less than 500 m<sup>2</sup> must provide adequate solar access to future dwellings, having regard to the:</p> <ul style="list-style-type: none"> <li>a) size and shape of the development of the subject site; and</li> </ul>



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	<p>b) topography; and</p> <p>c) location of access way(s) and roads.</p>
<p><b>Comment: Satisfies A1 and A2 does not apply as not lots are smaller than 500m<sup>2</sup></b></p> <p>Both lots 2 and 3 have the long axis oriented directly north. Lot 1 has the shorter access oriented to the north but is of sufficient area (1555m<sup>2</sup>) to enable a dwelling to be constructed that will not overshadow the dwelling on lot 2 and will itself receive adequate solar access.</p>	

#### 10.4.15.4 Interaction, Safety and Security

*This clause was not used in this planning scheme*

#### 10.4.15.5 Integrated Urban Landscape

<p><b>Objective</b></p> <p>To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:</p> <p>a) character and identity of new neighbourhoods and urban places; or</p> <p>b) to existing or preferred neighbourhood character, if any.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road, public open space or other reserves.</p>	<p>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <p>a) it has regard to existing, significant features; and</p> <p>b) accessibility and mobility through public spaces and roads are protected or enhanced; and</p> <p>c) connectivity through the urban environment is protected or enhanced; and</p> <p>d) the visual amenity and attractiveness of the urban environment is enhanced; and</p> <p>e) it furthers the local area objectives, if any.</p>
<p><b>Comment: Satisfies A1.</b></p> <p>No new public open space or road is proposed.</p>	

#### 10.4.15.6 Walking and Cycling Network

<p><b>Objective</b></p> <p>a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and</p> <p>b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.</p> <p>c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road, footpath or public open space.</p>	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <p>a) link to any existing pedestrian and cycling networks; and</p> <p>b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and</p> <p>c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and</p> <p>d) promote surveillance along roads and from abutting dwellings.</p>
<p><b>Comment: Satisfies A1</b></p> <p>No new public open space or road is proposed.</p>	

#### 10.4.15.7 Neighbourhood Road Network

<p><b>Objective</b></p> <p>a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and</p> <p>b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road.</p>	<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>

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	<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 2189 minimize 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>
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**Comment: Satisfies A1.** The subdivision does not create any new road.

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	Complies subject to conditions
E2.0	POTENTIALLY CONTAMINATED LAND	N/A
E3.0	LANDSLIP CODE	N/A
E4.0	ROAD AND RAILWAY ASSETS CODE	Complies subject to conditions
E.5.0	FLOOD PRONE AREAS CODE	N/A
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies
E7.0	SCENIC MANAGEMENT CODE	N/A
E8.0	BIODIVERSITY CODE	N/A
E9.0	WATER QUALITY CODE	N/A
E10.0	RECREATION AND OPEN SPACE CODE	N/A
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/A
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/A
E13.0	LOCAL HISTORIC HERITAGE CODE	N/A
E14.0	COASTAL CODE	N/A
E15.0	SIGNS CODE	N/A

#### ASSESSMENT AGAINST E1.0 BUSHFIRE PRONE AREAS CODE

#### E1.5 Use Standards

##### E1.5.1 Vulnerable uses

Not applicable. Subdivision for residential purposes does not constitute a vulnerable use.

##### E1.5.2 Hazardous uses

Not applicable

#### E1.6 Development Standards

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

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

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<p>provision of hazard management areas as part of a subdivision; or</p> <p>(d) The proposed plan of subdivision:</p> <p>(v) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(vi) shows the building area for each lot;</p> <p>(vii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(viii) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(e) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>lots within a bushfire-prone area, having regard to:</p> <p>(i) the dimensions of hazard management areas;</p> <p>(j) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(k) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(l) the topography, including site slope;</p> <p>(m) any other potential forms of fuel and ignition sources;</p> <p>(n) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(o) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(p) any advice from the TFS.</p>
<p><b>Comment:</b> Satisfies A1</p> <p>The Bushfire Assessment accompanying the application has determined that subject to Hazard Management Areas being implemented on the plan of subdivision that the proposal complies.</p>	

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

<p><b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <p>(f) allow safe access and egress for residents, fire fighters and emergency service personnel;</p> <p>(g) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</p> <p>(h) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(i) provide access to water supplies for fire appliances; and</p> <p>(j) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(iii) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(d) appropriate design measures, including:</p> <p>(xiv) two way traffic;</p> <p>(xv) all weather surfaces;</p> <p>(xvi) height and width of any vegetation clearances;</p> <p>(xvii) load capacity;</p> <p>(xviii) provision of passing bays;</p> <p>(xix) traffic control devices;</p> <p>(xx) geometry, alignment and slope of roads, tracks and trails;</p> <p>(xxi) use of through roads to provide for connectivity;</p> <p>(xxii) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(xxiii) provision of turning areas;</p>

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<p>comply with Table E3; and</p> <p>(iv) is certified by the TFS or accredited person.</p>	<p>(xxiv) provision for parking areas;</p> <p>(xxv) perimeter access; and</p> <p>(xxvi) fire trails;</p> <p>(e) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire fighting water supplies; and</p> <p>(f) any advice from the TFS.</p>
<p><b>Comment: Satisfies A1</b></p> <p>The Bushfire Report accompanying the application has assessed that the proposed private driveways comply with A1 (b) subject to implementation of the Bushfire Hazard Management Plan.</p>	

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

<p><b>Objective:</b> Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>	
Acceptable solutions	Performance criteria
<p><b>A1</b></p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p><b>P1</b></p> <p>No Performance Criteria</p>
<p><b>Comment: Satisfies A1</b></p> <p>The Bushfire Report accompanying the application has assessed that there will be a fire hydrant installed to provide the required fire fighting water supply for all three lots. This will be located on the verge in front of lot 3, approximately 1.2 metres from the front boundary.</p>	

### ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

#### E4.1 Purpose of Code

E4.1.1 The purpose of this provision is to:

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

#### E4.2 Application of Code

E4.2.1 This code applies to use or development of land that:

- a) requires a new access, junction or level crossing; or
- b) intensifies the use of an existing access, junction or level crossing; or
- c) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:
  - i) a future road or railway; or
  - ii) a category 1 or 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.

#### E4.3. Definition of Terms

E4.3.1 In this code, unless the contrary intention appears:

Category 1 – Trunk Road	means as defined in Tasmania State Road Hierarchy (DIER, 2007)
Category 2 – Regional Freight Route	means as defined in Tasmania State Road Hierarchy (DIER, 2007)
Category 3 – Regional Access Road	means as defined in Tasmania State Road Hierarchy (DIER, 2007)
Category 4 – Feeder Road	means as defined in Tasmania State Road Hierarchy (DIER, 2007)

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*Category 5 – Other Road*

*Future road or railway*

*Junction*

*Limited access road*

*means as defined in Tasmania State Road Hierarchy (DIER, 2007)*

*means a future road or railway shown on the plans of this planning scheme.*

*means an intersection of two or more roads at a common level, including intersections of on and off ramps and grade-separated roads.*

*means a road proclaimed as limited access under Section 52A of the Roads and Jetties Act 1935.*

#### **E4.4 Use or development exempt from this Code**

**E4.4.1** *There are no exemptions from this Code.*

#### **E4.5 Requirements for a Traffic Impact Assessment (TIA)**

**E4.5.1** *A TIA is required to demonstrate compliance with performance criteria.*

**E4.5.2** *A TIA for roads must be undertaken in accordance with Traffic Impact Assessment Guidelines, Department of Infrastructure, Energy and Resources September 2007. Australian Guidelines and Australian Standards are to be used as the basis for any required road or junction design.*

**E4.5.3** *A TIA must be accompanied by written advice as to the adequacy of the TIA from the:*

- a) road authority in respect of a road; and*
- b) rail authority in respect of a railway.*

**E4.5.4** *The Council must consider the written advice of the relevant authority when assessing an application which relies on performance criteria to meet an applicable standard*

#### **E4.6 Use Standards**

##### **E4.6.1 Use and road or rail infrastructure**

<b>Objective</b> <i>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.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <i>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%.</i>	<b>P1</b> <i>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.</i>
<b>A2</b> <i>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</i>	<b>P2</b> <i>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.</i>
<b>A3</b> <i>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%.</i>	<b>P3</b> <i>For limited access roads and roads with a speed limit of more than 60km/h:</i> <ul style="list-style-type: none"> <li><i>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</i></li> <li><i>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</i></li> <li><i>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.</i></li> </ul>
<b>Comment: Satisfies A2, A1 and A3 Not applicable.</b> The creation of two new residential lots will not result in a generation of more than 40 vehicle movements per day. The typical number of movements attributed to a dwelling is 9 per day, resulting in an additional 18 movements.	



#### E4.7 Development Standards

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

<b>Objective</b> <i>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:</i>	
<i>a) ensure the safe and efficient operation of roads and railways; and</i> <i>b) allow for future road and rail widening, realignment and upgrading; and</i> <i>c) avoid undesirable interaction between roads and railways and other use or development.</i>	
Acceptable Solutions	Performance Criteria
<b>A1</b> <i>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:</i>  <i>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</i> <i>b) building areas on new lots; and</i> <i>c) outdoor sitting, entertainment and children's play areas</i>	<b>P1</b> <i>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:</i>  <i>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</i> <i>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</i> <i>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</i> <i>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.</i>
<b>Comment: Satisfies A1</b> The boundary to Lot 3 is within 50m of the railway corridor, however the dwelling on this lot is existing. The new vacant lots 1 and 2 are setback more than 50 m from the railway corridor.	

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

<b>Objective</b> <i>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.</i>	
Acceptable Solutions	Performance Criteria
<b>A1</b> <i>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.</i>	<b>P1</b> <i>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.</i>
<b>A2</b> <i>For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</i>	<b>P2</b> <i>For limited access roads and roads with a speed limit of more than 60km/h:</i>  <i>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</i> <i>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</i> <i>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.</i>
<b>Comment: Complies with A1, A2 Not applicable</b> Each lot will have a single crossover providing both access and egress.	

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

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

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

<p><b>Objective</b></p> <p>To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with 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><b>Comment: Satisfies P1</b></p> <p>As identified in the TIA accompanying the application, the sight distances to the east for the new accesses to Lots 1 and 2 is 65 metres whereas Table E4.7.4 requires 80 metres. Sight distance to the west is 100m and complies. The reduced sight distance is acceptable as the site is at the end of a new cul-de-sac and therefore all exit movements will be in an easterly direction and therefore restricted sight distance to the east will not be relevant.</p>	

### ASSESSMENT AGAINST E6.0

#### CAR PARKING AND SUSTAINABLE TRANSPORT CODE

#### E6.6 Use Standards

##### E6.6.1 Car Parking Numbers

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

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	<ul style="list-style-type: none"> <li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li> <li>j) any heritage values of the site; and</li> <li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> <li>i) the size of the dwelling and the number of bedrooms; and</li> <li>ii) the pattern of parking in the locality; and</li> <li>iii) any existing structure on the land.</li> </ul> </li> </ul>
<b>Comment: Complies with A1</b> All three residential lots are capable of providing the two spaces per dwelling required by Table E6.1.	

#### ASSESSMENT AGAINST E10.0 RECREATION AND OPEN SPACE CODE

#### E10.6 Development Standards

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

Objective	
<ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> The application must: <ul style="list-style-type: none"> <li>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.</li> </ul>	<b>P1</b> Provision of public open space, unless in accordance with Table E10.1, must: <ul style="list-style-type: none"> <li>a) not pose a risk to health due to contamination; and</li> <li>b) not unreasonably restrict public use of the land as a result of: <ul style="list-style-type: none"> <li>i) services, easements or utilities; and</li> <li>ii) stormwater detention basins; and</li> <li>iii) drainage or wetland areas; and</li> <li>iv) vehicular access; and</li> </ul> </li> <li>c) be designed to: <ul style="list-style-type: none"> <li>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</li> <li>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</li> <li>iii) be cost effective to maintain; and</li> <li>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</li> <li>v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and</li> <li>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</li> <li>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</li> <li>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</li> </ul> </li> </ul>
<b>Comment: Satisfies A1</b> The application includes consent from the General Manager that no land is required for public open space but instead there is to be a cash in lieu payment.	

#### 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



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9.3 Adjustment of a Boundary	N/a
9.4 Demolition	Complies.

#### STATE POLICIES

The proposal is consistent with all State Policies.

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

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

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

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

- *Statutory Planning*

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

## 7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the Road and Railway Assets Code (clause E4.7.4) due to site distance from access to end of cul-de-sac.

The reduced sight distance in the easterly direction is not an issue as the site is at the end of a cul-de-sac so vehicles will only be making a left turn exit from the site.

It is recommended that the application be approved with the conditions given below.

## 8 ATTACHMENTS

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

## RECOMMENDATION

That land at 12 Oakmount Street, Perth be approved to be developed and used for a 3-lot subdivision, water main extension, shed demolition & vegetation removal (Road and Railway Assets Code) in accordance with application PLN-20-0139, and subject to the following conditions:

### 1 Layout not altered

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

- **P1** (Plan of Subdivision Dated 16/06/2020);
- **D1** (Bushfire Report and Bushfire Hazard Management Plan, Dated 23/07/2020);
- **D2** (Traffic Impact Assessment, prepared by Hydrodynamica, dated Sep 2020).

## **2 Council's Works Department conditions**

### **2.1 Stormwater**

Each lot must be provided with a connection to the stormwater system, constructed in accordance with the requirements of the Department of State Growth.

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

- a) A sealed driveway shall be provided from the edge of the road to each lot.
- b) The applicant must apply for a permit from the Department of State growth to carry out the access works.

### **2.3 As constructed information**

As Constructed Plans showing the location of the stormwater connections 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 State road reserve**

- 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](http://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.

### **2.6 Separation of stormwater services**

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

### **2.7 Pollutants**

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of 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 2020/01846-NMC).

## **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 Demolition

Prior to the seal of final plan, all buildings shown on the plan of subdivision as 'to be demolished', shall be removed in their entirety (inclusive of any rubble) and the site rehabilitated to a level surface.

## 6 Sealing of Plans

The final plan of survey will not be sealed until all conditions have been compiled with.

### TasRail Standard Notes (as at 24 October 2019)

- Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time. Landowners and prospective landowners should undertake appropriate due diligence to ensure they are aware of train noise and vibration, particularly train horn noise.
- The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
- Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)
- No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc.
- No persons should enter rail land without formal authorisation.
- Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
- As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
- Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited.
- All access and rail land enquiries should be directed to [property@tasrail.com.au](mailto:property@tasrail.com.au)
- As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.

### DECISION

Cr Goss/Cr Goninon

That the matter be discussed

Carried unanimously

Cr Goss/Cr Goninon

That land at 12 Oakmount Street, Perth be approved to be developed and used for a 3-lot subdivision, water main extension, shed demolition & vegetation removal (Road and Railway Assets Code) in accordance with application PLN-20-0139, and subject to the following conditions:

#### **1 Layout not altered**

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

- **P1** (Plan of Subdivision Dated 16/06/2020);
- **D1** (Bushfire Report and Bushfire Hazard Management Plan, Dated 23/07/2020);
- **D2** (Traffic Impact Assessment, prepared by Hydrodynamica, dated Sep 2020).

## **2 Council's Works Department conditions**

### **2.1 Stormwater**

Each lot must be provided with a connection to the stormwater system, constructed in accordance with the requirements of the Department of State Growth.

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

- a) A sealed driveway shall be provided from the edge of the road to each lot.
- b) The applicant must apply for a permit from the Department of State growth to carry out the access works.

### **2.3 As constructed information**

As Constructed Plans showing the location of the stormwater connections 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 State road reserve**

- 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](http://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.

### **2.6 Separation of stormwater services**

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

### **2.7 Pollutants**

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of 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 2020/01846-NMC).

#### **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 Demolition**

Prior to the seal of final plan, all buildings shown on the plan of subdivision as 'to be demolished', shall be removed in their entirety (inclusive of any rubble) and the site rehabilitated to a level surface.

#### **6 Contribution for road works**

The developer shall provide a contribution of \$10,745 toward the cost of footpath, road widening and kerb and channel works (based on \$220 L/m for footpath and kerb and channel for the length of the frontage + \$60/m<sup>2</sup> x 1m wide road widening), to be returned in full if the works have not been established within 5 years of the date of the permit.

#### **7 Sealing of Plans**

The final plan of survey will not be sealed until all conditions have been compiled with.

#### **TasRail Standard Notes (as at 24 October 2019)**

- Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time. Landowners and prospective landowners should undertake appropriate due diligence to ensure they are aware of train noise and vibration, particularly train horn noise.
- The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
- Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)
- No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc.
- No persons should enter rail land without formal authorisation.
- Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
- As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
- Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited.
- All access and rail land enquiries should be directed to [property@tasrail.com.au](mailto:property@tasrail.com.au)
- As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.

Carried unanimously

Cr Davis/Cr Goninon

That Council prioritises early in the new year, consideration of a policy in relation to Roadworks Contribution by Developers (footpath, road widening and kerb and channel works).

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 434/20 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 Lambert/Cr Goss

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

## 428/20 PUBLIC QUESTIONS & STATEMENTS

### 1 PUBLIC QUESTIONS

#### GOV 6(1) NOTICE OF MOTION: COUNCILLOR BROOKS: 32 NORFOLK STREET, PERTH

Barbara Rees, Newstead for the Perth Heritage Action group

Council RESOLVED to note the receipt and tabling of the report “32 Norfolk Street, Tasmania Community Interest Historical Heritage Assessment Report” by the group.

#### PLAN 4 (WITHDRAWN): PLANNING APPLICATION PLN-20-0174: 173 MARLBOROUGH STREET, LONGFORD

Paul Eriksson, CEO, Tas Racing

Council RESOLVED to note the receipt and tabling of correspondence received from TasRacing’s CEO titled “Tasracing’s position with respect to the 173 Marlborough Street Longford Development”.



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 435/20 ITEMS FOR THE CLOSED MEETING

### DECISION

Cr Goninon/Cr Davis

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Development Supervisor, Senior Planner and Executive Assistant.

Carried unanimously

### 436/20 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.

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### 437/20 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.

### 438/20 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE

As per provisions of Section 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

### 439/20(1) PERSONNEL MATTERS

As per provisions of Section 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

### 439/20(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*

### 439/20(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*

### 439/20(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*

### 439/20(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.

*Swimming Pool Strategy*

### 439/20(6) 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.

*Development Proposal*

### 439/20(7) PERSONNEL MATTERS

As per provisions of Section 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.





# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 14 DECEMBER 2020

#### 440/20 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.

*Compliance matter*

#### 441/20 REQUEST TO AMEND THE NORTHERN TASMANIA REGIONAL LAND USE STRATEGY: 98 RIDGESIDE LANE, 211 LOGAN ROAD AND CT 101154/1, LOGAN ROAD, EVANDALE

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

#### DECISION

Cr Davis/Cr Goninon

That the matter be discussed.

Carried unanimously

Cr Davis/Cr Goss

That Council,

- A) approve Choice Location Strategists fee proposal to review the data produced for the Northern Midlands Land Use & Development Strategy and the Northern Tasmania Regional Land Use Strategy and to put that data in an impartial analysis of land availability and growth forecasts.
- B) in relation to this matter:
  - i) consider whether any discussion, decision, report or document is kept confidential or released to the public.
  - ii) release the decision to the public:

Carried unanimously

#### 442/20 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.

*Appeal*

#### 443/20 CONTRACT 20/18: LONGFORD VILLAGE GREEN - MEMORIAL HALL UPGRADE AND ASSOCIATED WORKS - SUPPLY OF CONSULTANCY SERVICES FOR DESIGN

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

#### DECISION

Cr Adams/Cr Davis

That the matter be discussed.

Carried unanimously

Cr Davis/Cr Goninon

That Council

- A) Accepts the following Tender
  - i) Loop Architecture; and
  - ii) Negotiate final scope of services
- 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

Voting for the motion:

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

Voting against the motion:

Cr Brooks, Cr Goss



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

## 444/20 CONTRACT 20/16: CRESSY RECREATION GROUND & CRESSY POOL REDEVELOPMENTS: CONSTRUCTION

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Goninon/Cr Davis

That Council

- A Accepts the following Tender in relation to the Cressy Recreation Ground
  - i) Groves Construction; and
  - ii) negotiates cost saves to meet Councils current budget; and
  - iii) Stage the Developments; and
  - iv) Officers to review the 2020/2021 Budget to identify savings to cover the additional components and fund the remaining components in the 2021/2022 Budget
- 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

Voting for the motion:

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

Voting against the motion:

Cr Goss

Cr Goninon/Cr Polley

That Council

- A refers the Tender costings in relation to the Cressy Swimming Pool to Groves Construction for review; and
  - i) negotiates cost saves to meet Councils current budget;
  - ii) Stage the Developments;
  - iii) Officers to review the 2020/2021 Budget to identify savings to cover the additional components and fund the remaining components in the 2021/2022 Budget;
  - iv) receive a report at the 27 January 2021 Council meeting; and
  - v) a budget be prepared over the next 5 years for any outstanding items.
- 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

## 445/20 CONTRACT 20/19: REPLACEMENT OF BRIDGE 1940, MACQUARIE ROAD CRESSY

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Goss/Cr Adams

That Council

- A) accept the tender (Contract 20/19) provided by VEC Civil for the Replacement of Bridge 1940, Macquarie Road Cressy; and
- 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 only to the public.

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 14 DECEMBER 2020

446/20 CONTRACT 20/20: CONSTRUCTION OF NEW ROAD AND ASSOCIATED SERVICES –  
FROM SECCOMBE STREET TO MAIN STREET PERTH

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

## DECISION

Cr Lambert/Cr Davis

That Council

- A) accept the tender (Contract 20/20) provided by Sherriff Civil for new road construction of 123m and associated services on Seccombe Street from Minerva Drive to Perth Main Street; and
- 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 only to the public.

Carried unanimously

## DECISION

Cr Adams/Cr Lambert

That Council move out of the closed meeting.

Carried unanimously

*Mayor Knowles closed the meeting at 8.39pm*

MAYOR \_\_\_\_\_

DATE \_\_\_\_\_