



**NORTHERN  
MIDLANDS  
COUNCIL**

# MINUTES

ORDINARY MEETING OF COUNCIL

MONDAY, 28 JUNE 2021



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

MINUTES OF THE ORDINARY MEETING OF THE NORTHERN MIDLANDS COUNCIL HELD ON MONDAY 28 JUNE 2021 AT 5.05PM 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)

## 201/21 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 (to 9.28pm), Mr Leigh McCullagh – Works Manager (to 9.28pm), Mrs Erin Miles – Development Supervisor (to 9.28pm), Mr Paul Godier – Senior Planner (to 8.13pm), Mr Martin Maddox – Accountant (from 5.37pm to 5.44pm), Mrs Gail Eacher – Executive Assistant (to 9.28pm)

### 2 APOLOGIES

Cr Andrew Calvert

## 202/21 TABLE OF CONTENTS

<b>201/21</b>	<b>ATTENDANCE</b>	<b>901</b>
1	PRESENT	901
2	APOLOGIES	901
<b>202/21</b>	<b>TABLE OF CONTENTS</b>	<b>901</b>
<b>203/21</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>905</b>
<b>204/21</b>	<b>DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE</b>	<b>905</b>
<b>205/21</b>	<b>CONFIRMATION OF MINUTES: OPEN COUNCIL ORDINARY COUNCIL MEETING MINUTES</b>	<b>905</b>
<b>206/21</b>	<b>MOTIONS ON NOTICE</b>	<b>905</b>
1	NOTICE OF MOTION	905
<b>207/21</b>	<b>COMMITTEE MINUTES</b>	<b>906</b>
1	CONFIRMATION OF MINUTES OF COMMITTEES	906
2	RECOMMENDATIONS OF SUB COMMITTEES	906
<b>208/21</b>	<b>DATE OF NEXT COUNCIL MEETING: MONDAY, 19 JULY 2021</b>	<b>908</b>
<b>209/21</b>	<b>INFORMATION ITEMS</b>	<b>909</b>
1	COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING	909
2	MAYOR'S ACTIVITIES ATTENDED & PLANNED	909
3	GENERAL MANAGER'S ACTIVITIES	910



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

4	PETITIONS	910
5	CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES	911
6	132 & 337 CERTIFICATES ISSUED	911
7	ANIMAL CONTROL	912
8	ENVIRONMENTAL HEALTH SERVICES	912
9	CUSTOMER REQUEST RECEIPTS	913
10	GIFTS & DONATIONS (UNDER SECTION 77 OF THE LGA)	913
11	ACTION ITEMS: COUNCIL MINUTES	914
12	RESOURCE SHARING SUMMARY: 01 JULY 2020 TO 30 JUNE 2021	918
13	VANDALISM	919
14	YOUTH PROGRAM UPDATE	919
15	STRATEGIC PLANS UPDATE	919
16	TOURISM & EVENTS, & HERITAGE HIGHWAY TOURISM REGION ASSOCIATION (HHTRA) UPDATE	922
17	BICENTENARY PLANNING UPDATES	922
18	NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE, DECLARATIONS UNDER SCHEDULE 6 OF THE LAND USE PLANNING AND APPROVALS ACT 1993	923
<b>210/21</b>	<b>LOCAL DISTRICT COMMITTEES: MEMORANDUM OF UNDERSTANDING</b>	<b>925</b>
<b>211/21</b>	<b>LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT): 2021 LOCAL GOVERNMENT CONFERENCE</b>	<b>933</b>
<b>212/21</b>	<b>NORTHERN MIDLANDS COUNCIL BICYCLE ADVISORY COMMITTEE</b>	<b>936</b>
<b>213/21</b>	<b>NORTHERN MIDLANDS COUNCIL STRATEGIC PROPERTY COMMITTEE</b>	<b>939</b>
<b>214/21</b>	<b>POLICY UPDATE: MEETING PROCEDURES</b>	<b>943</b>
<b>215/21</b>	<b>LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT): MOTIONS FOR THE ANNUAL GENERAL MEETING TO BE HELD ON 30 JUNE 2021</b>	<b>945</b>
<b>216/21</b>	<b>MONTHLY REPORT: DEVELOPMENT SERVICES</b>	<b>949</b>
<b>217/21</b>	<b>MONTHLY FINANCIAL STATEMENT</b>	<b>956</b>
<b>218/21</b>	<b>MUNICIPAL BUDGET</b>	<b>962</b>
<b>219/21</b>	<b>POLICY UPDATE: HEAVY VEHICLES USING COUNCIL BRIDGES</b>	<b>977</b>
<b>220/21</b>	<b>NATIONAL SUMMIT ON WOMEN'S SAFETY: ATTENDANCE BY MAYOR KNOWLES</b>	<b>979</b>
<b>221/21</b>	<b>PUBLIC QUESTIONS &amp; STATEMENTS</b>	<b>980</b>
1	PUBLIC QUESTIONS	981
	<i>CON 8 Lease Agreement</i>	981
	<i>GOV 14 Kennel Licence Application for 8 Dogs at 49 Phillip Street Perth</i>	981
<b>222/21</b>	<b>COUNCIL ACTING AS A PLANNING AUTHORITY</b>	<b>982</b>
2	STATEMENTS	982
	<i>PLAN 1 PLN-21-0047: 1 KING STREET, CRESSY</i>	982



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

	<i>PLAN 3 PLN-21-0101: SMITH STREET, BETWEEN GEORGE STREET AND RECREATION GROUND, LONGFORD</i>	982
	<i>PLAN 5 PLN-21-0071: 35 COLLINS STREET (ACCESS OVER 18 LOGAN ROAD), EVANDALE</i>	983
<b>223/21</b>	<b>PLANNING APPLICATION PLN-21-0047: 1 KING STREET, CRESSY</b>	<b>984</b>
<b>224/21</b>	<b>REQUEST FOR PLANNING EXEMPTION FOR CAMPBELL TOWN UNDERPASS</b>	<b>1009</b>
<b>225/21</b>	<b>PLANNING APPLICATION PLN-21-0101: SMITH STREET, BETWEEN GEORGE STREET AND RECREATION GROUND, LONGFORD</b>	<b>1012</b>
<b>226/21</b>	<b>PLANNING APPLICATION PLN-20-0269: 49 GEORGE STREET, PERTH</b>	<b>1037</b>
<b>227/21</b>	<b>PLANNING APPLICATION PLN-21-0071: 35 COLLINS STREET (ACCESS OVER 18 LOGAN ROAD), EVANDALE</b>	<b>1072</b>
<b>228/21</b>	<b>DRAFT AMENDMENT 04/2020: LOW DENSITY RESIDENTIAL LAND SOUTH OF LONGFORD</b>	<b>1097</b>
<b>229/21</b>	<b>COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION</b>	<b>1101</b>
<b>210/21</b>	<b>LOCAL DISTRICT COMMITTEES: MEMORANDUM OF UNDERSTANDING</b>	<b>1102</b>
<b>230/21</b>	<b>KENNEL LICENCE APPLICATION FOR 8 DOGS AT 49 PHILLIP STREET PERTH</b>	<b>1103</b>
<b>231/21</b>	<b>ITEMS FOR THE CLOSED MEETING</b>	<b>1109</b>
232/21	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1109
233/21	CONFIRMATION OF CLOSED COUNCIL MINUTES: ORDINARY & SPECIAL COUNCIL MEETINGS	1109
234/21	APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE	1109
235/21(1)	PERSONNEL MATTERS	1109
235/21(2)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1109
235/21(3)	MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL	1109
235/21(4)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1109
235/21(5)	MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL	1110
235/21(6)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1110
235/21(7)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1110



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

235/21(8)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1110
235/21(9)	MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL	1110
236/21	MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL	1110
237/21	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1110
238/21	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1110
239/21	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	1111
240/21	CONSTRUCTION OF NEW DETENTION BASIN, GATTY STREET, WESTERN JUNCTION	1111
241/21	RELEASE OF LONGFORD STORMWATER SYSTEM FLOOD AND RISK REPORT	1111
242/21	LOCAL DISTRICT COMMITTEE MEMBERSHIP	1111
243/21	BIENNIAL TENDERS: 2021/2022 TO 2022/2023	1113
244/21	PUBLIC RELATIONS CONSULTANCY: ENGAGEMENT	1114
245/21	INTEGRATED PRIORITY PROJECTS PLAN	1114
246/21	PROPERTY REVIEW: 24 KING STREET, CAMPBELL TOWN	1114
247/21	PROPOSALS FOR THE COUNCIL TO ACQUIRE LAND OR AN INTEREST IN LAND OR FOR THE DISPOSAL OF LAND	1114
248/21	PERSONNEL MATTERS, INCLUDING COMPLAINTS AGAINST AN EMPLOYEE OF THE COUNCIL AND INDUSTRIAL RELATIONS MATTERS	1115

#### DECISION

Cr Lambert/Cr Polley

That Council

- i) agree to the following inclusion/deletions from the Agenda:
  - Inclusion – late item – GOV 17 National Summit on Women’s Safety: Attendance by Mayor Knowles
  - Withdrawal of item – GOV 16 Footpath Trading By-Law
  - Withdrawal of item – GOV 7(2) Longford Local District Committee – recommendation 7.2 Town Hall Committee Proposal.
- ii) agree to hold over item - GOV 14 Kennel Licence Application for 8 dogs at 49 Phillip Street Perth until after Public Question Time.

Carried unanimously



## NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

### 203/21 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.

### 204/21 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:

Mayor Knowles	GOV 17 National Summit on Women's Safety: Attendance by Mayor Knowles
Deputy Mayor Richard Goss	CON 11 Local District Committee Membership (Cressy)
Cr Dick Adams	CON 11 Local District Committee Membership (Longford)
Cr Ian Goninon	CON 5 Appeal; CON 16 Property Review
Mr Des Jennings	GOV 14 Kennel Licence

### 205/21 CONFIRMATION OF MINUTES: OPEN COUNCIL ORDINARY COUNCIL MEETING MINUTES

#### DECISION

Cr Lambert/Cr Davis

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 17 May 2021, be confirmed as a true record of proceedings.

Carried unanimously

### 206/21 MOTIONS ON NOTICE

#### 1 NOTICE OF MOTION

No notices of motion were received.

207/21 COMMITTEE MINUTES

1 CONFIRMATION OF MINUTES OF COMMITTEES

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

	Date	Committee	Meeting
i)	29/04/2021	Avoca, Royal George & Rossarden Local District Committee	Ordinary
ii)	04/05/2021	Evandale Advisory Committee	Ordinary
iii)	25/05/2021	Local Recycling Committee	Ordinary
iv)	26/05/2021	Cressy Local District Committee	Ordinary
v)	01/06/2021	Campbell Town District Forum	Ordinary
vi)	01/06/2021	Ross Local District Committee	Ordinary
vii)	01/06/2021	Perth Local District Committee	Ordinary
viii)	01/06/2021	Evandale Advisory Committee	Ordinary
ix)	02/06/2021	Longford Local District Committee	Ordinary
x)	03/06/2021	Devon Hills Neighbourhood Watch & Residents Committee	Ordinary

DECISION

Cr Adams/Cr Goss

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.

**Cressy Local District Committee**

At the ordinary meeting of the Cressy Local District Committee held on 26 May 2021 the following motion/s were recorded for Council's consideration:

**Town Wayfinding brochures:** Committee asked if this document will be printed in colour, if so proceed.

**Officer Comment:**

Full colour document ordered and proof to be provided to committee when received, prior to printing. No action required.

**Officer Recommendation:**

That the recommendation be noted.

: To re-address the relocation/remake of the name sign (Bartholomew park). Suggest across the front of the fish on the corner angled from Church to Main. New name board incorporating plaque underneath.

**Officer Comment:**

Council officer progressing design for consideration by Committee. No further action required.

**Officer Recommendation:**

That the recommendation be noted.

DECISION

Cr Goss/Cr Adams

That the recommendations be noted.

Carried unanimously

### Ross Local District Committee

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

**6.11 Clearing the Macquarie River:** The Ross Local District Committee request that the NMC contact the relevant Tasmanian Government Minister, requesting clarification as to which Government Department is responsible for maintaining the Macquarie River.

**Officer Comment**

Concerns have been raised from community members regarding the state of the Macquarie River. The Department of State Growth has been approached previously.

**Officer Recommendation:**

That Council Officers contact the Department of State Growth and pass on the request.

**7. New business – Rail Crossing:** The Ross Local District Committee requests that NMC contact Tas Rail to determine the extent of Tas Rail ownership of the Badajos Street rail crossing, for the purpose of future widening of the road to ensure the safety of road users.

**Officer Comment**

The Ross Local District Committee has requested that Council Officers investigate ownership and pass on the request above.

**Officer Recommendation:**

That Council note the information and request Council Officers action the request.

DECISION

Cr Goss/Cr Lambert

- 6.11 Clearing the Macquarie River: That Council Officers contact the Department of State Growth and pass on the request.
- 7. New business – Rail Crossing: That Council note the information and request Council Officers action the request.

Carried unanimously

### Longford Local District Committee

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

**3. Apologies:** Dennis Pettyfor has been in hospital at different times over the last two months and is there again today, therefore this committee gives him leave of absence for this meeting.

**Officer Comment**

The Longford Local District Committee has requested a leave of absence. Under the current MOU, it states the following:

*Council will give consideration to an application for an extended leave of absence which has been endorsed by the Committee on a case by case basis.*

**Officer Recommendation:**

That Council note the information and grant the member a leave of absence.

**7.1 MOU Discussion:**

- 1. In section 4 of the MOU - third paragraph.

"Members are to comprise of residents of Longford including members of organisations or businesses who live in the Longford district.

- 2. in section 5 roles and responsibilities

"To receive communications from the local communities and special interest groups and forward their letters/requests with appropriate recommendations to Council".

**Officer Comment**

The Longford Local District Committee has suggested the above changes are made to the MOU, under Section 4 and Section 5. Feedback from Committees re the revised endorsed MOU has been listed for consideration in this Council meeting agenda.

**Officer Recommendation:**

That Council note the information.



## NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

### DECISION

Cr Adams/Cr Brooks

3. Apologies: That Council note the information and grant the member a leave of absence.

7.1 MOU Discussion: That Council note the information.

Carried unanimously

**208/21     DATE OF NEXT COUNCIL MEETING: MONDAY, 19 JULY 2021**

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

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 209/21 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
07/06/2021	<b>Council Workshop</b> Presentations <ul style="list-style-type: none"> <li>Campbell Town Underpass</li> </ul> Discussion included: <ul style="list-style-type: none"> <li>Budget 2021/2022</li> </ul>
17/06/2021	<b>Special Council Workshop</b> Discussion: <ul style="list-style-type: none"> <li>Budget 2021/2022</li> </ul>
28/06/2021	<b>Council Workshop</b> Discussion: <ul style="list-style-type: none"> <li>Council Meeting Agenda items</li> </ul>
28/06/2021	<b>Council Meeting</b>

### 2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 20 May 2021 to 28 June 2021 are as follows:

Date	Activity
20 May 2021	Attended Heritage Highway Association meeting via zoom, Gipps Creek
21 May 2021	Attended Fingal Valley Neighbourhood House Volunteer Week event, Fingal
24 May 2021	Attended family violence crisis accommodation meeting via zoom, Gipps Creek
25 May 2021	Attended Northern Midlands Local Recycling Committee meeting, Longford
25 May 2021	Attended Hydro Tasmania Dinner event, Launceston
26 May 2021	Attended climate change meeting via phone, Gipps Creek
27 May 2021	Attended Campbell Town Show judging, Campbell Town
27 May 2021	Attended Free 2B girls group, Longford
28 May 2021	Attended family violence meeting via zoom, Gipps Creek
29 May 2021	Attended President's Lunch Campbell Town Show, Campbell Town
30 May 2021	Attended Bicentenary Service, Tabernacle, Perth
30 May 2021	Attended meeting with resident, Longford
31 May 2021	Attended Bicentenary Event, Campbell Town
1 June 2021	Attended Centacare affordable housing presentation, Campbell Town
2 June 2021	Attended Bicentenary Event, Ross
2 June 2021	Attended Fire Brigade meeting, Rossarden
3 June 2021	Attended Tasmania Talks radio interview, Gipps Creek
3 June 2021	Attended Book Launch, Oatlands
5 June 2021	Attended 111 <sup>th</sup> Australian Hospital exhibition launch, Campbell Town
5 June 2021	Attended Enlightened Bicentenary event, Oatlands
7 June 2021	Attended Premier's Economic Social Recovery Advisory Council meeting, Longford
7 June 2021	Attended Council Workshop, Longford
8 June 2021	Attended ABC TV interview, Campbell Town
9 June 2021	Attended Northern Tasmania Development Corporation meeting, Launceston
10 June 2021	Attended State Government interview RE COVID-19 vaccine, Longford
10 June 2021	Attended TasWater event, Launceston
10 June 2021	Attended meeting with Brian Mitchell, Longford

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Date	Activity
11 June 2021	Attended Tasmania Talks radio interview, Gipps Creek
12 June 2021	Attended ABC radio enquiry, Gipps Creek
14 June 2021	Attended ABC radio interview, Gipps Creek
15 June 2021	Attended family violence meeting via zoom, Gipps Creek
17 June 2021	Attended Council Workshop, Longford
20-24 June 2021	Attended Australian Local Government Association reception event and conference, Canberra
21 June 2021	Attended Australian Local Government Women's Association breakfast, Canberra
25 June 2021	Attended Devonfield House Official Opening Affordable Housing, Perth
26 June 2021	Attended Reconciliation Tas Land Management Conservation event, Campbell Town
28 June 2021	Attended meeting with Men's Shed, Longford
28 June 2021	Attended Workshop and Council 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)

- Met with representatives from Campbell Town Football Club
- Attended Regional General Manager's meeting
- Met with RSL
- Met with proponents re developments
- Met with representatives of Longford Mens Shed

### 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.

##### 58. Tabled petition

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

(a) . . . . .

- (b) forward it to the general manager within 7 days after receiving it.
- (2) A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.
- (3) A petition is not to be tabled if –
- (a) it does not comply with section 57 ; or
  - (b) it is defamatory; or
  - (c) any action it proposes is unlawful.
- (4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgment.

### 3.1 PETITIONS RECEIVED: OPPOSITION TO PROPOSAL TO PLANT TREES IN SMITH STREET, LONGFORD

Two petitions initiated by Fran Hoyle were received by Council on 25 May 2021, these two petitions are compliant having met the provisions of the *Local Government Act 1993*, Part 6 – Petitions, polls and public meetings, S57:

- Petition 1: totals 5 pages with 81 signatories
- Petition 2: totals 2 pages with 22 signatories

It is noted that there are a total of 103 signatories to these two petitions.

### 3.2 PETITION RECEIVED: HERITAGE LISTING OF THE TOWN HALL IN CAMPBELL TOWN

In this regard, a petition initiated by Kim Peart was received by Council on 23 June 2021. The petition is compliant having met the provisions of the *Local Government Act 1993*, Part 6 - Petitions, polls and public meetings, S57.

The petition was received too late for listing on the Council Meeting Agenda but was tabled at the meeting.

It is noted that there are a total of 78 signatories to the petition.

#### **ATTACHMENTS:**

Smith Street Tree petitions

## 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



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

(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		
132	136	71	95	98	105	69	52	51	102	96	67		942	915
337	34	41	36	44	59	66	29	26	42	42	46		465	515

## 7 ANIMAL CONTROL

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

Item	Income/Issues 2019/2020		Income/Issues for May		Income/Issues 2020/2021	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,278	101,937	75	1,684	4,198	100,038
Dogs Impounded	44	4,089	4	262	21	1,734
Euthanized	1	-	-	-	-	-
Re-claimed	39	-	4	-	19	-
Re-homed/Dogs Home *	4	-		-	1	-
New Kennel Licences	15	1,080	1	72	16	1,152
Renewed Kennel Licences	70	3,080			72	3,168
Infringement Notices (paid in full)	42	12,149	3	508	29	5,641
Legal Action	-	-	-	-	-	-
Livestock Impounded	-	-	-	-	1	65
<b>TOTAL</b>		<b>122,335</b>		<b>2,526</b>		<b>111,799</b>

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

### Analysis of kennel licences issued:

Number of licences issued - Year to date	Number of Dogs							
	3	4	5	6	7	8	9	10 or more
83	23	13	12	9	6	4	0	20

## 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/ Licences Issued	2017/2018	2018/2019	2019/2020	2020/2021	Number -- this month	Current No. of Premises Registered
Notifiable Diseases	4	5	1	0		
Inspection of Food Premises	77	127	111	69	14	195
Place of Assembly Licences					-	

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.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

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

Food premises are categorised based on their potential risk to the health of the consumer. Higher risk premises are inspected at least once each financial year.

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

## 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	1	1	4	4	5	2	
Building & Planning	-	-	-	1	1	1	1	4	4	2	1	
Community Services	-	-	-	-	1	11	6	3	4	1	-	
Corporate Services	-	3	1	-	1	2	-	1	3	2	-	
Governance	-	-	-	-	-	1	-	-	-	1	3	
Waste	1	-	-	-	-	-	-	-	-	-	-	
Works	31	27	28	34	13	35	41	28	31	26	25	

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

Date	Recipient	Purpose	Amount \$
	Council wages and plant	Assistance to Campbell Town SES	121.79
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
22-Dec-20	Cressy District High School	Inspiring Positive Futures Program	8,000.00
19-Apr-21	Woolmers Foundation Inc	Donation - Second hand laptops	500.00
<b>Planning/Building Applications Remitted</b>			
20-Jan-21	Relay for Life Fundraiser Longford Goat Show	Temporary Food Permit	33.00
20-Jan-21	Nth Tas Light Horse Troop War Animals Remembrance Day	Temporary Food Permit	33.00
20-Jan-21	Campbell Town Auxiliary Market Stall	Temporary Food Permit	186.00
20-Jan-21	Longford Rotary Club	Temporary Food Permit	186.00
<b>School &amp; Bursary Programs</b>			
11-Nov-20	Chanelle Woods	Bursary Program 2019 - instalment 2	1,000.00
18-Jan-21	Jonty Webb	Bursary Program 2020 - instalment 1	1,000.00
18-Jan-21	Charlotte Layton	Bursary Program 2019 - instalment 2	1,000.00
19-Jan-21	Connor Perri	Bursary Program 2020 - instalment 1	1,000.00
3-Feb-21	Samantha Airey	Bursary Program 2019 - instalment 2	1,000.00
10-Feb-21	Ellie-Mae Evans	Bursary Program 2019 - instalment 2	1,000.00
17-Mar-21	Jemma Walters	Bursary Program 2019 - instalment 1	1,000.00

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Date	Recipient	Purpose	Amount \$
17-Mar-21	Piper Bunton	Bursary Program 2019 - instalment 2	1,000.00
24-Mar-21	Hayden Smith	Bursary Program 2019 - instalment 2	1,000.00
<b>Sporting Achievements</b>			
3-Feb-21	Katie Campbell	NTJSA U/13 Girls Representation Team	100.00
31-Mar-21	Henry Tennant	Northern Tasmanian Soccer Rep Team	100.00
14-Apr-21	Jock Johnston	Tasmanian Polocross Covid Cup 2021	100.00
14-Apr-21	Alex Miller	Tasmanian Polocross Covid Cup 2021	100.00
2-Jun-21	Ms Celeste Nicholson	NTJSA U/13 Girls Representation Team	100.00
		<b>TOTAL</b>	<b>\$30,332.52</b>

## 11 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status
15/03/2021	091/21	Aboriginal and Dual Naming Policy: Inclusion of Palawa Kani Name on Campbell Town Entrance Signs	writes to the Tasmanian Aboriginal Centre seeking comment on amending the entrance signs to Campbell Town to display the palawa kani name pantukina	Exec. Officer	Letter sent to Tasmanian Aboriginal Centre 18/3/2021. Campbell Town Bicentenary Committee updated 18/3/2021. Response received from Tasmanian Aboriginal Centre supporting inclusion of palawa kani name on Campbell Town entrance statement. Design sent to TAC for approval 20/5/21, TAC not agreeable to size of writing, seeking redesign.
15/03/2021	098/21	Public Interest Disclosure Procedures	That Council adopt the Public Interest Disclosure Procedures as drafted and submit to the Ombudsman for approval.	Exec. Officer	Procedures submitted 18/3/2021. Awaiting response from Ombudsman.
17/05/2021	176/21	Sale of Town Hall, Campbell Town	That Council: i) notes the objections received; and ii) determines to sell the Town Hall in Campbell Town; and iii) notifies parties who lodged the objections within 7 days of this decision.	Exec. Officer	Letters to objectors sent 20/5/2021. Appeal lodged, mediation set for 22/6/21.
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.
27/01/2021	021/21	Just Cats Proposal: User Pay Basis	That the matter be referred to the neighbouring Council's by the General Manager to consider a consolidated approach, which may include meeting with Just Cats as well as other service providers to consider all aspects of cat management, including: education programmes, State government funding/ support that may be available. Discussions to not only relate to the rehoming of cats.	General Manager	Report to future Council meeting.
17/05/2021	182/21	Safety Concerns: Woolmers Lane and Panshanger Road Junction, Longford	That Council request the Department of State Growth to carry out a review of speed limits on Woolmers Lane and recommend that the limit be lowered to 80kmh from Point Road through to Longford.	Engineering Officer	Council officers liaising with the Department of State Growth.
17/05/2021	190/21	Bridge Across Liffey River To Former Baptist Church Grounds	That a decision be deferred to the next meeting to establish Council's responsibilities and alternative solutions (including timber).	Works Manager	Report to future Council meeting.
15/02/2021	059/21	Traffic Concerns: Wellington & Marlborough Streets Intersection at Longford	That Council vigorously pursue Option 4 and the possibility of raised intersection treatment or roundabout with the Department of State Growth; and that barrier protection be installed as required to protect pedestrians and the adjacent heritage properties (on both sides of the road).	Works Manager	Matter listed for workshop for discussion.
15/03/2021	091/21	Aboriginal and Dual Naming Policy: Inclusion of Palawa Kani Name on Campbell Town Entrance Signs	adopt the Aboriginal and Dual Naming Policy	Executive & Comms Officer	Awaiting approval.
15/03/2021	115/21	Corporate Information Technology (Enterprise Suite) Solution Upgrade	That Council i) make provision in the 2021/22 Budget to update the Open Office Enterprise Suite in the immediate future; and ii) continue to participate in discussion relating to the Northern Tasmanian Councils IT Shared Business Application Platform project.	Corporate Services Manager	In progress
17/05/2021	178/21	Consultation on Draft Planning Directive 8 –	That Council submit a representation to the Tasmanian Planning Commission (as per the Council resolution):	Senior Planner	Representation on PD8 sent to TPC 18/5/2021.



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Date	Min. Ref.	Details	Action Required	Officer	Current Status
		State Planning Provisions Exemptions, Application Requirements, Special Provisions and Zone Provisions	<ul style="list-style-type: none"> <li>• Maintenance and repair of buildings (heritage buildings and precincts) ...</li> <li>• Vegetation Removal Exemptions ...</li> <li>• General Residential Zone Provisions ...</li> </ul>		
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. Aerial Survey complete, Land Survey Modelling can now commence, due mid-March. Consultant advised on 18 March 2021 Council modelling now due end of April. Consultant advised 5/5/21 modelling due end May due to software upgrades required.
17/05/2021	180/21	Restrictions on Keeping of Roosters	That Council consider restricting the keeping of roosters in urban areas, and consider the need for a by-law with penalties for offences and non-compliance.	Animal Control Officer	Report to July Council meeting.

#### LOCAL DISTRICT COMMITTEE ACTIONS

Council Minute Origin Date	Min. Ref.	Details	Action Required	Officer	Council Meeting dated	Current Status
<b>CAMPBELL TOWN</b>						
15/03/2021	091/21	Aboriginal and Dual Naming Policy: Inclusion of Palawa Kani Name on Campbell Town Entrance Signs	Adopt the Aboriginal and Dual Naming Policy	Executive & Comms Officer	26/04/2021	Further information sought by Placenames Tasmania, information requested being collated.
26/04/2021	135/21	Rubbish Bins in High Street	<b>Rubbish Bins in High Street:</b> That council consider larger & maybe a better style of garbage bin be placed in High Street in the area of Zepps & Banjo's. <b>Decision That Council Officers investigate and provide a response.</b>	Works Manager	26/04/2021	New bins are to be considered within the Campbell Town Main Street Upgrades. The current bins are emptied by Council staff twice daily, 7 days a week.
17/05/2021	172/21	Smoke Free Zone High Street	6.10 Smoke Free Zone High Street: That Council contact business owners along the Main Street reminding them of the regulations. - That Council Officers send a letter to business owners along High Street reminding them of the regulations and their responsibility to ensure a smoke free zone for customers.	Executive & Comms Officer		Letter to be drafted.
16/11/2020	382/20	Tourist Signage	Tourist symbol information to be placed at road entries to Campbell Town. - That Council Officers investigate the matter.	Executive & Comms Officer	17/05/2021	Matter being investigated. To be considered in conjunction with Main Street Upgrade.
17/05/2021	172/21	Upgrades to skate park	7.2 Upgrades to skate park: That Council consider an upgrade or extension to the Campbell Town Skate Park in the 2021/2022 budget. - That Council note the information and consider an upgrade to the existing skate park in the 2021/2022 budget.	Corporate Services Manager		Budget to be set.
<b>CRESSY</b>						
17/02/2020	039/20	Bartholomew Park Sign	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	17/05/2021	Design being progressed.
<b>LONGFORD</b>						
15/03/2021	088/21	Herb Boxes	7.2 Herb Boxes (similar to the ones outside the Cressy Bakery, be considered by Council to plant pots in the town -That Council be asked to place flower boxes outside JJ's and/or Sticky	Corporate Services Manager	17/5/2021	Garden bed in Victoria square being investigated.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Council Minute Origin Date	Min. Ref.	Details	Action Required	Officer	Council Meeting dated	Current Status
			Beaks with their permission.) That the matter be referred to the 2021/2022 Budget process.			
17/05/2021	172/21	Horse Trough Interpretation Panel	10.2 Horse Trough Interpretation Panel: That the committee investigate developing an appropriate plaque with full interpretation of its history and that it be attached to the statue. That Len Langan be asked to investigate. - That Council note the information	Executive & Comms Officer		Committee progressing.
17/05/2021	172/21	Longford Entrance Improvements	7.1 Longford Entrance Improvements: That this committee refer the entrance question be incorporated into the planning for the roundabout upgrade. - That Council note the information.	Executive & Comms Officer		On hold.
26/04/2021	135/21	Planter Boxes	Planter Boxes: That the Committee seeks permission to replant some of the planters in Longford with herbs and that they seek volunteers in the garden community to tend them." <b>Decision: That Council note the recommendation</b>	Executive & Comms Officer	26/04/2021	Garden bed in Victoria square being investigated. <b>Being progressed.</b>
15/02/2021	040/21	Racecourse Signage	LLDC request the Council to add a sign for the racecourse on the existing sign on Cressy Road at the corner of Cracraft Street. - consideration be given to the corner of Brickendon and Marlborough streets as a suitable location for the Racecourse signage	Engineering Officer	17/05/2021	Requires further investigation. New signs need to match existing signage.
15/02/2021	040/21	Tear Off Street Maps	Ask Council to use their resources to revise and reprint maps. & Council garner support from business sponsors to use their resources to place their business names on the back of maps. - Council Officers to seek quotes and survey Longford businesses through the Northern Midlands Courier to ascertain business support for the production of tear-off maps, prior to a report to Council.	Executive & Comms Officer	17/05/2021	Being progressed by Tourism Officer together with Committee.
<b>PERTH</b>						
17/05/2021	172/21	Banner Poles	Banner Poles: add the bicentenary dates 1821 to 2021 to the banners listed below. Committee agreed these banners would be suitable to use ongoing in future years with the bi-centenary dates. - That the recommendation be noted	Exec. Assistant		Banners installed late May.
17/05/2021	172/21	Budget 2021/2022:	Budget 2021/2022: request Council advise the committee of the 2021/22 Budget Priorities relevant to the Perth Township following approval of the budget by council. - That the recommendation be noted	Corporate Services Manager		Committee to be advised.
17/05/2021	172/21	Mulgrave Street Dog Park	Mulgrave Street Dog Park: That Council, in consultation with the Perth Lions Club, progress with the planting of appropriate tree species at the Mulgrave Street dog park to replace the vegetation removed. - That the recommendation be noted	Works Manager		Trees planted.
17/05/2021	172/21	Perth Train Park	Perth Train Park: request Council consider the list of upgrades to the Train Park as a matter of urgency to make the park safe and attractive for the community and to coincide with the celebration of the arrival of trains in the town. - The matter be considered further as part of the Perth Main Street Upgrade Program.	General Manager		Number of items considered in 2021/2022 Budget, including: BBQ shelter, tree sculpture maintenance and toilet amenities & play equipment refurbishment/upgrade.
<b>ROSS</b>						
21/10/2019	313/19	Macquarie River	The Ross Local District Committee requests that the Northern Midlands Council progress the dual naming of the Macquarie River to Tinamirakuna	Executive & Comms Officer	15/03/2021	Place Names preparing a report to the Aboriginal & dual Naming Reference Group.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Council Minute Origin Date	Min. Ref.	Details	Action Required	Officer	Council Meeting dated	Current Status
			which includes community consultation and investigation. - That Council support the proposal and progress the request			
14/12/2020	415/20(3)	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. - That Council note the information, investigate the matter and action accordingly.	Executive & Comms Officer	14/12/2020	Works Manager met with Committee.
26/04/2021	135/21	Speeding Vehicles on Roseneath Road Southern Bridge Approaches:	<b>Speeding Vehicles on Roseneath Road Southern Bridge Approaches:</b> The RLDC requests that NMC consider relocating the 50 kph speed sign a further 150 metres (approx) south towards Roseneath gates, in an effort to slow vehicles approaching the Ross Bridge and to protect the safety of the many pedestrians that use the Ross Bridge. <b>DECISION: That Council note the information.</b>	Engineering Officer	26/04/2021	Complete

#### LONG TERM ACTIONS

Date	Min. Ref.	Details	Action Required	Officer	Current Status
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	Historic photos to be catalogued and collated.
18/05/2020	146/20	Northern Midlands Youth Voice Forum	That Council endorse the progression of the Northern Midlands Youth Voice Forum	Youth Officer	Postponed to 2021.
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. To be finalised in 2021.

#### COMPLETED ACTION ITEMS FOR DELETION

Date	Min. Ref.	Details	Action Required	Officer	Current Status
17/05/2021	174/21(21)	Local Government Association of Tasmania (LGAT): Motions to the General Meeting	INFO 21: That Council endorse the minor changes to the motions to be submitted and tabled at the LGAT General Meeting.	Exec. Officer	Complete.
17/05/2021	174/21(4)	Petitions – Save The Campbell Town Town Hall	INFO 4: That Council acknowledge receipt of the non-compliant petition detailed at INFO 4 above.	Exec. Officer	Lodging party notified, petition non-conforming and advised outcome of meeting on 20/5/21.
15/02/2021	046/21	ALGA 2021 NGA - Attendance	That Council authorise the attendance in person of the Mayor, Deputy Mayor and General Manager at the 2021 National General Assembly of Local Government to be held in Canberra from 20 to 23 June 2021.	Exec. Assistant	Complete.
17/05/2021	175/21	Local District Committees: Review of Memorandum of Understanding	That Council endorse the draft changes to the Memorandum of Understanding and refer the document to the local district committees for comment, with the inclusion of the following additional amendments to the draft:	Exec. Assistant	Provided to Committees for comment. Report to Council.
17/05/2021	191/21	Tasnetworks – Pruning Or Removal Of Trees: High Street Campbell Town	That Council support the proposal i) for TasNetworks to remove the elm and plane trees beneath the powerlines in High Street (between Montagu and Edgar streets) Campbell Town; and ii) to install garden beds in the area where trees have been removed; and iii) to plant additional trees in the Blackburn Park south area (overnight camping site); and iv) enter into discussion with the	Works Manager	Tasnetworks contacted, removal of trees programmed for 9 July.



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Date	Min. Ref.	Details	Action Required	Officer	Current Status
			Minister to seek clarification on the new policy; and to place on the agenda the installation of underground power in historic villages and towns.		
15/03/2021	112/21	2021/22 Municipal Budget	as per recommendation	Corporate Services Manager	Report to June Council meeting.
26/04/2021	144/21	Policy Review: Code of Tendering & Procurement	That Council adopt the amended Code of Tendering & Procurement Policy (include paper trail in purchases under \$5,000).	Corporate Services Manager	Policy manual updated.
26/04/2021	141/21	Town Promotion Videos	That Council defer the funding of promotional advertisements for consideration in the 2021/2022 budget process.	Corporate Services Manager	to be considered in 2021/22 budget deliberations.
17/05/2021	187/21	Request For Planning Exemption For Campbell Town Underpass	That i) a decision on this matter be deferred; and ii) the General Manager request the attendance of the Department of State Growth at a workshop to a) discuss the suitability of the development of the underpass and the vastly increased costs related thereto; and b) in addition, the community opposition to the project; and c) request the Department of State Growth give consideration to alternatives to the underpass.	Senior Planner	Report to Council.
17/05/2021	179/21	Kennel Licence Application for 8 Dogs at 102 Main Street Cressy	application denied.	Animal Control Officer	Complete.
17/05/2021	189/21	Kennel Licence Application For 8 Dogs At 49 Phillip Street Perth	That further information be provided and the matter be deferred to the next meeting.	Animal Control Officer	Report to Council.
15/02/2021	044/21	Footpath Trading by law	That Council, i) in accordance with s.156 of the Local Government Act 1993 intends to make the proposed Footpath Trading By-Law No. 1 of 2021 to regulate Footpath Trading within the Northern Midlands municipality. ii) upon gazettal of the Footpath Trading By-Law No. 1 of 2021, revokes the Footpath Trading Policy.	Compliance Officer	Report to Council.

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

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

Resource Sharing Summary 1/7/20 to 30/6/21 As at 30/04/21	Units Billed	Amount Billed GST Exclusive \$
<b>Meander Valley Council</b>		
<b>Service Provided by NMC to MVC</b>		
Street Sweeping Plant Operator Wages and Oncosts	239.00	12,780.69
Street Sweeper - Plant Hire Hours	242.25	21,323.88
<b>Total Services Provided by NMC to Meander Valley Council</b>		<u>34,104.57</u>
<b>Service Provided by Meander Valley Council to NMC</b>		
<b>Wages and Oncosts</b>		
Plumbing Inspector Services	592.50	44,243.60
Engineering Services	2.00	129.00
<b>Total Service Provided by MVC to NMC</b>		<u>44,243.60</u>
<b>Net Income Flow</b>		<u>- 10,139.03</u>
<b>Total Net</b>		<u>- 10,139.03</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
- Tourism Officer	4	from Council Budget A/c 519035
<b>Works Department Private Works Carried Out</b>	220	
	<u>224</u>	

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 13 VANDALISM

Prepared by: Jonathan Galbraith; Engineering Officer

Incident	Location	Estimated Cost of Damages		
		May 2021	Total 2020/21	May 2020
Break-in at Football club rooms	Perth	\$ 3,000		
Damage to toilets at Victoria Square	Longford	\$ 1,000		
<b>TOTAL COST VANDALISM</b>		<b>\$ 4,000</b>	<b>\$ 9,700</b>	<b>\$ 1,100</b>

## 14 YOUTH PROGRAM UPDATE

Prepared by: Holly Preece, Youth Officer

### 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 April as follows:

Session Venue	Date of Session	Attendance
Sessions not held during school holidays		
Campbell Town	25/5	9
Longford	26/5	9

The Free2b Girls program volunteers were the winners of the Volunteer Group / Program of the Year Award in the 2021 Tasmanian Volunteering Awards.

## 15 STRATEGIC PLANS UPDATE

Prepared by: Lorraine Green, Project Officer

### CURRENT AS OF 15 JUNE 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
<b>Blessington</b>			
<b>Feasibility Study: Investment in Ben Lomond Ski field 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>January 2019: Nomination submitted for Ben Lomond to be the state's next iconic walk. Nomination unsuccessful.</li> <li>April 2021: Liberal party commitment of \$2.8M for infrastructure upgrade and a new Ben Lomond Master Plan</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 2021 for extension to deadline to enable completion of court surrounds work including shade structure – extension granted to 31 August 2021</li> <li>November 2017: Funding application submitted to Sport &amp; Recreation Tas for \$80,000 towards the project: application successful. Acquittal report submitted December 2019.</li> <li>October 2020: Tennis Club submitted Improving the Playing Field Grant application for a tennis pavilion. Outcome unsuccessful.</li> <li>November 2020: Tennis Club secured funds for a practice 'hit-up' wall.</li> </ul>
<b>Oval Irrigation System and Public Toilets</b>			<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. Advised Jan 2021 application unsuccessful.</li> <li>Feb 2021: quotes being reviewed for the work.</li> <li>March 2021: Local Roads and Community Infrastructure grant of \$160,000 secured for installation of stage one of the oval irrigation system. Work planned to commence July 2021</li> </ul>
<b>CBD Urban Design and Traffic Management Strategy</b> (GHD) (Lange Design and Rare	May-16		<ul style="list-style-type: none"> <li>GHD contracted to prepare the strategy: final report accepted at Nov 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</li> </ul>



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
Innovation)			and construction tenders. Stage 1 concept plan received April 2018. <ul style="list-style-type: none"> <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>Lake Leake Amenities Upgrade</b>	April-21		<ul style="list-style-type: none"> <li>Recreational Fishing and Camping Facilities Program grant of \$72,628 secured towards the upgrading of the toilet and shower facilities at the Lake Leake campground.</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 with reviewed scope and cost accepted Feb 2021.</li> <li>March 2021: Local Roads and Community Infrastructure grant of \$200,000 secured towards the upgrade.</li> <li>April 2021: work commenced. Late 2021 completion anticipated.</li> </ul>
<b>Recreation Ground Master Plan</b> (Lange Design & Loop Architecture)	Feb-17		<ul style="list-style-type: none"> <li>January 2017: confirmation that the state govt has approved \$220,000 for the ground upgrade through the Northern Economic Stimulus Package.</li> <li>February 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 Program for clubrooms upgrade: funding secured.</li> <li>Facility upgrade design brief completed. Design work completed. Tender with reviewed scope and cost accepted Feb 2021.</li> <li>March 2021: Local Roads and Community Infrastructure grant of \$107,571 secured towards the redevelopment of the changerooms. Work commenced April 2021 – late 2021 completion anticipated.</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> (Lange Design)	Nov-16  April 18		<ul style="list-style-type: none"> <li>November 2016 Lange Design contracted to develop master plan. Council accepted 2030 Master Plan at April 2018 Council Meeting.</li> <li>State Liberal election commitment of \$158,000 towards facilities' upgrades. Progress reports submitted Dec 2018, March 2019 and Sept 2019.</li> <li>February 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 October 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>Changeroom upgrade and expansion completed Acquittal report to be prepared.</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>January 2017: Council advised State Govt has approved \$1,000,000 for the upgrade through the Northern Economic Stimulus Package</li> <li>March 2021: Local Roads and Community Infrastructure grant of \$50,000 secured for the refurbishment of the squash courts.</li> <li>Work due for completion mid-2021</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>September 2017: Philp Lighton Architects contracted to undertake the study of the Council Offices, Memorial Hall, Town Hall and Library facilities. Report received.</li> </ul>

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
			<ul style="list-style-type: none"> <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. User group consultation underway.</li> </ul>
<b>Racecourse Master Plan</b> (Lange Design and Loop Architecture)	April-21		<ul style="list-style-type: none"> <li>April 2021: Consultancy Agreement signed.</li> </ul>
<b>Perth</b>			
<b>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 October 2019. Deed of Agreement signed</li> <li>Development approved at April 2021 Council meeting. Tenders close 17 June 2021.</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.</li> <li>Community consultation re draft concept plans underway.</li> </ul>
<b>South Esk River Parklands Concept Plan</b> (Lange Design)	Nov-18		<ul style="list-style-type: none"> <li>March 2021: Application submitted to Building better Regions Fund for grant to extend the walkway and installation of footbridge. Outcome anticipated mid- 2021.</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>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.</li> <li>On agenda 28 June 2021 Council Meeting.</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>January 2017: cost estimate for design and documentation, tender process and project management received from JMG.</li> <li>January 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>February 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>February 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>Current: Stage 2 work progressing with Local Road and Community Infrastructure Program funding. Completion anticipated mid-2021.</li> </ul>
<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 February 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>March 2021: Local Roads and Community Infrastructure grant of \$126,270 secured towards Gatty Street stormwater detention basin.</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.</li> <li>Presentation on the finalised plan to be made at May 2021 Council Workshop.</li> <li>On agenda 28 June 2021 Council Meeting</li> </ul>

#### COMPLETED ACTION ITEMS FOR DELETION

Nil this month.

## 16 TOURISM & EVENTS, & HERITAGE HIGHWAY TOURISM REGION ASSOCIATION (HHTRA) UPDATE

Prepared by: *Fiona Dewar, Tourism Officer*

#### Tourism update:

- Assisted local event organisers to fulfil Council compliance requirements.
- Met with NMBA representative to discuss marketing activities for NM businesses including tear off maps. Investigate creating a map that we can amend design inhouse to update as required.
- Keep event list updated and distribute. Update NMC website calendar.
- Working with Brand Tasmania on the Town Video project to put together a comprehensive brief and seek further quotes.
- Attend NMBA meeting supporting a representative of the Northern Midlands Visitor Centres to discuss how to increase connection between visitor centres, tourism providers and the NMBA.
- Working with the Northern Midlands Visitor Centres to draft a communication strategy to increase connection between visitor centres and tourism providers.
- Added Recycling package to the Event Management Guide. Offering recycling opportunity to event organisers. Liaising with secretary of Recycling Committee re arranging Committee volunteers to participate at events.
- Minor amendments to the Event Management Guide.
- Begin work on Avoca map panel upgrade.

#### HHTRA update:

- The Heritage Highway Tourism Region Association general meeting was held via zoom on 20 May 2021.
- Current marketing activities continue and include website blog posts and social media.
- The HHTRA website project status: a temporary 'watch this space' landing page has been set up. Await DST to rebuild their new site of which HHTRA will have a comprehensive landing page with links to Heritage Highway images, articles, blogs, tourism product.
- Ross Revealed, augmented reality experience: project is close to finalizing. Begun final acquittal/reports.
- Skulduggery initiative to supply to local school. Meetings with board member and local teacher to progress.
- Planning continues for AGM on 9 September 2021.

## 17 BICENTENARY PLANNING UPDATES

Prepared by: *Fiona Dewar, Tourism Officer*

#### Ross

The Ross Bicentenary Committee are planning a series of events throughout the year.

- Feb – June: Education exhibition at the Tasmanian Wool Centre Museum called: It Takes a Village.
- 21 Feb: Bike Ride with Picnic Lunch
- 12-14 March: If These Halls Could Talk – Ten Days on the Island.
- 18 April: Bicentenary Ramble
- 8 May: Bush Feast
- 27 May – 10 June: Dressing the Trees Installation
- 2 June: formal ceremony at the Town Hall. Quilt unveiling. Visitors Book.
- 3 June: Ross Bridge presentation by Dr Jennie Jackson.
- 4 June: Bicentenary Quilt exhibition open to public.
- 17 July: Bicentenary Dinner at the Ross Sports Club.
- 3 – 26 Sept: Sculpture Tasmania Tin Can Exhibition at the Thistle Inn.
- 12 Sept: Ross Running Festival.
- Sept. Ross Village Green Official Opening.
- 17 Oct: Ross Remembered at the Ross Community Sports Club.
- 29 – 31 Oct: Set In Stone | David Bleakley Art Exhibition and Auction / Arts Festival



## NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

- 13 Nov: Remembrance Day Dance. 50s Swing Band and Period Dress.
- 27 Nov: Open Gardens
- 4 – 5 Dec: Bicentenary Gala Day of Cricket.
- 31 Dec: New Year's Eve on the Green Village Fair

### Campbell Town

The Campbell Town Bicentenary Committee are planning a series of events throughout the year:

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

### Perth

The Perth Bicentenary Committee are planning a series of events throughout the year:

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

## 18 NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE, DECLARATIONS UNDER SCHEDULE 6 OF THE LAND USE PLANNING AND APPROVALS ACT 1993

*Report prepared by: Paul Godier, Senior Planner*

On 14 May 2021, the Tasmanian Planning Commission advised that in order for the draft Local Provisions Schedule to meet the Local Provisions Schedule Criteria, Schedule 6 transitional provisions, modifications detailed are required to be made to the draft Local Provisions Schedule in accordance with Attachment A – Draft notice under section 35(5)(b) and Schedule 6, clauses 8C(5)(a) and 8D(9)(a) of the Land Use Planning and Approvals Act 1993 (see attached).

The Commission advised that as it was currently waiting for the final signed versions of the Minister's declarations to be returned, the notice was issued as a draft and that once the final declarations are received, the final notice will be issued, which is expected to be the same as the draft.

The Commission advised that the purpose of the draft notice is to allow the planning authority to commence updates to its draft LPS now so that the modified draft LPS can be submitted soon after the final notice is issued and that it is hoped that the modified draft LPS will be submitted by 18 June 2021.

An extension time to submit the modified draft LPS has been requested, to allow this matter to be presented to the 28 June Council meeting, and to allow Council's consultants time to make the required modifications.

On 31 May 2021, the final Minister's declarations under Schedule 6 of the Land Use Planning and Approvals Act 1993 were received.

If Council disagrees with any of the declarations, it will need to make a representation to its draft Local Provisions Schedule when it is publicly exhibited.

### ATTACHMENTS:

Letter from Planning Commission dated 14 May 2021

Letter from Minister for Local Government and Planning dated 31 May 2021



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## DECISION

Cr Polley/Cr Goninon

INFO 4: That Council acknowledge receipt of the following petitions:

- i) Opposition to proposal to plant trees in Smith Street, Longford (2 petitions)
- ii) Heritage Listing of the Town Hall in Campbell Town

Carried unanimously

Cr Goninon/Goss

That the information items be received.

Carried unanimously

Mayor Knowles noted that at the Rotary Club meeting held on Sunday 27 June 2021 Council staff member, Bronwyn Rigby, and members of the Evandale Rotary Club had received the Rotary Club's Paul Harris Fellowship Award, the most prestigious award presented by the Rotary Club.



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

## 210/21 LOCAL DISTRICT COMMITTEES: MEMORANDUM OF UNDERSTANDING

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

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to consider the additional comments provided by Local District Committees regarding the Memorandum of Understanding endorsed at the 17 May 2021 Council meeting.

### 2 INTRODUCTION

At the 17 May 2021 Council meeting (minute reference 175/21) Council endorsed the draft Memorandum of Understanding, subject to amendment, as follows:

*Cr Polley/Cr Calvert*

*That Council endorse the draft changes to the Memorandum of Understanding and refer the document to the local district committees for comment, with the inclusion of the following additional amendments to the draft:*

i) **4. MEMBERSHIP**

...

*Members are to comprise of residents of XXXX and representatives of organisations based within those communities, with invitations to be extended to local business owners to join the Committees membership.*

ii) **4. MEMBERSHIP**

...

*Membership will be subject to the current registration as a Council Volunteer and as such the contract with Council as a Volunteer extends to membership of the Committee; with Volunteer registration and induction to be completed prior to the commencement of membership.*

iii) **6. MEETING PROCEDURES**

...

*A calendar of meeting dates is to be determined and published prior to the commencement of each calendar year.*

iv) **7. COMMUNICATION, INFORMATION SHARING AND CONSULTATION**

...

*Any incoming (or outgoing) official correspondence received (or sent) by the Chair, or the membership on behalf of the Chair, in relation to the XXX Local District Committee, which has not been referred to the Committee by Council or generated by Council, is to be provided to Council within 14 days of receipt thereof. Correspondence will be recorded by Council and a formal response provided by Council. Approval of any correspondence to be sent by the XXX Local District Committee is to be sought from Council's General Manager.*

v) **8. REVIEW AND EVALUATION**

*Reinstate the following wording which had been marked for deletion:*

*...suggest amendments to its content.*

*Carried unanimously*

During late May and early June, the amended endorsed Memorandum of Understanding was provided to Committees for comment.

The following comment has now been received:

Endorsed MOU	Suggested Amendment	Committee Comment	Officer Comment
<b>SECTION 2: PURPOSE</b>			
<b>Ross Local District Committee:</b>			
The purpose of the Ross Local District Committee is to: • Be a communication channel for information between Council and the community of Ross;	Last paragraph – remove the words "community of Ross" and the words "local community of" and reword the paragraph as follows: The purpose of the Ross Local	The Ross Local District Committee by its very name, implies that the Committee serves the Ross district as a whole not just the Ross community, the description "community" could be misconstrued	<b>No change recommended.</b>  As noted by the Ross Local District Committee, the name of the Committee encompasses the entire community of the district of Ross, including its non-urban base.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Endorsed MOU	Suggested Amendment	Committee Comment	Officer Comment
<ul style="list-style-type: none"> <li>Identify needs, concerns and expectations of the <b>local community of Ross</b> and advise Council of these needs;</li> <li>Consider and provide feedback to Council in respect to matters referred to the committee by Council.</li> </ul>	<p>District Committee is to:</p> <ul style="list-style-type: none"> <li>Be a communication channel for information between Council and the <b>Ross district</b>.</li> <li>Identify needs, concerns and expectations of the <b>Ross district</b> and advise Council of these needs.</li> <li>Consider and provide feedback to Council in respect to matters referred to the committee by Council.</li> </ul>	as the RLDC serving the village of Ross only.	
<b>SECTION 4: MEMBERSHIP</b>			
<b>Longford Local District Committee:</b>			
Members are to comprise of residents of Longford and representatives of organisations based within those communities, with invitations to be extended to local business owners to join the Committees membership.	<p>Recommendation, that the wording in this paragraph be changed to:</p> <p>Members are to comprise of residents of Longford including members of organisations or businesses who live in the Longford district.</p>	Recommendation, that the wording be changed	<b>No change recommended.</b>
<b>SECTION 5: ROLES &amp; RESPONSIBILITIES</b>			
<b>Longford Local District Committee:</b>			
To receive communications from the local <b>community</b> and special interest groups and forward their letters/requests with appropriate <b>comment/feedback</b> to Council.	<p>Recommendation, that the wording in this paragraph be changed to:</p> <p>To receive communications from the local <b>communities</b> and special interest groups and forward their letters/requests with appropriate <b>recommendations</b> to Council.</p>	Recommendation, that the wording in this paragraph be changed	<p><b>No change recommended.</b></p> <p>The use of the word <i>community</i> in the document is intended to include <i>communities</i>.</p> <p>The use of <i>comment/ feedback</i> by Council makes provision for general comment or feedback following discussion by the Committee.</p> <p>A recommendation to Council is not always required.</p> <p>When seeking feedback, Council officers will ask Committees to make a recommendation if that is what is required.</p>
<b>Ross Local District Committee:</b>			
	Additional rights and responsibilities of both the Council and its Volunteers, are detailed in Council's Volunteer Handbook.	To more fully clarify both Council's and the LDC's roles and responsibilities, consider adding the this sentence at the end of the section.	<p><b>No change recommended.</b></p> <p>In accordance with the MOU it is a requirement of Committee members to complete a Volunteer Induction session prior to commencing membership.</p>
<b>SECTION 6: MEETING PROCEDURES</b>			
<b>Ross Local District Committee:</b>			
	Ross Local District Committee meetings, are subject to the same meeting conduct requirements which apply to meetings of the Northern Midlands Council.	Whilst this section adequately deals with meeting procedures, it makes no mention of the required standard of meeting <u>conduct</u> . It is suggested that Council add the following sentence to clarify this matter.	<p><b>No change recommended.</b></p> <p>The opening sentence of this section reads as follows:</p> <p>Meetings are to be governed in accordance with the procedures stated above, and in the event, this Memorandum of Understanding is silent in respect to a procedure, reference is to be made to the <i>Local Government (Meeting Procedures) Regulations 2015</i> for the appropriate procedure.</p>
<b>SECTION 7: COMMUNICATION, INFORMATION SHARING AND CONSULTATION</b>			
<b>Ross Local District Committee:</b>			
Any incoming (or outgoing) official correspondence received (or sent)	When approached by the media for comment on any issues, the media	A. On several occasions, members of the RLDC and the Chair in	<b>No change recommended.</b>



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Endorsed MOU	Suggested Amendment	Committee Comment	Officer Comment
<p>by the Chair, or the membership on behalf of the Chair, in relation to the Ross Local District Committee, which has not been referred to the Committee by Council or generated by Council, is to be provided to Council within 14 days of receipt thereof. Correspondence will be recorded by Council and a formal response provided by Council.</p> <p>Approval of any correspondence to be sent by the Ross Local District Committee is to be sought from Council's General Manager.</p>	<p>should be instructed to direct all enquiries to the Mayor.</p>	<p>particular, have been approached by media for comment on various issues. Whilst the greater majority of these approaches have been with the best of intentions, occasionally the enquiries have been nothing more than an attempt to drive a wedge between the RLDC and the Council.</p> <p>For clarities sake, and in the interests of uniformity by LDC's throughout Council's area, it is suggested that Council add the following sentence.</p> <p><i>When approached by the media for comment on any issues, the media should be instructed to direct all enquiries to the Mayor.</i></p>	<p>In accordance with the MOU it is a requirement of Committee members to complete a Volunteer Induction session prior to commencing membership.</p> <p>The Volunteer Handbook clearly states:</p> <p><b>Your responsibilities as a volunteer</b> A volunteer is a worker as defined in the Work Health &amp; Safety Act 2012. Accordingly, there are certain responsibilities you must meet in your role. As a volunteer you have a responsibility to:</p> <p>... Adhere to all applicable legislation relevant to your duties;</p> <p>The Volunteer Handbook is currently under review and reference to the Mayor's role as official spokesperson of Council is to be included in the handbook.</p> <p>The following extract from the Local Government Act 1993, Section 27, clarifies the role of the Council spokesperson follows:</p> <p>27. Functions of mayors and deputy mayors (1) The functions of a mayor are– ... (e) to act as the spokesperson of the council; and</p> <p>However, the following addition could be made to the final sentence of this section:</p> <p><b>The Mayor is the official spokesperson of Council, any media or comment sought from the Committee must be referred to Council. Approval of any correspondence to be sent by the Ross Local District Committee is to be sought from Council's General Manager.</b></p>
<b>Ross Local District Committee:</b>			
	<p>Where appropriate, Councils Issue Resolution Policy <u>may</u> be utilised in the event of an internal dispute between Committee members, and external disputes between Committee members and Councillors, Council Staff and the general public.</p>	<p>The RLDC felt that a reference to the availability of Council's Conflict Resolution Policy would be a beneficial addition to the MOU for all parties. The RLDC has suggested an amendment to section 7.</p> <p><i>Where appropriate, Councils Issue Resolution Policy may be utilised in the event of an internal dispute between Committee members, and external disputes between Committee members and Councillors, Council Staff and the general public.</i></p>	<p><b>No change recommended.</b></p> <p>In accordance with the MOU it is a requirement of Committee members to complete a Volunteer Induction session prior to commencing membership.</p> <p>The Volunteer Handbook clearly states:</p> <p><b>Your responsibilities as a volunteer</b> ... Adhere to all Council policies that apply to your position;</p> <p>The following policies &amp; procedures are included as an addendum to the Volunteer Handbook and will be issued to members at the Volunteer Induction session prior to commencement of membership.</p>

### 3 BACKGROUND

The information provided in this section is an extract from the 17 May 2021 report to Council.

The Northern Midlands Council has a local district committee for each major township in the municipality. They are:

- Avoca, Royal George & Rossarden Local District Committee (meeting bi-monthly);
- Campbell Town District Forum (meeting monthly);
- Cressy Local District Committee (meeting bi-monthly);
- Evandale Advisory Committee (meeting monthly);
- Longford Local District Committee (meeting monthly);
- Perth Local District Committee (meeting monthly); and



- Ross Local District Committee (meeting monthly).

Each committee is a special committee of Council created pursuant to section 24 of the *Local Government Act 1993*.

The purpose of the committees is to act as a communication channel between Council and the community, identifying local concern and opportunities; and providing feedback to Council.

The Committees are all of varying ages. Some have been in place since 1994, others have been formed in more recent years.

The relationship between the Northern Midlands Council and each committee is governed pursuant to a Memorandum of Understanding (MOU). The purpose of the MOU is to:

- set the purpose, roles and responsibilities of the committee; and
- provide guidelines in respect to membership and meeting procedures.

In April 2016 Council resolved to standardise the MOU's for the Local District Committees, and coordinate the terms of the committees so they all expire at the same time. The purpose behind this was to reduce the time and cost associated with advertising positions, holding AGMs and reporting to Council on membership.

The Memorandum of Understanding was reviewed in April 2018, Minute Reference 104/18, just prior to the commencement of the 2018-2020 term of office of members.

At the 20 July 2020 meeting (min. ref. 231/20) Council endorsed the extension of the membership terms of the Northern Midlands Council Local District Committees for the 2018-2020 term to 30 June 2021.

A review of the Memorandum of Understanding is considered necessary to clarify the role of the committees, assess suggested changes and address concerns raised, including:

- The role of the Committee surrounding receipt of and commenting on planning applications;
- The role of the Committee surrounding commenting on other strategic matters, for example, proposed amendments to the Northern Regional Land Use Strategy;
- The provision of secretarial support; and
- Member attendance at meetings.

On 15 May 2020 Council wrote to the Chairs of all the Committees (and copied to the membership) advising as follows:

*Councillors have over a period of time informally discussed the content of the current Memorandum of Understanding (MOU) that is to be endorsed by Local District Committees (LDC) at the commencement of each 2-year term.*

*The matters which have been raised, include the following:*

- *The LDC's should be considered as consultative committees not advisory committees.*
  - *The content in relation to the scope should be amended; and the roles and responsibilities be clearly identified.*
  - *Concerns about absence without leave and the termination of membership due to absence in relation to the suggestion that terminated members be excluded from further appointment for a period of 6 months.*
  - *Councillor representatives attend meetings to provide clarity on matters and are not in attendance as guests, but have no voting rights. The MOU needs to clarify that the Chair is not able to refuse the right of a Councillor to speak.*
  - *Secretarial support only being provided for bi-monthly meetings held during office hours.*
- In discussions, it was mentioned that place and time of meetings should be determined by the LDC and that membership should not be subject to the requirement that meetings be held during office hours.*

Committees were requested to consider:

- *The provision of the \$2,500 in lieu of secretarial support. Currently the monies are provided for projects subject to Council approval; and whether the funds are a reasonable incentive.*
- *Timing and frequency of meetings.*
- *Whether it is considered necessary to include a conflict resolution provision within the MOU.*

Included in correspondence sent to the Chairs of the Committees (copies sent to the membership) on 23 July 2020 Council's General Manager, reiterated the content of previous correspondence regarding the review and sought comment by 30 August.

Comment/feedback was received from the Chairs of the Longford Local District Committee, Perth Local District Committee and Ross Local District Committee; comment in relation to Conflict Resolution provisions was received from 2 members of the Avoca, Royal George and Rossarden Local District Committee.

#### 4 STRATEGIC PLAN 2017-2027

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

- Lead –
  - Leaders with Impact
  - Core Strategies:
    - ♦ Communicate – Connect with the community
    - ♦ Lead – Councillors represent honestly with integrity
    - ♦ Manage – Management is efficient and responsive
- Progress –
  - Economic Development – Supporting Growth & Changes
    - ♦ Towns are enviable places to visit, live & work
- People –
  - Sense of Place – Sustain, Protect, Progress
  - Core Strategies:
    - ♦ Council nurtures and respects historical culture
    - ♦ Developments enhance existing cultural amenity
    - ♦ Public assets meet future lifestyle challenges
  - 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 –
  - History – Preserve & Protect our Built Heritage for Tomorrow
  - Core Strategies:
    - ♦ Our heritage villages and towns are high value assets

#### 5 POLICY IMPLICATIONS

No policy implications have been identified.

#### 6 STATUTORY REQUIREMENTS

Each committee is formed as a special committee of Council pursuant to section 24 of the *Local Government Act 1993*. Pursuant to section 24(3) of the *Local Government Act 1993* the Council is to determine the procedures relating to meetings of a special committee.

#### 7 FINANCIAL IMPLICATIONS

No financial implications have been identified in relation to this report.

#### 8 RISK ISSUES

If the Memorandum of Understanding between Council and its special committees is not clear, there is a risk of

- confusion for committee members,
- members acting outside the scope of their role,
- not acting on matters referred for comment by Council.

## 9 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

## 10 COMMUNITY CONSULTATION

Initially comment was sought from Local District Committees with a closing date of 30 August 2020.

During late May and early June, the amended endorsed Memorandum of Understanding was provided to Committees for comment.

## 11 OPTIONS FOR COUNCIL TO CONSIDER

11.1 To receive the additional comment from the Local District Committees relating to the endorsed Memorandum of Understanding and not endorse further amendment.

OR

11.2 To receive the additional comment from the Local District Committees relating to the endorsed Memorandum of Understanding and incorporate additions/amendments into the Memorandum of Understanding.

## 12 OFFICER'S COMMENTS/CONCLUSION

That Council consider the following suggested amendments:

Endorsed MOU	Suggested Amendment	Committee Comment	Officer Comment
<b>SECTION 2: PURPOSE</b>			
<b>Ross Local District Committee:</b>			
The purpose of the Ross Local District Committee is to: • Be a communication channel for information between Council and the <b>community of Ross</b> ; • Identify needs, concerns and expectations of the <b>local community of Ross</b> and advise Council of these needs; • Consider and provide feedback to Council in respect to matters referred to the committee by Council.	Last paragraph – remove the words "community of Ross" and the words "local community of" and reword the paragraph as follows:  The purpose of the Ross Local District Committee is to: • Be a communication channel for information between Council and the <b>Ross district</b> . • Identify needs, concerns and expectations of the <b>Ross district</b> and advise Council of these needs. • Consider and provide feedback to Council in respect to matters referred to the committee by Council.	The Ross Local District Committee by its very name, implies that the Committee serves the Ross district as a whole not just the Ross community, the description "community" could be misconstrued as the RLDC serving the village of Ross only.	<b>No change recommended.</b>  As noted by the Ross Local District Committee, the name of the Committee encompasses the entire community of the district of Ross, including its non-urban base.
<b>SECTION 4: MEMBERSHIP</b>			
<b>Longford Local District Committee:</b>			
Members are to comprise of residents of Longford and representatives of organisations based within those communities, with invitations to be extended to local business owners to join the Committees membership.	Recommendation, that the wording in this paragraph be changed to:  Members are to comprise of residents of Longford including members of organisations or businesses who live in the Longford	Recommendation, that the wording be changed	<b>No change recommended.</b>

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Endorsed MOU	Suggested Amendment	Committee Comment	Officer Comment
	district.		
<b>SECTION 5: ROLES &amp; RESPONSIBILITIES</b>			
<b>Longford Local District Committee:</b>			
To receive communications from the local <b>community</b> and special interest groups and forward their letters/requests with appropriate <b>comment/feedback</b> to Council.	Recommendation, that the wording in this paragraph be changed to:  To receive communications from the local <b>communities</b> and special interest groups and forward their letters/requests with appropriate <b>recommendations</b> to Council.	Recommendation, that the wording in this paragraph be changed	<b>No change recommended.</b>  The use of the word <i>community</i> in the document is intended to include <i>communities</i> .  The use of <i>comment/ feedback</i> by Council makes provision for general comment or feedback following discussion by the Committee.  A recommendation to Council is not always required.  When seeking feedback, Council officers will ask Committees to make a recommendation if that is what is required.
<b>Ross Local District Committee:</b>			
	Additional rights and responsibilities of both the Council and its Volunteers, are detailed in Council's Volunteer Handbook.	To more fully clarify both Council's and the LDC's roles and responsibilities, consider adding the this sentence at the end of the section.	<b>No change recommended.</b>  In accordance with the MOU it is a requirement of Committee members to complete a Volunteer Induction session prior to commencing membership.
<b>SECTION 6: MEETING PROCEDURES</b>			
<b>Ross Local District Committee:</b>			
	Ross Local District Committee meetings, are subject to the same meeting conduct requirements which apply to meetings of the Northern Midlands Council.	Whilst this section adequately deals with meeting procedures, it makes no mention of the required standard of meeting <u>conduct</u> . It is suggested that Council add the following sentence to clarify this matter.	<b>No change recommended.</b>  The opening sentence of this section reads as follows:  Meetings are to be governed in accordance with the procedures stated above, and in the event, this Memorandum of Understanding is silent in respect to a procedure, reference is to be made to the <i>Local Government (Meeting Procedures) Regulations 2015</i> for the appropriate procedure.
<b>SECTION 7: COMMUNICATION, INFORMATION SHARING AND CONSULTATION</b>			
<b>Ross Local District Committee:</b>			
Any incoming (or outgoing) official correspondence received (or sent) by the Chair, or the membership on behalf of the Chair, in relation to the Ross Local District Committee, which has not been referred to the Committee by Council or generated by Council, is to be provided to Council within 14 days of receipt thereof. Correspondence will be recorded by Council and a formal response provided by Council. <b>Approval of any correspondence to be sent by the Ross Local District Committee is to be sought from Council's General Manager.</b>	When approached by the media for comment on any issues, the media should be instructed to direct all enquiries to the Mayor.	A. On several occasions, members of the RLDC and the Chair in particular, have been approached by media for comment on various issues. Whilst the greater majority of these approaches have been with the best of intentions, occasionally the enquiries have been nothing more than an attempt to drive a wedge between the RLDC and the Council.  For clarity's sake, and in the interests of uniformity by LDC's throughout Council's area, it is suggested that Council add the following sentence.  <i>When approached by the media for comment on any issues, the media should be instructed to direct all enquiries to the Mayor.</i>	<b>No change recommended.</b>  In accordance with the MOU it is a requirement of Committee members to complete a Volunteer Induction session prior to commencing membership.  The Volunteer Handbook clearly states:  <b><i>Your responsibilities as a volunteer</i></b> <i>A volunteer is a worker as defined in the Work Health &amp; Safety Act 2012. Accordingly, there are certain responsibilities you must meet in your role. As a volunteer you have a responsibility to:</i> <i>... Adhere to all applicable legislation relevant to your duties;</i>  The Volunteer Handbook is currently under review and reference to the Mayor's role as official spokesperson of Council is to be included in the handbook.  The following extract from the <i>Local Government Act 1993</i> , Section 27, clarifies the role of the Council spokesperson follows:  <i>27. Functions of mayors and deputy mayors</i> <i>(1) The functions of a mayor are–</i>  ...

Endorsed MOU	Suggested Amendment	Committee Comment	Officer Comment
			<p>(e) to act as the spokesperson of the council; and</p> <p>However, the following addition could be made to the final sentence of this section:</p> <p><i>The Mayor is the official spokesperson of Council, any media or comment sought from the Committee must be referred to Council. Approval of any correspondence to be sent by the Ross Local District Committee is to be sought from Council's General Manager.</i></p>
<b>Ross Local District Committee:</b>			
	Where appropriate, Councils Issue Resolution Policy <u>may</u> be utilised in the event of an internal dispute between Committee members, and external disputes between Committee members and Councillors, Council Staff and the general public.	<p>The RLDC felt that a reference to the availability of Council's Conflict Resolution Policy would be a beneficial addition to the MOU for all parties. The RLDC has suggested an amendment to section 7.</p> <p><i>Where appropriate, Councils Issue Resolution Policy <u>may</u> be utilised in the event of an internal dispute between Committee members, and external disputes between Committee members and Councillors, Council Staff and the general public.</i></p>	<p><b>No change recommended.</b></p> <p>In accordance with the MOU it is a requirement of Committee members to complete a Volunteer Induction session prior to commencing membership.</p> <p>The Volunteer Handbook clearly states:</p> <p><b>Your responsibilities as a volunteer</b> ... Adhere to all Council policies that apply to your position;</p> <p>The following policies &amp; procedures are included as an addendum to the Volunteer Handbook and will be issued to members at the Volunteer Induction session prior to commencement of membership.</p>

### 13 ATTACHMENTS

- 13.1 17 May 2021 Council Minute reference 175/21
- 13.2 Ross Local District Committee Memorandum of Understanding (endorsed 17 May 2021)
- 13.3 Longford Local District Committee Memorandum of Understanding (endorsed 17 May 2021)

### RECOMMENDATION

That Council receive the additional comment from the Local District Committees relating to the endorsed Memorandum of Understanding and no changes be made.

### DECISION

Cr Davis/Cr Goss

That the matter be deferred, to be considered later in the Council meeting.

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## **211/21 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT): 2021 LOCAL GOVERNMENT CONFERENCE**

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Gail Eacher, Executive Assistant

### **1 PURPOSE OF REPORT**

This report considers the attendance of Councillors at the General Meeting and 2021 MAV Insurance LGAT Annual Conference to be held at Wrest Point Convention Centre, Hobart, on 5 and 6 August 2021.

### **2 INTRODUCTION/BACKGROUND**

The conference will commence with the General Meeting.

This year, the theme of the LGAT Conference is “Local Solutions for Local Communities” recognising the importance of place and harnessing local opportunities to support resilient communities.

The Conference Program will be held across two days providing a range of interesting and inspiring plenary presentations. Key speakers include:

- Dale Williams – Carterton District Councillor, New Zealand
- Todd Babiak – Brand Tasmania
- Professor David Adams – University of Tasmania
- Owen Tilbury – Great Regional City Challenge
- Dr Verity Cleland and Dr Kim Jose – University of Tasmania
- Linda Scott – ALGA President

The full program and registration papers are included in the attachments to the Agenda.

This year LGAT will be hosting a Women in Local Government Networking Event sponsored by Spirit Super. This event is in addition to the broader Conference Program and has limited numbers. Attendance at this event is not included in the full registration fee and you will need to register separately at Local Tickets. This event is designed to support the role of women in local government and will run for 1 hour directly before the Conference Dinner.

### **3 STRATEGIC PLAN 2017-2027**

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

- Lead –
  - Leaders with ImpactCore Strategies:
  - ♦ Lead – Councillors represent honestly with integrity
- People –
  - Sense of Place – Sustain, Protect, Progress
  - Lifestyle – Strong, Vibrant, Safe and Connected Communities
- Place –
  - Environment – Cherish & Sustain our Landscapes

### **4 POLICY IMPLICATIONS**

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

**6. CONFERENCES & SEMINARS**

*The budget will be allocated to the following conferences*

- LGAT & LGMA conference to be attended by up to 6 councillors
- ALGA conference attended by Mayor & Deputy Mayor
- Australian Roads conference attended by 1 councillor
- 'Other' conferences and seminar sessions as approved.

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

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

**5 STATUTORY REQUIREMENTS**

N/a.

**6 FINANCIAL IMPLICATIONS**

Council each year allocates a budget for elected members to attend conferences and professional development, the 2021/22 budget allocation is yet to be set.

*Councillors Allowances, Travelling & Other Expenses Policy* provides for the LGAT Conference to be attended by up to 6 councillors.

Conference costs are as follows:

- Full Conference Member Registration is \$820 (early bird discounts were available to 4 June)
- Day One Member Rate – \$450 including GST
- Day Two Member Rate - \$450 including GST
- LGAT Commonwealth Bank Conference Dinner Ticket - \$160 including GST
- LGAT Awards for Excellence Ticket - \$65 including GST
- Women in Local Government Networking Event registration is \$75

The Full Conference Member Registration includes: the General Meeting, all plenary sessions, workshops, refreshment breaks, MAV Insurance Awards for Excellence and the Commonwealth Bank Conference Dinner.

Women in Local Government Networking Event sponsored by Spirit Super is not included in the registration.

Accommodation at Wrest Point is priced at \$170 per night, provisional reservations for accommodation have been made.

**7 RISK ISSUES**

N/a.

**8 CONSULTATION WITH STATE GOVERNMENT**

N/a.

**9 COMMUNITY CONSULTATION**

N/a.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council is to consider the attendance of Councillors at the conference.

**11 OFFICER'S COMMENTS/CONCLUSION**

The report provides the necessary background to the conference.

**12 ATTACHMENTS**

**12.1 LGAT Annual Conference Program and Registration**

**RECOMMENDATION**

That Council

- i) note the report; and
- ii) authorise the attendance of
  - Mayor Mary Knowles;
  - ...
  - ...

at the Local Government Association of Tasmania's General Meeting and Annual Conference to be held in Hobart on 5 and 6 August 2021.

- iii) authorise the attendance of
  - Mayor Mary Knowles;
  - ...
  - ...

at the Women in Local Government Networking Event sponsored by Spirit Super to be held on 5 August 2021, prior to the conference dinner.

**DECISION**

Cr Davis/Cr Adams

That Council

- i) note the report; and
- ii) authorise the attendance of
  - Mayor Mary Knowles;
  - Cr Janet Lambert
  - Cr Michael Polley

at the Local Government Association of Tasmania's General Meeting and Annual Conference to be held in Hobart on 5 and 6 August 2021.

- iii) authorise the attendance of
  - Mayor Mary Knowles;
  - Cr Janet Lambert

at the Women in Local Government Networking Event sponsored by Spirit Super to be held on 5 August 2021, prior to the conference dinner.

Carried unanimously



**212/21 NORTHERN MIDLANDS COUNCIL BICYCLE ADVISORY COMMITTEE**

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Des Jennings, General Manager

**1 PURPOSE OF REPORT**

Cr Ian Goninon has requested that a report be presented to Council for the purpose of establishing a Bicycle Advisory Committee and the associated Terms of Reference.

**2 INTRODUCTION/BACKGROUND**

The Bicycle Advisory Committee when established will provide advice and recommendations on the planning for the development of bicycle pathways and routes which link key assets of our municipality and neighbouring municipalities.

**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:
    - ♦ Continuous improvement is embedded in staff culture
    - ♦ Excellent standards of customer service
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future  
Core Strategies:
    - ♦ Strategic, sustainable, infrastructure is progressive
  - Economic Development – Supporting Growth & Changes
    - ♦ Towns are enviable places to visit, live & work
    - ♦ Maximise external funding opportunity
- People –
  - Sense of Place – Sustain, Protect, Progress  
Core Strategies:
    - ♦ Public assets meet future lifestyle challenges
  - 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

#### **4 POLICY IMPLICATIONS**

No policy implications have been identified.

#### **5 STATUTORY REQUIREMENTS**

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

##### **24. Special committees**

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

#### **6 FINANCIAL IMPLICATIONS**

The identified cost will include Council officer support and meeting room facilities.

Costs associated with identified initiatives will be assessed as they arise.

#### **7 RISK ISSUES**

N/a.

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

N/a.

#### **9 COMMUNITY CONSULTATION**

Council may determine to establish the committee membership through community expressions of interest.

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

Council may support or not support the adoption of the draft Terms of Reference for the Northern Midlands Council Bicycle Advisory Committee with or without amendment.

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

The draft Terms of Reference of the Committee is provided as an attachment and is self-explanatory.

Council need only endorse the Terms of Reference with or without amendment.

The purpose of the Bicycle Advisory Committee, if established, is to provide advice and recommendations on:

- Planning for the development of bicycle pathways and routes which link key assets of the municipality by developing a Northern Midlands Council Bicycle and Shared Path Plan.
- Implementation of actions identified in the Northern Midlands Council Bicycle and Shared Path Plan.
- Prioritisation of developments, ensuring changes are coordinated and reflect the needs of the community and users.
- Improvements to the safety of users and community members accessing the bicycle pathways.
- Opportunities to increase participation in cycling usage across the municipality.

#### **12 ATTACHMENTS**

##### **12.1 Draft Terms of Reference of the Northern Midlands Council Bicycle Advisory Committee**



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## RECOMMENDATION

That Council

- i) endorse the Terms of Reference of the Northern Midlands Council Bicycle Advisory Committee; and
- ii) appoint Councillors            and            as Councillor members of the Committee.

## DECISION

Cr Gonion/Cr Adams

That Council

- i) endorse the Terms of Reference of the Northern Midlands Council Bicycle Advisory Committee; and
- ii) appoint Councillors Lambert and Adams as Councillor members of the Committee.

Carried unanimously

**213/21 NORTHERN MIDLANDS COUNCIL STRATEGIC PROPERTY COMMITTEE**

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Des Jennings, General Manager

**1 PURPOSE OF REPORT**

The purpose of this report is to consider the adoption of a Terms of reference for a Strategic Property Committee, pursuant to Section 23 Council Committee of the *Local Government Act 1993*.

**2 INTRODUCTION/BACKGROUND**

The Committee would be established to assist Council to investigate and make recommendations to Council on strategic opportunities for property acquisition or divestment to support the delivery of Council's Strategic Plan.

**3 STRATEGIC PLAN 2017-2027**

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

- Lead –
  - Leaders with Impact  
Core Strategies:
    - ♦ 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
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future  
Core Strategies:
    - ♦ Strategic, sustainable, infrastructure is progressive
- People –
  - Sense of Place – Sustain, Protect, Progress  
Core Strategies:
    - ♦ Public assets meet future lifestyle challenges

**4 POLICY IMPLICATIONS**

Council must ensure compliance with all relevant legislation.

**5 STATUTORY REQUIREMENTS**

*Local Government Act 1993:*

**5.1 Part 3 Local Government, Division 2,**

**24. Special committees**

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.
- (3) The council is to determine the procedures relating to meetings of a special committee.

**5.2 Part 12 Special Powers, Division 1 - Purchase, acquisition, sale and lease of property**

**175. Purchase or lease of land**

*A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.*

#### **176. Acquisition of land**

*A council may acquire land for prescribed purposes in accordance with the Land Acquisition Act 1993 .*

#### **177. Sale and disposal of land**

*(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.*

*(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001 .*

*(3) A council may sell –*

*(a) any land by auction or tender; or*

*(b) any specific land by any other method it approves.*

*(4) A council may exchange land for other land –*

*(a) if the valuations of each land are comparable in value; or*

*(b) in any other case, as it considers appropriate.*

*(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.*

*(6) A decision by a council under this section must be made by absolute majority.*

#### **177A. Public land**

*(1) The following land owned by a council is public land:*

*(a) a public pier or public jetty;*

*(b) any land that provides health, recreation, amusement or sporting facilities for public use;*

*(c) any public park or garden;*

*(d) any land acquired under section 176 for the purpose of establishing or extending public land;*

*(e) any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993 ;*

*(f) any other land that the council determines is public land;*

*(g) any other prescribed land or class of land.*

*(2) The general manager is to –*

*(a) keep lists or maps of all public land within the municipal area; and*

*(b) make the lists and maps available for public inspection at any time during normal business hours.*

#### **178. Sale, exchange and disposal of public land**

*(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.*

*(2) Public land that is leased for any period by a council remains public land during that period.*

*(3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.*

*(4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–*

*(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*

*(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and*

*(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*

*(5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A , the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4) .*

*(6) The council must –*

*(a) consider any objection lodged; and*

*(b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*

*(i) that decision; and*

*(ii) the right to appeal against that decision under section 178A .*

*(7) The council must not decide to take any action under this section if –*

*(a) any objection lodged under this section is being considered; or*

*(b) an appeal made under section 178A has not yet been determined; or*

*(c) the Appeal Tribunal has made a determination under section 178B(b) or (c) .*

(8) . . . . .

**178A. Appeal**

- (1) Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b) .
- (2) An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993 .
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –
  - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
  - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993 .
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management and Planning Appeal Tribunal Act 1993 does not apply.

**178B. Determination of appeal**

In hearing an appeal against a decision of a council, the Appeal Tribunal may –

- (a) confirm that decision; or
- (b) set aside that decision; or
- (c) set aside that decision and –
  - (i) substitute another decision; or
  - (ii) remit the matter to the council for reconsideration.

**179. Lease of public land for less than 5 years**

A council may lease public land for a period not exceeding 5 years without complying with section 178 .

**180. Repealed**

**181. Land held on trust**

A council may hold land on trust subject to any conditions on which it is to be so held

**6 FINANCIAL IMPLICATIONS**

The identified cost will include Council officer support and meeting room facilities.

Costs associated with actual disposal or purchase of Council assets will require report to Council and a formal decision of Council.

**7 RISK ISSUES**

N/a.

**8 CONSULTATION WITH STATE GOVERNMENT**

N/a.

**9 COMMUNITY CONSULTATION**

N/a.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council may support or not support the draft Terms of Reference for the Northern Midlands Council Strategic Property Committee with or without amendment.

## 11 OFFICER'S COMMENTS/CONCLUSION

The draft Terms of Reference of the Committee is provided as an attachment and is self-explanatory.

Council need only endorse the Terms of Reference with or without amendment.

The Committee will assist Council to determine its strategic and long-term direction to meet the existing and future needs of the community, taking into account the adequacy of current community facilities, legal requirements, community expectations, exposure to risk and the availability of resources. Along with guiding Council in future acquisitions and/or disposal of specific assets that may be surplus to requirements or not meeting the needs of the community into the future.

It should be noted that at the 19 November 2018 Council meeting, minute 320/18, Councillors Adams and Goninon were appointed as the Councillor Representatives on the Northern Midlands Council Property Committee.

## 12 ATTACHMENTS

### 12.1 Draft Terms of Reference of the Northern Midlands Council Strategic Property Committee

### RECOMMENDATION

That Council

- i) endorse the Terms of Reference for the Northern Midlands Council Strategic Property Committee; and
- ii) appoint Councillors                      and                      as Councillor members of the Committee.

### DECISION

Cr Davis/Cr Goss

That Council

- i) endorse the Terms of Reference for the Northern Midlands Council Strategic Property Committee;  
and
- ii) appoint Councillors Goninon and Davis as Councillor members of the Committee.

Carried unanimously

## 214/21 POLICY UPDATE: MEETING PROCEDURES

Responsible Officer: Des Jennings, General Manager

Report prepared by: Amanda Bond, Executive Officer

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to endorse updates to the Meeting Procedures Policy.

### 2 INTRODUCTION/BACKGROUND

During the COVID-19 Pandemic the State Government passed the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. That Act authorises Council to hold its meetings not in person, and also provides that Council must provide means for the public to view or listen to Council meetings.

During this time Council commenced uploading recordings of its open Council meetings to the Council website for access by the public.

This report updates the Meeting Procedures Policy to incorporate the COVID-19 requirements and to specify for what period those recordings will be retained on the Council website. The updated Policy is attached to this report with the suggested inclusions highlighted and deletions marked with a ~~strike through~~.

### 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

### 4 POLICY IMPLICATIONS

The purpose of this report is to update the existing Meeting Procedures Policy.

### 5 STATUTORY REQUIREMENTS

Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* states:

#### 33. Audio recording of meetings

- (1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.
- (2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –
  - (a) retained by the council for at least 6 months; and
  - (b) made available free of charge for listening on written request by any person.
- (3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (4) A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.



## **6 FINANCIAL IMPLICATIONS**

There are no financial implications identified with this policy update.

## **7 RISK ISSUES**

There are no risk issues identified with this policy update.

## **8 CONSULTATION WITH STATE GOVERNMENT**

Officers consulted with the Local Government Division of the Department of Premier and Cabinet who advised:

*The COVID notice framework is silent on how long councils are required to keep an audio recording on their website, however it would be prudent to retain the recording on the website for six months. This is consistent with the intent of the framework, which is to provide public access in circumstances where councils may not be able to provide public access, or only limited access, to meetings. It's also consistent with the existing requirement under regulation 33 of the Local Government (Meeting Procedures) Regulations 2015 to retain the audio recording of a council meeting for six months, and make a copy available on request.*

*It should also assist in minimising any community concern about access to the recording (particularly for those that are unable to attend the meeting).*

## **9 COMMUNITY CONSULTATION**

Not applicable.

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

To endorse the Meeting Procedures Policy updates, or not.

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

Council has responded to the COVID-19 pandemic by making meeting recordings available on its website in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* and the *Local Government (Meeting Procedures) Regulations 2015*. The purpose of this policy update is to include the new requirements in the current policy and set a time frame for when recordings can be removed from the Council website. The recommended time frame is 6 months, in alignment with the *Local Government (Meeting Procedures) Regulations 2015*, regulation 33.

It is also recommended the policy be reviewed every four years, instead of every two years.

## **12 ATTACHMENTS**

12.1 Meeting Procedures Policy

## **RECOMMENDATION**

That Council endorses the updated Meeting Procedures Policy.

## **DECISION**

Cr Goss/Cr Polley

That Council endorses the updated Meeting Procedures Policy.

Carried unanimously

**215/21 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT):  
MOTIONS FOR THE ANNUAL GENERAL MEETING TO BE HELD ON 30  
JUNE 2021**

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

## **1 PURPOSE OF REPORT**

This report considers the Local Government Association of Tasmania (LGAT) agenda for the Annual General Meeting to be held on 30 June 2021 via Webinar.

## **2 INTRODUCTION/BACKGROUND**

The Local Government Association of Tasmania (LGAT) will hold the Annual General Meeting (AGM) on 30 June 2021 via Webinar. The AGM will commence at 11.00am.

The decisions of Council regarding this report will determine how the Northern Midlands Council voting delegate should vote on each of the items listed in the Local Government Association of Tasmania (LGAT) Agenda for the Annual General Meeting.

## **3 STRATEGIC PLAN**

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
  - Money Matters  
Core Strategies:
    - ♦ Improve community assets responsibly and sustainably
  - Best Business Practice & Compliance  
Core Strategies:
    - ♦ Council complies with all Government legislation
- 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
    - ♦ Towns are enviable places to visit, live & work
    - ♦ Maximise external funding opportunity
- People –
  - Sense of Place – Sustain, Protect, Progress  
Core Strategies:
    - ♦ Planning benchmarks achieve desirable development
    - ♦ Council nurtures and respects historical culture
    - ♦ Developments enhance existing cultural amenity
    - ♦ Public assets meet future lifestyle challenges

- Place –
  - Environment – Cherish & Sustain our Landscapes  
Core Strategies:
  - History – Preserve & Protect our Built Heritage for Tomorrow  
Core Strategies:
    - ♦ Our heritage villages and towns are high value assets

#### 4 FINANCIAL IMPLICATIONS

N/a.

#### 5 OPTIONS FOR COUNCIL TO CONSIDER

Consideration needs to be given to each agenda item listed, Council is then to determine how the voting delegate is to vote on each item at the Annual General to be held on 30 June 2021.

\* Denotes attachments.

##### 5.1 Annual General Meeting

The following are the motions on which decisions are sought:

- 1 **MINUTES OF 108TH ANNUAL GENERAL MEETING \***  
**Decision Sought**  
That the Minutes of the 108<sup>th</sup> Annual General Meeting, held 22 July 2020 be confirmed.
- 2 **PRESIDENT'S REPORT**  
**Decision Sought**  
That the President's report be received.
- 3 **FINANCIAL STATEMENTS TO 30 JUNE 2020 \***  
**Decision Sought**  
That the Financial Statements for the period 1 July 2019 to 30 June 2020 be received and adopted.
- 4 **2020/2021 LGAT BUDGET AND SUBSCRIPTIONS \***  
**Decision Sought**  
That the Meeting endorse the adoption of the 2021-2022 Budget and Subscriptions.
- 5 **PRESIDENT AND VICE PRESIDENT HONORARIUMS**  
**Decision Sought**  
That the President's and Vice President's allowance for the period 1 July 2021 to 30 June 2022 be adjusted in accordance with the movement in the Wages Price Index.
- 6 **LGAT Rules \***  
**Decision Sought**  
That Members endorse the changes to the LGAT Rules.
- 7 **LGAT ANNUAL PLAN \***  
**Decision Sought**  
That Members note the report against the LGAT Annual Plan.
- 8 **REPORTS FROM BOARD REPRESENTATIVES \***  
**Decision Sought**
  - (a) That the reports from representatives on various bodies be received and noted.
  - (b) That Members acknowledge the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.

## 6 ATTACHMENTS

### 6.1 Annual General Meeting Agenda & Attachments – 30 June 2021

#### RECOMMENDATION

That Council

A) note/receive the following items listed in the LGAT AGM Agenda for the meeting to be held on Wednesday, 30 June 2021:

**2 PRESIDENT'S REPORT**

That the President's report be received.

**7 LGAT ANNUAL PLAN \***

That Members note the report against the LGAT Annual Plan.

**8 REPORTS FROM BOARD REPRESENTATIVES \***

(a) That the reports from representatives on various bodies be received and noted.

(b) That Members acknowledge the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.

B) vote as follows in relation to the following items listed in the LGAT AGM Agenda for the meeting to be held on Wednesday, 30 June 2021:

**1 MINUTES OF 108TH ANNUAL GENERAL MEETING \***

That the Minutes of the 108<sup>th</sup> Annual General Meeting, held 22 July 2020 be confirmed.

*Vote for / against the Motion*

**3 FINANCIAL STATEMENTS TO 30 JUNE 2020 \***

That the Financial Statements for the period 1 July 2019 to 30 June 2020 be received and adopted.

*Vote for / against the Motion*

**4 2021/2022 LGAT BUDGET AND SUBSCRIPTIONS \***

That the Meeting endorse the adoption of the 2021-2022 Budget and Subscriptions.

*Vote for / against the Motion*

**5 PRESIDENT AND VICE PRESIDENT HONORARIUMS**

That the President's and Vice President's allowance for the period 1 July 2021 to 30 June 2022 be adjusted in accordance with the movement in the Wages Price Index.

*Vote for / against the Motion*

**6 LGAT Rules \***

That Members endorse the changes to the LGAT Rules.

*Vote for / against the Motion*

#### DECISION

Cr Davis/Cr Adams

That Council

A) note/receive the following items listed in the LGAT AGM Agenda for the meeting to be held on Wednesday, 30 June 2021:

**2 PRESIDENT'S REPORT**

That the President's report be received.

**7 LGAT ANNUAL PLAN \***

That Members note the report against the LGAT Annual Plan.

**8 REPORTS FROM BOARD REPRESENTATIVES \***

(a) That the reports from representatives on various bodies be received and noted.

(b) That Members acknowledge the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

That Council

B) vote as follows in relation to the following items listed in the LGAT AGM Agenda for the meeting to be held on Wednesday, 30 June 2021:

**1 MINUTES OF 108TH ANNUAL GENERAL MEETING \***

That the Minutes of the 108th Annual General Meeting, held 22 July 2020 be confirmed.

**3 FINANCIAL STATEMENTS TO 30 JUNE 2020 \***

That the Financial Statements for the period 1 July 2019 to 30 June 2020 be received and adopted.

**4 2021/2022 LGAT BUDGET AND SUBSCRIPTIONS \***

That the Meeting endorse the adoption of the 2021-2022 Budget and Subscriptions.

**5 PRESIDENT AND VICE PRESIDENT HONORARIUMS**

That the President's and Vice President's allowance for the period 1 July 2021 to 30 June 2022 be adjusted in accordance with the movement in the Wages Price Index.

**6 LGAT Rules \***

That Members endorse the changes to the LGAT Rules.

*Vote for the Motions*

Carried unanimously

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

## 216/21 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

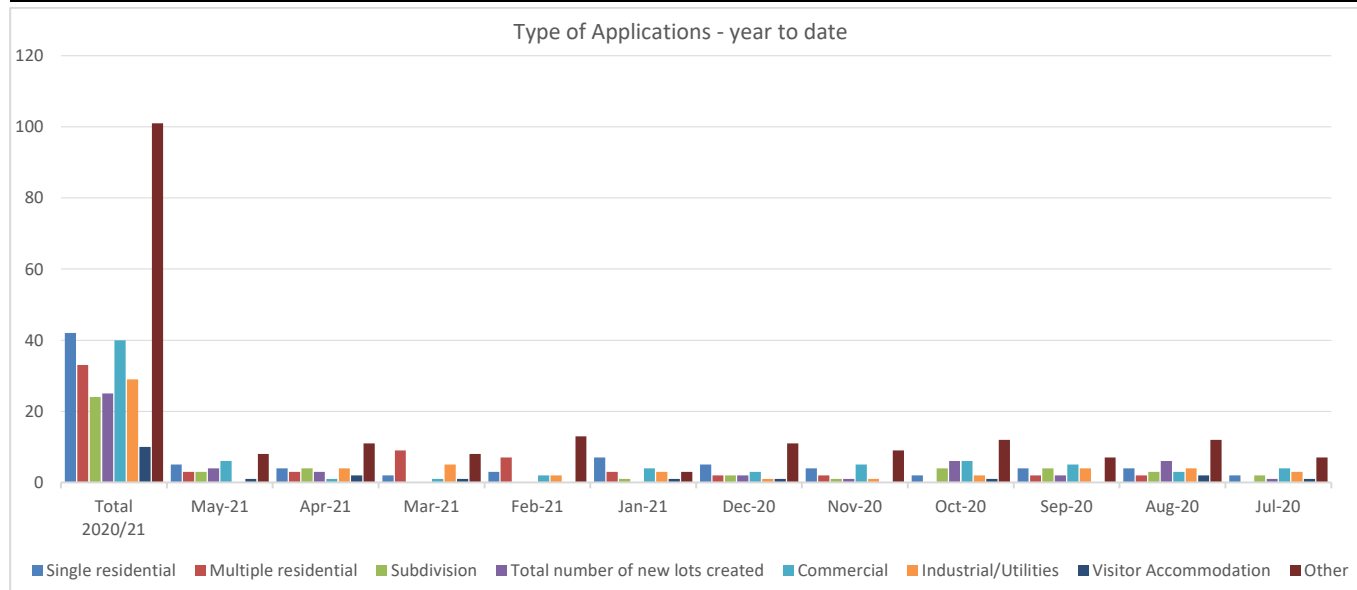
### 1 PURPOSE OF REPORT

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

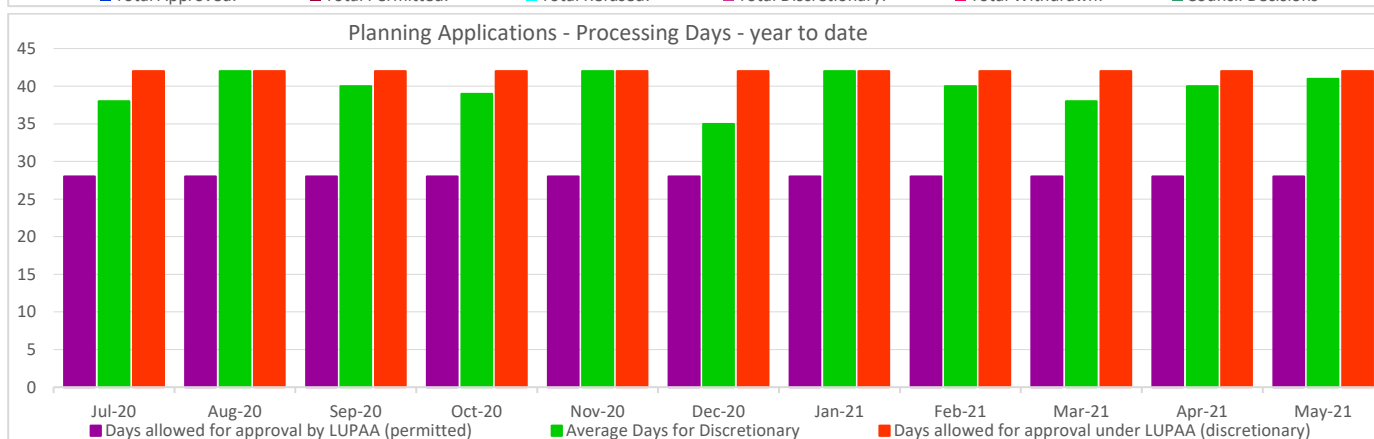
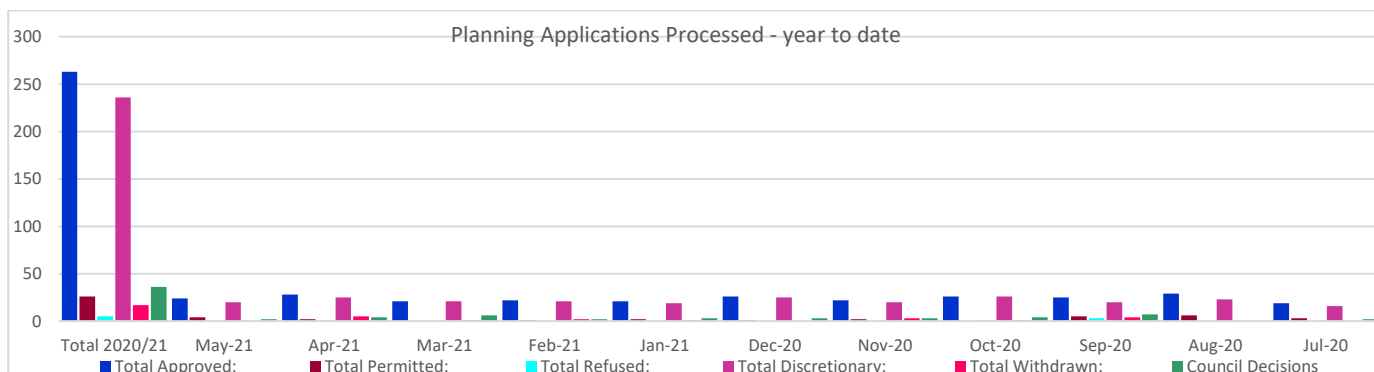
	Total YTD	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
Number of valid applications	222	21	11	19	18	7	18	27	26	19	28	28	
Single residential	42	2	4	4	2	4	5	7	3	2	4	5	
Multiple residential	33	0	2	2	0	2	2	3	7	9	3	3	
Subdivision	24	2	3	4	4	1	2	1	0	0	4	3	
Total number of new lots created	25	1	6	2	6	1	2	0	0	0	3	4	
Commercial	40	4	3	5	6	5	3	4	2	1	1	6	
Industrial/Utilities	29	3	4	4	2	1	1	3	2	5	4	0	
Visitor Accommodation	10	1	2	0	1	0	1	1	0	1	2	1	
Total permitted	0	0	0	0	0	0	0	0	0	0	0	0	
Total discretionary	10	1	2	0	1	0	1	1	0	1	2	1	
Other	101	7	12	7	12	9	11	3	13	8	11	8	
Total number of applications approved	263	19	29	25	26	22	26	21	22	21	28	24	
Total Permitted	26	3	6	5	0	2	1	2	1	0	2	4	
Average Days for Permitted		25	26	29	-	24	17	29	29	-	25	14	
Days allowed for approval by LUPAA		28	28	28	28	28	28	28	28	28	28	28	28
Total Exempt under IPS	97	8	5	4	8	17	13	4	3	9	13	13	
Total Refused	5	0	0	3	1	0	0	0	0	0	1	0	
Total Discretionary	236	16	23	20	26	20	25	19	21	21	25	20	
Average Days for Discretionary		38	42	40	39	42	35	42	40	38	40	41	
Days allowed for approval under LUPAA		42	42	42	42	42	42	42	42	42	42	42	42
Total Withdrawn	17	0	0	4	1	3	0	1	2	1	5	0	
Council Decisions	36	2	0	7	4	3	3	3	2	6	4	2	
Appeals lodged by the Applicant	5	0	0	0	1	1	1	1	0	1	0	0	
Appeals lodged by third party	0	0	0	0	0	0	0	0	0	0	0	0	



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021



May 2021					
Project	Details	Address	Applicant	No of LUPAA days	Perm/ Disc/ Exempt
<b>DELEGATED DECISIONS</b>					
PLN-21-0069	Multiple Dwellings (3)	14 Monastery Court, Longford TAS 7301	Montrose Building Developments	29	P
PLN-21-0121	Awning	U 2/172 Wellington Street, Longford TAS 7301	Paul Smith	11	P
PLN-21-0128	2 Lot subdivision for public open space - tree corridor	Drummond Street, Perth TAS 7300	Northern Midlands Council	0	P
PLN-21-0132	Awning over Patio	U 7/121A Marlborough Street, Longford TAS 7301	Paul Smith	6	P
PLN-17-319-01	3-lot subdivision (from 2 lots) (vary rear setback of shed on lot 1) & demolition of outbuildings	12 King St & 26a Charles St, CRESSY Tasmania 7302	Paul Hodgetts	42	D
PLN-20-0320	Dwelling and Shed (Heritage Precinct and Road and Railway Assets Code)	4-10 Park Street, Ross TAS 7209	Mr Alexander Copper	33	D
PLN-21-0025	Warehouse x 2 (storage), access and signage (vary parking forward of building line)	4 Hughes Court, Western Junction TAS 7212	Prime Design	46	D
PLN-21-0034	Multiple dwellings (1 existing, 4 new, vary visitor parking), demolish outbuildings, & 2 Lot Subdivision	72 Frederick Street, Perth TAS 7300	Abode Designer Homes	48	D
PLN-21-0064	Dwelling (Heritage Precinct, vary front setback)	14 Drummond St, PERTH TAS 7300	Urban Design Solutions	43	D
PLN-21-0068	New dwelling and shed (Vary internal front setback)	16 Monastery Court, LONGFORD TAS 7301	Mr Brad Van Zetten	48	D
PLN-21-0072	Pool House addition & carport (vary side [W] setback to boundary & building envelope; Heritage Listed Place; Heritage Precinct)	56 Clarence Street, Perth TAS 7300	S. Group	46	D
PLN-21-0075	Vegetation Clearing (Retrospective)	16-18 Lake View Road, Lake Leake TAS 7210	Stephen Rowlands	43	D
PLN-21-0076	Road Freight Depot inc. shed & earth berms (vary setbacks; irrigation district; Road & Railway Assets Code - access & proximity to railway & Scenic Corridor)	14638 Midland Highway, POWRANNA TAS 7300	6ty° Pty Ltd	43	D



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

May 2021

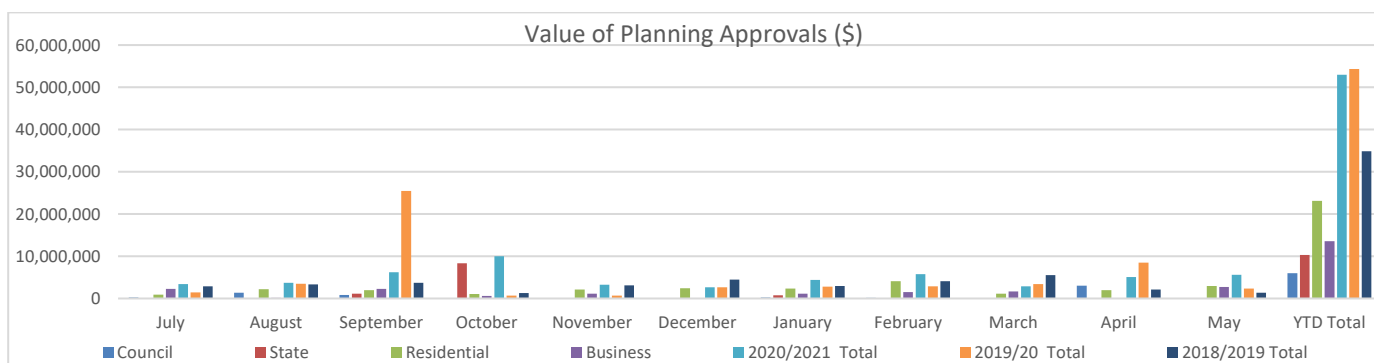
Project	Details	Address	Applicant	No of LUPAA days	Perm/ Disc/ Exempt
<b>DELEGATED DECISIONS</b>					
PLN-21-0083	Rebuild and expand distillery (Resource Processing)	5 Eskleigh Road, Perth TAS 7300	Rebecca Green obo Adams Distillery	37	D
PLN-21-0084	Dwelling addition (vary side [w] setback & building envelope; Heritage Precinct)	24a Russell Street, Evandale TAS 7212	Mr Felix Blackman	42	D
PLN-21-0087	Dwelling & Shed (Vary internal front setback)	8 Monastery Court, LONGFORD TAS 7301	BVZ Designs	45	D
PLN-21-0089	Dwelling and shed (vary internal front setback)	133A Main Street, Cressy TAS 7302	Burrows Development P/L	38	D
PLN-21-0091	Covered Deck	418 Lake Road, Campbell Town TAS 7210	Leigh Adams	42	D
PLN-21-0094	Covered deck and shed (vary setback)	433 Lake Road, Lake Leake TAS 7210	David Toohey	39	D
PLN-21-0095	Signage (illuminated) & painting of building (Heritage Precinct)	84-86 High Street, Campbell Town TAS 7210	Eve Knight	39	D
PLN-21-0099	Shed (cat boarding) - 15m x 7.8m (vary setbacks in rural zone) accessed over CT250499/1	593 Pateena Road, Longford TAS 7301	Mr Wayne Wilson	35	D
PLN-21-0100	Demolition of chimney (Heritage Precinct)	14 Badajos Street, Ross TAS 7209	Wayne Holt	35	D
<b>COUNCIL DECISIONS</b>					
PLN-20-0323	Replace front fence, replace and extend height of rear fence/wall, gate on rear access, temporary erection of marquee and use for function centre when events are booked (Heritage Listed Place, Heritage Precinct)	13-15 Russell Street, Evandale TAS 7212	Lydia Nettlefold	42	C
PLN-21-0005	Use Caravan as Visitor Accommodation (Heritage Listed Place, Heritage Precinct)	28-30 High Street, Evandale TAS 7212	Julie & Gary Grant	42	C
<b>COUNCIL DECISIONS - REFUSAL</b>					
<b>RMPAT DECISIONS</b>					
<b>TPC DECISIONS</b>					

## 2.2 Value of Planning Approvals

	2020/2021				2019/20	2018/2019
	Council	State	Residential	Business	Total	Total
July	217,500	0	877,000	2,283,000	3,377,500	2,863,500
August	1,370,000	10,000	2,208,500	121,000	3,709,500	3,369,300
September	850,000	1,120,000	1,971,000	2,248,000	6,189,000	3,704,400
October	0	8,302,500	1,083,000	601,500	9,987,000	1,282,500
November	0	15,000	2,113,000	1,153,226	3,281,226	3,079,000
December	95,000	0	2,450,240	72,000	2,617,240	4,499,500
January	220,000	766,000	2,322,100	1,105,000	4,413,100	2,965,400
February	160,000	0	4,083,780	1,545,000	5,788,780	4,090,500
March	15,000	92,442	1,117,154	1,690,000	2,914,596	5,537,000
April	3,053,000	1,500	1,963,500	50,500	5,068,500	2,110,350
May	0	0	2,923,688	2,701,500	5,625,188	1,335,500
<b>YTD Total</b>	<b>5,980,500</b>	<b>10,307,442</b>	<b>23,112,962</b>	<b>13,570,726</b>	<b>52,971,630</b>	<b>34,836,950</b>
<b>Annual Total</b>					<b>55,891,900</b>	<b>36,482,950</b>



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021



## 2.3 Matters Awaiting Decision by TPC & RMPAT

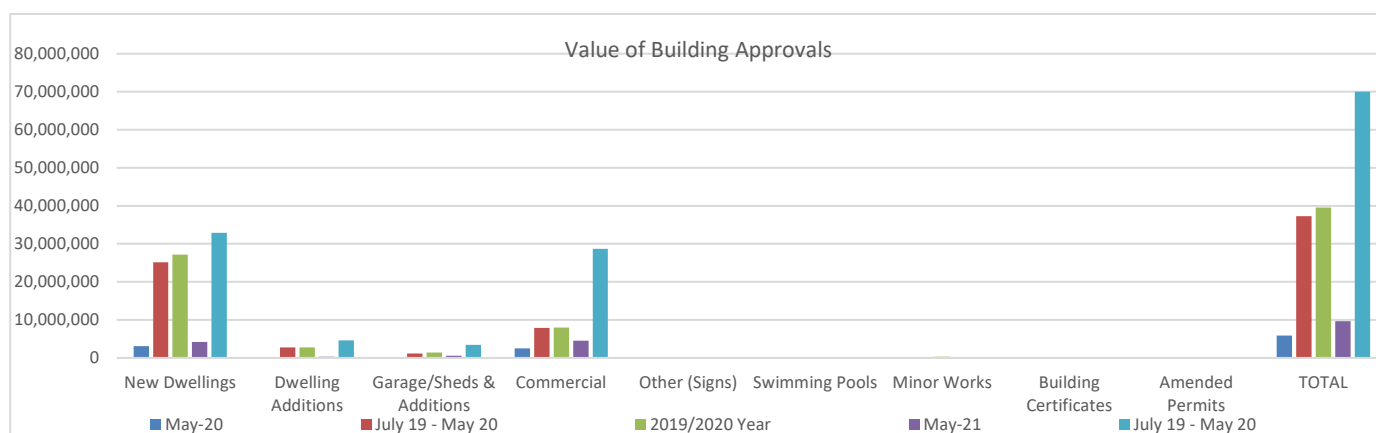
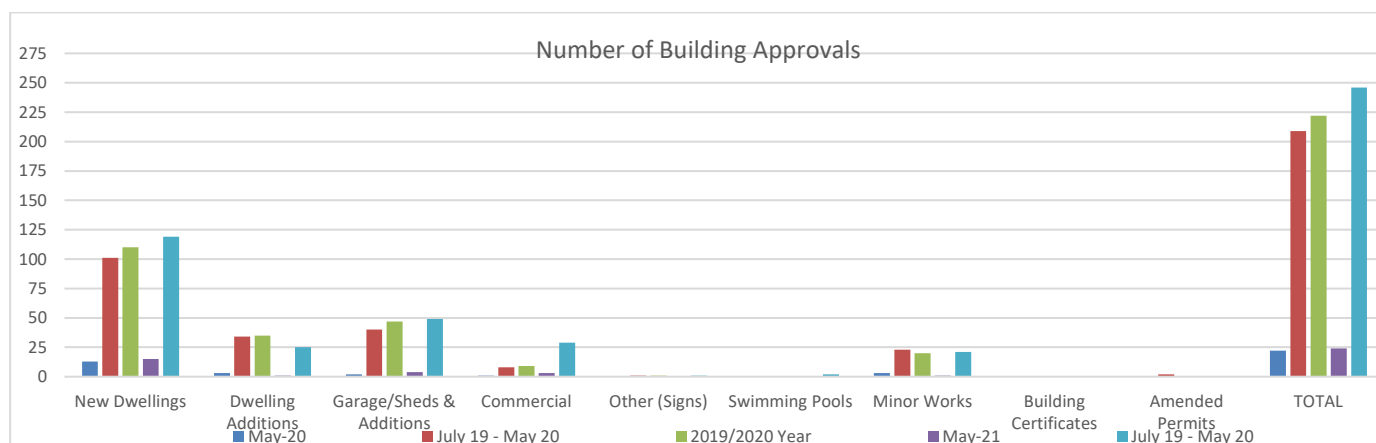
TPC TASMANIAN PLANNING COMMISSION	
TPS	Tasmanian Planning Scheme. The State Planning Provisions (SPPs) came into effect on 2/3/2017. They will have no practical effect until the Local Provisions Schedule (LPS) is in effect in a municipal area. Northern Midlands Council's Draft Local Provisions Schedule 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. Submission of response to post lodgement enquiries made by TPC due 5/2/2021. Meeting held between Council and Commission staff to discuss these matters held 20/1/2021. Response provided to TPC 12/2/2021. TPC requested further clarifications 16/3/2021. Response provided 8/4/2021. Section 32(4) responses to final TPC queries provided 6/5/2021. Minister's declarations issued 31 May 2021 – included in 28 June Council agenda.
04/2020	PLN-20-0230 - Low Density Residential Land at the south of Longford. Report on representation considered at Council meeting of 27/1/2021. Section 39 report on representation sent to TPC 12/2/2021. Hearing held 20 May 2021. 27 May 2021 - Commission asked for a submission on the draft amendment – being considered at Council meeting of 28 June 2021.
01/2021	PLN-21-0029 - site specific amendment to allow Resource Processing as a permitted use on at 13 Richard Street, in conjunction with a s43 development application for a food freeze drying enterprise. Advertised until 26/4/2021. Commission noted that the advertisement referred to a permitted development rather than a discretionary development. Re-advertised until 7 June 2021. Section 39 report, advising of no representations, sent to the Commission.
RMPAT RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL	
42/21P	PLN-21-0006 - 7 Church Street, Cressy, 3 Multiple Dwellings. Appeal against permit condition. Preliminary Conference held 16 April 2021. 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: 2020-2021			
	May-20		YTD 2019-2020		July 2019 - June 2020		May-21	
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$
New Dwellings	13	3,096,089	101	25,175,557	110	27,131,594	15	4,230,000
Dwelling Additions	3	210,000	34	2,757,001	35	2,757,001	1	295,000
Garage/Sheds & Additions	2	72,000	40	1,163,142	47	1,394,142	4	541,000
Commercial	1	2,500,000	8	7,920,000	9	7,952,000	3	4,571,000
Other (Signs)	0	0	1	5,000	1	5,000	0	0
Swimming Pools	0	0	0	0	0	0	0	0
Minor Works	3	28,026	23	253,483	20	287,983	1	20,000
Building Certificates	0	0	0	0	0	0	0	0
Amended Permits	0	0	2	0	0	0	0	0
<b>TOTAL</b>	<b>22</b>	<b>5,906,115</b>	<b>209</b>	<b>37,274,183</b>	<b>222</b>	<b>39,527,720</b>	<b>24</b>	<b>9,657,000</b>
<b>Inspections</b>								
Building	0		1		58		0	
Plumbing	18		312		282		40	

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021



## 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	5	27	43
Property owner not home or only recently started			1
Complying with all conditions / signed off		10	21
Not complying with all conditions	1	1	
Re-inspection required	3	9	17
Notice of Intention to Issue Enforcement Notice			
Enforcement Notices issued			
Enforcement Orders issued			
Infringement Notice			
No Further Action Required	1	7	4

Building Permit Reviews	This Month	2020/2021	Total 2019/2020
Number of Inspections		12	25
Property owner not home or only recently started			
Complying with all conditions / signed off		2	5
Not complying with all conditions			1
Re-inspection required		2	6
Building Notices issued			
Building Orders issued			
No Further Action Required		8	12

Illegal Works - Building	This Month	2020/21	Total 2019/2020
Number of Inspections	12	33	26
Commitment provided to submit required documentation	3	11	1
Re-inspection required	1	11	6
Building Notices issued		5	4
Building Orders issued	1	5	4
Emergency Order	1	3	
No Further Action Required	8	11	12

Illegal Works - Planning	This Month	2020/21	Total 2019/2020
Number of Inspections	11	77	77
Commitment provided to submit required documentation	1	9	7
Re-inspection required	2	47	42
Enforcement Notices issued		1	
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued		6	5
No Further Action Required	8	21	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 29 commercial building approvals valued at \$28,715,650 for 2020/21 (year to date), compared to 8 commercial building approval valued at \$7,920,000 (year to date) for 2019/2020.

In total, there were 246 building approvals valued at \$70,026,286 (year to date) for 2020/2021, compared to 209 building approvals valued at \$37,274,183 (year to date) for 2019/20.

## RECOMMENDATION

That the report be noted.

### DECISION

Cr Goss/Cr Adams

That the report be noted.

Carried unanimously

*Mr Maddox attended the meeting at 5.37pm.*

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

## 217/21 MONTHLY FINANCIAL STATEMENT

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

### 1 PURPOSE OF REPORT

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

### 2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 31 May 2021 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: 31-May-21 11

A. Operating Income and Expenditure						
	Budget	Year to Date Budget	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$11,636,820	-\$11,636,820	-\$11,675,144	\$38	100.3%	
Recurrent Grant Revenue	-\$4,420,090	-\$4,051,749	-\$2,796,309	-\$1,255	69.0%	* Advanced Grants
Fees and Charges Revenue	-\$2,082,551	-\$1,909,005	-\$2,218,363	\$309	116.2%	
Interest Revenue	-\$685,507	-\$628,382	-\$653,829	\$25	104.0%	
Reimbursements Revenue	-\$88,945	-\$81,533	-\$109,578	\$28	134.4%	
Other Revenue	-\$1,022,868	-\$937,629	-\$836,116	-\$102	89.2%	
	-\$19,936,781	-\$19,245,119	-\$18,289,339	-\$956	95.0%	
Employee costs	\$5,602,682	\$5,135,792	\$4,806,783	\$329	93.6%	
Material & Services Expenditure	\$5,410,185	\$4,959,336	\$4,112,436	\$847	82.9%	
Depreciation Expenditure	\$6,283,369	\$5,759,755	\$5,254,639	\$505	91.2%	
Government Levies & Charges	\$861,582	\$789,784	\$790,217	\$0	100.1%	
Councillors Expenditure	\$199,210	\$182,609	\$171,951	\$11	94.2%	
Interest on Borrowings	\$272,007	\$249,340	\$254,000	-\$5	101.9%	
Other Expenditure	\$1,733,101	\$1,588,676	\$840,079	\$749	52.9%	Pension rebates for full year
Plant Expenditure Paid	\$524,700	\$480,975	\$463,305	\$18	96.3%	
	\$20,886,836	\$19,146,266	\$16,693,410	\$2,453	87.2%	
	\$950,055	-\$98,852	-\$1,595,929			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$602,390	\$552,191	\$0	\$552	0.0%	
Underlying (Surplus) / Deficit	\$1,552,445	\$453,339	-\$1,595,929		1*	
	\$0		-			
Capital Grant Revenue	-\$11,742,987	-\$10,764,405	-\$4,133,381	-\$6,631	38.4%	
Subdivider Contributions	-\$524,114	-\$480,438	0	-\$480	0.0%	
Capital Revenue	-\$12,267,101	-\$11,244,843	-\$4,133,381			
	-		-			

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

#### Budget Alteration Requests

- For Council authorisation by absolute majority

**Budget      Budget      Actuals**  
**Operating      Capital**

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

#### May

Lfd - Streetscape Project	707987.1	\$3,967,878	C/fwd to 2021/22
Pth - Childcare Centre	791110	\$2,547,335	C/fwd to 2021/22
	707913		
Cry - Rec Ground Dump Point & Carpark & Lighting	708028	\$114,829	C/fwd to 2021/22
Cry - Rec Ground Building Redevelopment	707923	\$657,667	C/fwd to 2021/22
Ctown - Rec Ground Entry Improvements	708030	\$43,150	C/fwd to 2021/22
Ctown - Rec. Ground Irrigation	708035	\$160,000	C/fwd to 2021/22
Ctown - Rec. Ground Tennis Shade Shelter	707805.51	\$27,840	C/fwd to 2021/22
Ctown - Rec Ground Public Toilet	707805.65	\$78,472	C/fwd to 2021/22
Lfd - Sports Centre - Level 1 user ready Lift	707990.4	\$192,273	C/fwd to 2021/22
Cry - Pool Improvements	707869	\$622,761	C/fwd to 2021/22
Avoca - Public Toilet Septic Improvements	715366	\$74,000	C/fwd to 2021/22
Lfd - Cemetery Toilet upgrade	720132	\$5,000	C/fwd to 2021/22
Pth - Talisker Street Toilet Replacement	720133	\$88,935	C/fwd to 2021/22
Pth - Seccombe Street Reserve Toilet	720134	\$58,557	C/fwd to 2021/22
Evan - Pioneer Park Toilet upgrade	720135	\$20,000	C/fwd to 2021/22
Lfd - Council office external painting	720136	\$9,847	C/fwd to 2021/22
Pth - Rec Ground Electronic Scoreboard	720143	\$90,000	C/fwd to 2021/22
Cry - Gatenby Street No1 to 9 K&G seal	750460	\$32,000	C/fwd to 2021/22
Cry - Green Rises Road guardrail	750524.92	\$70,000	C/fwd to 2021/22
Pth - Bypass and assoc works		\$2,098,216	C/fwd to 2021/22
Evan - Footpath Arthur St, Murray to Macq (Hedge)	750030.6	\$18,800	C/fwd to 2021/22
Pth - Drummond St No.58 to Cresc	751498.6	\$65,000	C/fwd to 2021/22
Pth - William St Reserve	751613.6	\$40,000	C/fwd to 2021/22
Pth - George St Clarence to end K&G verge	750474	\$50,000	C/fwd to 2021/22
Lfd - Hobhouse St Cath to Burghley Recon	750579	\$121,000	C/fwd to 2021/22
Ctown - Queen Street parking upgrade	751043	\$150,000	C/fwd to 2021/22

#### Apr

Pth - Cromwell St Culvert Replacement	788622	\$4,500	Additional allocation
Lfd - Paton St Detention Batters	788624	\$10,000	Deleted in mid year review
Pth - Sheepwash Creek fencing reserve	788609.21	\$36,000	New allocation
Pth - Sheepwash Creek drain maintenance	788609.22	\$50,000	Additional allocation
Stormwater Unallocated projects	788575	-\$30,000	Transfer
Stormwater Side Entry Pit Program	788633	-\$70,500	Transfer

#### Mar

Grant Income Recycling Trailer NTWMG	451071	-\$9,250	
Fleet F135 Recycling Trailer Exp NTWMG	700135	\$9,250	

#### Feb

#### Jan

#### Dec

See Mid Year Budget Review

#### 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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

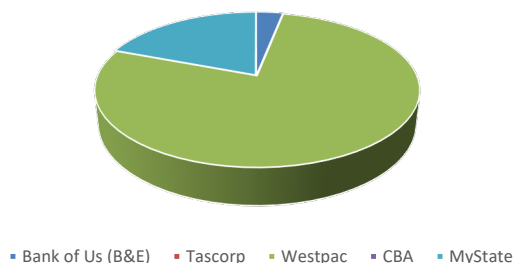
#### B. Balance Sheet Items

	Year to Date Actual	Monthly Change	Same time last year	Comments
<b>Cash &amp; Cash Equivalents Balance</b>				
- Opening Cash balance	\$16,912,089	\$17,884,676		
- Cash Inflow	\$20,453,196	\$2,210,698		
- Cash Payments	-\$19,051,500	-\$1,781,590		
- Closing Cash balance	\$18,313,784	\$18,313,784		
Account Breakdown				
- Trading Accounts	\$1,153,323			
- Investments	\$17,160,462			
	\$18,313,784			

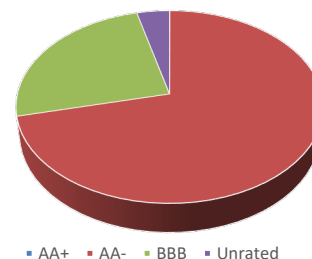
#### Summary of Investments

	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value
Tasmanian Public Finance Corporation Call Account	1/04/2021	30/04/2021	0.10	\$5,394	\$5,395
CBA Call Account	1/04/2021	30/04/2021	0.01	\$1,574	\$1,574
CBA Business Online Saver	14/04/2021	30/04/2021	0.00	\$271	\$271
Westpac Corporate Regulated Interest Account	30/04/2021	30/04/2021	0.35	\$4,729,255	\$4,729,255
My State Financial	25/05/2020	25/05/2021	1.20	\$3,303,434	\$3,343,076
Bank of Us	29/01/2021	29/08/2021	0.45	\$530,957	\$532,345
Westpac - Green Deposit	25/11/2020	28/09/2021	0.45	\$2,000,000	\$2,007,570
Westpac	6/04/2021	4/07/2022	3.37	\$5,500,000	\$5,730,545
Westpac	29/03/2021	29/06/2023	3.30	\$1,050,000	\$1,128,034
Total Investments				\$17,120,886	\$17,478,064

Investments by Institution



Total Investments by Rating (Standard & Poor's)

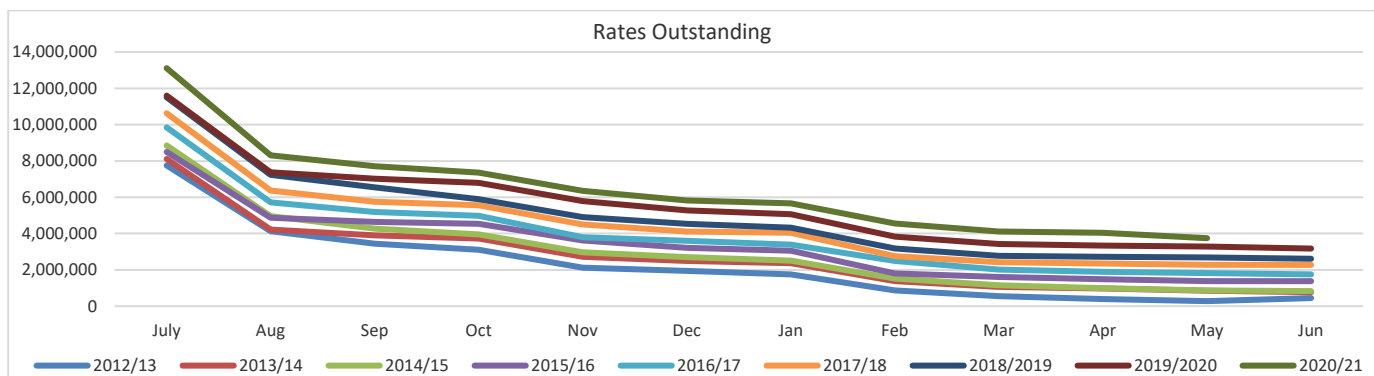


	2020/21	% to Raised	Same Time Last Year	% to Raised	
<b>Rate Debtors</b>					
Balance b/fwd	\$2,808,852		\$2,275,315		
Rates Raised	\$11,889,467		\$11,566,732		
	\$14,698,319		\$13,842,047		
Rates collected	\$10,862,593	91.4%	\$10,386,813	89.8%	
Pension Rebates	\$486,451	4.1%	\$457,514	4.0%	
Discount & Remissions	\$46,447	0.5%	\$40,930	0.4%	
	\$11,395,491		\$10,885,256		
Rates Outstanding	\$3,745,768	31.5%	\$3,282,398	28.4%	
Advance Payments received	-\$442,940	3.7%	-\$325,606	2.8%	

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021



#### Trade Debtors

Current balance	\$490,304
- 30 Days	\$430,194
- 60 Days	\$23,589
- 90 Days	\$1,489
- More than 90 days	\$35,033

#### Summary of Accounts more than 90 days:

- Norfolk Plains Book sales	171	Paid by outlet as sold
- Hire/lease of facilities	2,427	
- Removal of fire hazards	7,097	
- Dog Registrations & Fines	17,677	Send to Fines Enforcement
- Private Works	7,401	
- Regulatory Fees	260	
- Govt Reimbursements	-	

#### C. Capital Program

	Budget	Actual (\$,000)	Target 92%	Comments
Renewal	\$12,739,060	\$6,165,191	48%	
New assets	\$11,566,909	\$5,254,026	45%	
Total	\$24,305,968	\$11,419,217	47%	

#### Major projects:

- Longford Sports Centre stage 2 & carpark	\$940,000	\$773,937	82%	In progress
- Campbell Town Rec Ground Site Works	\$166,500	\$63,501	38%	In progress
- Evandale Rec Ground Amenities	\$929,473	\$893,607	96%	Substantially complete
- Cressy Rec Ground Amenities	\$945,426	\$285,544	30%	Commenced
- Cressy Pool Improvements	\$700,000	\$170,553	24%	Commenced
- Ross Caravan Park units	\$220,000	\$218,603	99%	Complete
- Ross Village Green	\$400,000	\$397,273	99%	In progress
- Sheepwash Creek development	\$1,090,044	\$1,286,133	118%	Substantially complete
- Green Rises Road reconstruction	\$535,000	\$333,928	62%	Substantially complete
- Macquarie Road reconstruction	\$310,000	\$329,313	106%	Complete
- Bridge 1469 Storys Creek Road	208,000	\$203,683	98%	Complete
- Bridge 1813 Hop Valley Road	192,000	\$192,406	100%	Complete
- Bridge 1940 Cressy Road	200,000	\$22,246	11%	Commenced
- Bridge 4519 Verwood Road	112,035	\$121,300	108%	Complete

\* Full year to date capital expenditure for 2020/21 provided as an attachment.

#### D. Financial Health Indicators









	Target	Actual	Variance	Trend	
Financial Ratios					
- Rate Revenue / Total Revenue	58.4%	63.8%	-5.5%	⬇	
- Own Source Revenue / Total Revenue	78%	85%	-6.9%	⬇	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	-7.8%	8.7%	-16.5%	⬇	

















# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING








### 28 JUNE 2021

- Debt / Own Source Revenue	47.8%	47.9%	-0.1%	↔	
<b>Efficiency Ratios</b>					
- Receivables / Own Source Revenue	27.3%	21.2%	6.1%	⬇	
- Employee costs / Revenue	28.1%	26.3%	1.8%	⬆	
- Renewal / Depreciation	202.7%	117.3%	85.4%	⬆	
<b>Unit Costs</b>					
- Waste Collection per bin	\$10.53	\$12.91		↔	
- Employee costs per hour	\$46.69	\$38.78		⬆	
- Rate Revenue per property	\$1,638.07	\$1,643.46		↔	
- IT per employee hour	\$3.30	\$2.99		⬇	

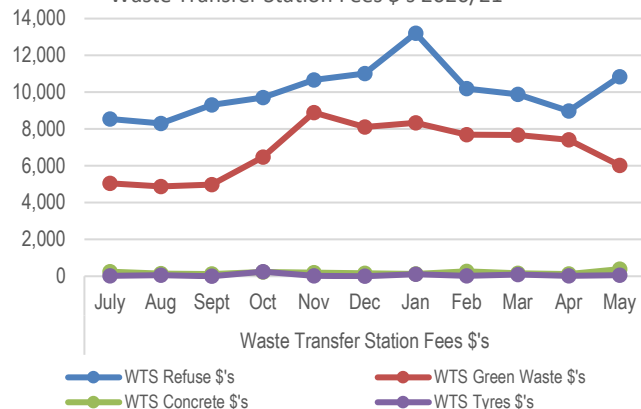
#### E. Employee & WHS scorecard

	YTD	This Month	
Number of Employees	94	94	
New Employees	24	1	
Resignations	21	4	
Total hours worked	123,957	10,723	
Lost Time Injuries	2	0	
Lost Time Days	2	0	
Safety Incidents Reported	15	0	
Hazards Reported	96	8	
Risk Incidents Reported	7	0	
Insurance claims - Public Liability	1	0	
Insurance claims - Industrial	1	0	
Insurance claims - Motor Vehicle	3	0	
IT - Unplanned lost time	2	0	
Open W/Comp claims	8	0	

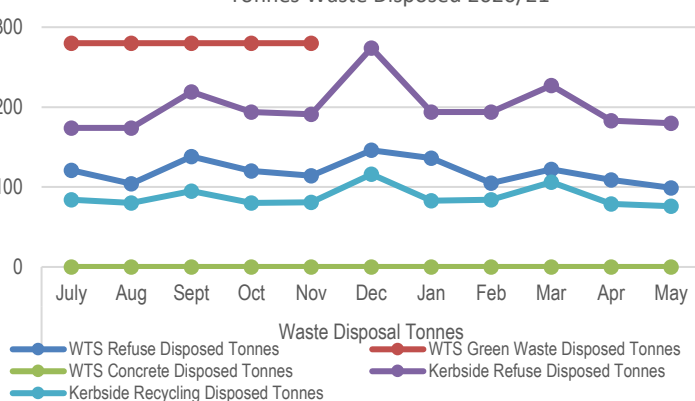
#### F. Waste Management

Waste Transfer Station	2018/19	2019/20	2020/21 Budget	2020/21 Year to Date	
<b>Takings</b>					
- Refuse	\$93,411	\$92,611	\$84,133	\$110,645	
- Green Waste	\$52,960	\$50,996	\$44,253	\$75,519	
- Concrete	\$2,376	\$1,551	\$1,385	\$2,172	
			\$0	\$638	
<b>Total Takings</b>	<b>\$152,877</b>	<b>\$142,782</b>	<b>\$129,771</b>	<b>\$188,974</b>	
<b>Tonnes Disposed</b>					
WTS Refuse Disposed Tonnes	1,325	1388	1954	1314	
WTS Green Waste Disposed Tonnes	5200	5400	6015	1400	
WTS Concrete Disposed Tonnes	0	0	0	0	
Kerbside Refuse Disposed Tonnes	2217	2326	1806	2204	
Kerbside Recycling Disposed Tonnes	1051	1036	869	964	
<b>Total Waste Tonnes Disposed</b>	<b>\$9,793</b>	<b>10150</b>	<b>10644</b>	<b>5882</b>	

Waste Transfer Station Fees \$'s 2020/21



Tonnes Waste Disposed 2020/21





# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 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 May 2021.
- 5.2 Capital Works Report to end May 2021.

## RECOMMENDATION

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 May 2021, and
- ii) authorise Budget 2020/21 alterations as listed in item 3.

## DECISION

Cr Goss/Cr Davis

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 May 2021, and
- ii) authorise Budget 2020/21 alterations as listed in item 3.

Carried unanimously

**218/21 MUNICIPAL BUDGET**

*File:* 34/007  
*Responsible Officer:* Des Jennings, General Manager  
*Report Prepared by:* Maree Bricknell, Corporate Services Manager

**1 PURPOSE OF REPORT**

The purpose of this report is for Council to present the Municipal Budget for the financial period from 1 July 2021 to 30 June 2022 to the community.

**2 INTRODUCTION/BACKGROUND**

**2.1 BUDGET**

The 2021-22 operating budget is framed to commence recovery from the financial and social shock caused by the Covid19 pandemic affecting the community at large. This year Council aims to deliver a very small Operating surplus with a 3.95 percent general rate increase.

Base financial assumptions used in the 2021-22 Budget calculations are mostly in accordance with principles adopted by Council in March 2021 and the Long Term Financial Plan adopted in June 2020 (reviewed with 2021 figures), but adjusted for the recent Covid19 implications.

Federal Grant revenue has been increased by approximately 3.5 percent as provided by the State Grants Commission, provision made for TasWater dividends to be reinstated to the 2019-20 level, fees and charges adjusted back to pre-pandemic levels then indexed by 3.0 percent except for waste charges being increased by 10 percent, bank interest revenue calculated at 0.35 percent return, and \$100,000 State Government grants for the Perth Bypass roads has been allocated to the first year major maintenance of roads and for topdressing road reserves to mowing standards.

Council's estimated Employee wage cost has been increased by 2.75 percent in accordance with provisions of the Workplace Bargaining Agreement, materials and services increased by 3.0 percent, plant hire rates indexed by 3.0 percent, depreciation also indexed by 3.0 percent, and contracts adjusted by negotiated rates.

The proposed budget for 2021-22 includes a small number of new initiatives including:

- Climate Change Emergency strategy/action plan \$28,240 plus NTRLUS Climate Project \$5,512
- NMBA projects & Translink promotion \$63,500
- Town promotion videos, banners and maps \$80,000
- Planning consultancy \$100,340
- Municipal Weed Control Action Plan \$50,000
- Masterplans & other General Consultancy \$50,000
- Additional staff resources in engineering, and trainees in works, corporate and development services.

Some operating expenditure savings built into the budget include reducing the early payment discount from 1 percent to 0.5 percent, media consultancy reduced by \$35,000, and minimal increases in animal control costs resulting in no increase in dog registration fees this year.

Apart from the above, existing service levels will be maintained, and funds will continue to be allocated to renew municipal infrastructure – with a very small underlying operating surplus of only \$50,608.

In 2021-22 budgeted operating revenue is \$31.2 million and budgeted operating expenditure is \$20.7 million which results in an operating surplus of \$10.4 million, or an underlying surplus of \$50,608 after eliminating capital grant revenue and developer contributions.

Included in the operating expenditure is \$6.5 million depreciation which represents approximated 31.4% of

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

operating expenditure.

Operating Statement	Budget	
Underlying Surplus/(Deficit) Calculation	2021/22	%
<b>Revenue</b>		
Rates & Charges	12,336,834	39.5
Grants & Subsidies	14,821,904	47.5
Fees & Charges	2,387,167	7.6
Interest	741,548	2.4
TasWater Distributions	468,000	1.5
Reimbursements	53,978	0.2
Other	403,121	1.3
	<u>31,212,552</u>	
<b>Expenditure</b>		
Employee Costs	6,028,712	29.1
Materials & Services	6,162,238	29.7
Government Levies & Charges	961,484	4.6
Depreciation	6,519,158	31.4
Interest on Borrowings	272,007	1.3
Other Expenditure	789,632	3.8
	<u>20,733,231</u>	
<b>Operating Surplus (Deficit)</b>	<b>10,479,321</b>	
Adjustments :		
Less Capital Grants	(10,097,948)	
Less Subdivisions & contributed assets	(330,765)	
Less Debtors Raised Not Paid		
<b>Underlying Surplus/(Deficit)</b>	<b>50,608</b>	

In addition to recurring base federal grants, special purpose grant funding is expected during 2021-22 for:

- Longford Main Street Project \$4,000,000
- Perth Childcare Centre \$2,470,000
- Perth Bypass Associated Works \$524,000
- Roads to Recovery \$960,936
- Community Infrastructure Recovery \$593,014
- Pension Rate rebates \$473,800
- Child Care services \$160,180
- Road Vulnerable Users – bike path \$250,000

Council expects to hold approximately \$19.2 million cash as at 30 June 2021 which is forecast to decrease by \$1.9 at the end of the year with completion of all programmed capital works (Capital Works Program totalling \$20.4m including carry forward projects).

The majority of the cash reserve funds as at 30 June 2021 are committed to specific projects including road programs, plant replacement, building maintenance, emergency management, contractual commitments, employee entitlements and borrowings.

Under the State Government Accelerated Local Government Capital Program, Council borrowed \$6.57m over a five year term (interest free) to bring forward some major capital works projects during 2018 - 2021. Approval has been sought for a further \$3m interest free borrowings for 3 years to bring forward infrastructure works at TRANSlink, Western Junction during 2021-22.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Council has set a large capital works budget of \$20.4 million including the following programs for 2021-22:

• Road Program of	\$ 7,262,594
• Footpath Program of	\$ 1,013,000
• Bridge Replacement of	\$ 751,217
• Stormwater Program of	\$ 997,570
• Community Building Improvements of	\$ 2,185,896
• Major grant funded Building Construction of	\$ 6,228,653
• Recreation Improvements	\$ 1,116,046
• Fleet Replacement Program (net cost of)	\$ 508,000
• Plant & Equipment (incl. new recycle bins)	\$ 235,000
• Information Technology & other equipment	\$ 180,570

Management Committee Grants amount to \$53,698 Special Community Grants to \$60,000, Special Event Grants to \$75,000 and other Donations are allocated to community groups for \$39,640 in 2021-22.

Ratepayers are encouraged to obtain Council's 2021-22 Annual Plan which outlines specific projects, capital works and other tasks/targets to be achieved over the next twelve months.

## 2.2 RATES

Total rate revenue in 2021-22 is estimated at \$12,336,834 which represents 58.4 percent of Council's total revenue (excluding Capital grant funding), including a General Rate revenue increase of approximately \$102,600 from expected rate base development over the next twelve months.

All properties within the Northern Midlands area were revalued in 2019 and the new valuations provided by the Valuer General as at 1 July 2019 will again be used to calculate rates this year without adjustment due to the Covid pandemic.

Council will continue to use Differential Rating for different land use categories to raise the same amount of revenue as the previous year within each land use category (plus any development), and overall rate bills will increase to an average property in Campbell Town by \$43, in Evandale \$55, in Longford \$48, and in Perth \$50. Minimum rates apply to approximately 12.4 percent of all rateable properties.

As at 1 July 2021 Assessed Annual Value is expected to amount to \$173,980,048 which represents a change of \$3,464,826 attributable to development over the last twelve months.

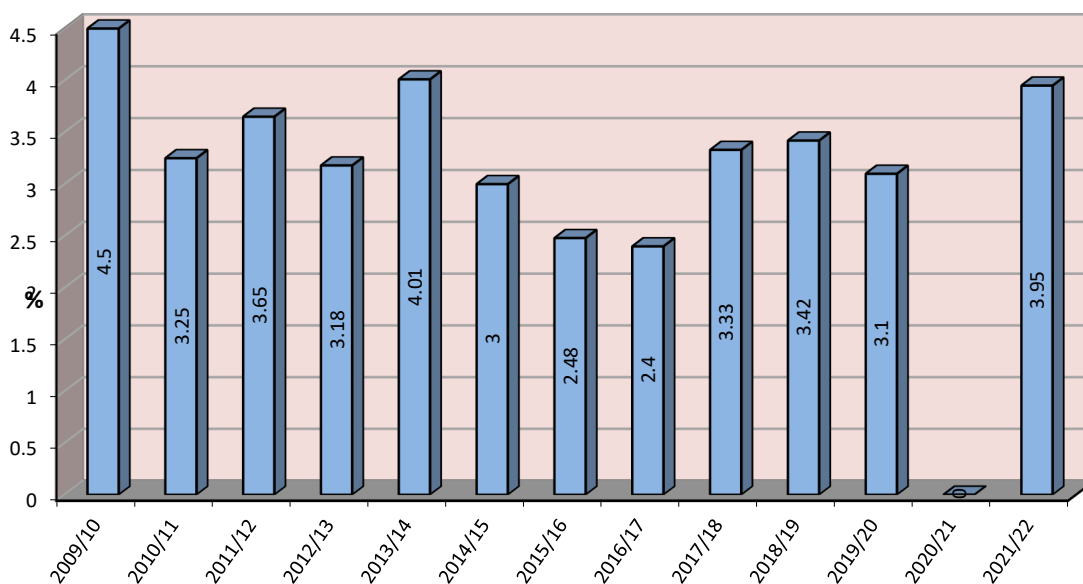
Under the differential rating system the following table details general rates raised in the individual land use categories, and demonstrates the movements in the share of the rates between the land use categories.

Land Use Code (LUC)	No. of Properties	Rates 2021-22	LUC %	Rates 2020-21	LUC %	Inc/Dec \$ %	Inc/Dec %
Commercial	257	1,123,487	10.5%	1,077,595	10.8%	4.3%	-0.3%
Industrial	163	1,518,180	14.2%	1,295,884	13.0%	17.2%	1.2%
Rural	883	2,392,204	22.4%	2,297,521	23.1%	4.1%	-0.7%
Low Density Residential	377	472,681	4.4%	451,567	4.5%	4.7%	-0.1%
Public Purpose	112	178,536	1.7%	166,018	1.7%	7.5%	0.0%
Quarry	3	24,069	0.2%	23,464	0.2%	2.6%	0.0%
Residential	4,529	4,209,212	39.5%	3,927,832	39.5%	7.2%	0.0%
Rural Residential	429	524,105	4.9%	503,435	5.1%	4.1%	-0.1%
Sport	40	32,532	0.3%	31,398	0.3%	3.6%	0.0%
Vacant	553	184,716	1.7%	173,740	1.7%	6.3%	0.0%
	7,346	10,659,723	100%	9,948,455	100%	7.1%	0.0%

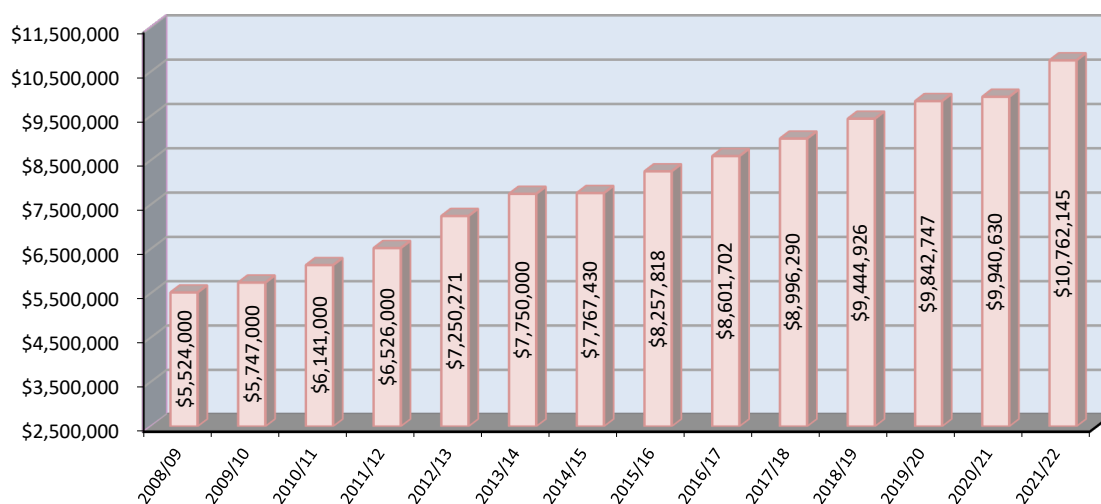
In order to adhere to Council's policy to budget at least to a surplus position the general rate in the dollar of assessed annual value will increase by 3.95 percent, raising a total general rate of \$10,762,145.

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

**Percentage Increase**



**General Rate Revenue \$'s**



The following rates will apply for 2021-22:

- 9.43 cents in the \$AAV for land used for industrial purposes
- 9.43 cents in the \$AAV for non used (vacant) land zoned industrial
- 8.71 cents in the \$AAV for land used for public purpose
- 8.49 cents in the \$AAV for land used for quarries and mining
- 7.26 cents in the \$AAV for land used for commercial purposes
- 7.26 cents in the \$AAV for land used for residential purposes
- 7.04 cents in the \$AAV for land used for sport and recreation
- 6.53 cents in the \$AAV for land zoned low density residential
- 6.53 cents in the \$AAV for land zoned primary production used for residential purposes
- 5.08 cents in the \$AAV for other non used (vacant) land
- 4.17 cents in the \$AAV for land used for primary production.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

It is recommended that in 2021-22 the minimum rates remain at \$519 for land used for residential, commercial and quarry/ mining purposes, and at \$329 for land used for rural, industrial, vacant, public purpose and sport and recreation purposes.

The State Fire Commission has increased the State Fire Levy by 4.5 percent and the amount to be collected amounts to \$644,912 for 2021-22. The minimum charge will increase by \$1 to \$42 in 2021-22, the rate in \$AAV for the Volunteer Districts of Cressy, Campbell Town, Longford, Perth and Evandale will remain at 0.382 cents, and in all other general areas increase from 0.35 cents to 0.385 cents.

In 2021-22 the recommended cost of the

- 140 litre waste and 240 litre recycling collection service will increase \$11 to \$126, and
- 240 litre waste and 240 litre recycling collection service will increase \$17 to \$189.

An additional waste collection service will again be provided between Christmas and New Year to all properties receiving the kerbside collection service.

The On-site Disposal System charge will increase \$19 to \$659.

A Lake River Water Levy of \$200 per kilometre of river frontage will not be levied in 2021-22.

The following table shows examples of overall rate bills compared to last year:

Category/Location	Average Property Value \$	Rates 2020-21 \$	Rates 2021-22 \$	Increase \$	Increase %
Longford	\$295,000	\$1,080	\$1,127	\$48	4.4%
Perth	\$330,000	\$1,137	\$1,187	\$50	4.4%
Evandale	\$315,000	\$1,171	\$1,226	\$55	4.7%
Campbell Town	\$215,000	\$969	\$1,012	\$43	4.5%
Cressy	\$245,000	\$946	\$988	\$43	4.5%
Devon Hills	\$660,000	\$1,874	\$1,951	\$78	4.1%
Ross	\$235,000	\$927	\$968	\$42	4.5%
Avoca	\$155,000	\$744	\$780	\$36	4.8%
Conara	\$115,000	\$655	\$687	\$32	4.9%
Epping	\$145,000	\$719	\$753	\$35	4.8%
Vacant Land	\$260,000	\$550	\$570	\$21	3.8%
Vacant Land	\$140,000	\$340	\$371	\$31	9.1%
Low Density Residential	\$540,000	\$1,554	\$1,620	\$66	4.2%
Residential in Rural Zone	\$445,000	\$1,186	\$1,230	\$45	3.8%
Rossarden	\$85,000	\$655	\$687	\$32	4.9%
Rural A					4.7%
Rural B					4.5%
Commercial A					3.7%
Commercial B					4.2%
Industrial A					3.8%
Industrial B					3.7%
<b>GENERAL RATE INCREASE</b>		<b>3.95%</b>			

Council has retained a percentage early payment discount to encourage up-front rate payments for cash flow advantages but reduced the discount from 1.0 percent to 0.5 percent.

A three (3) instalment payment system is again offered in 2021-22.

A daily interest of 0.0178 percent (6.5% p.a.) will be imposed on all overdue Rate Instalments, and a penalty of 5 percent will also be imposed on all outstanding amounts as at 1 April 2022.

During 2021-22 ratepayers have the option to pay Rates & Charges via Bpay, Bpay View, CBA, Australia Post, Service Tasmania at Campbell Town, Direct Debit and at Council Chambers at Longford.

Ratepayers are encouraged to register for Rate bills to be forwarded by email, and Rate bill reminders sent by SMS.

### **3 STRATEGIC/OPERATIONAL PLAN**

The Strategic Plan states that Council will provide practical, viable, sustainable financial management policies and procedures.

### **4 POLICY IMPLICATIONS**

The Budget is drafted in accordance with base and financial parameters adopted by Council.

### **5 STATUTORY REQUIREMENTS**

The 2021-22 Municipal Budget prepared in accordance with Section 82 of the *Local Government Act 1993* was submitted for adoption by absolute majority prior to 31 August 2021.

Under Section 90 of the *Local Government Act 1993* Council may make one general rate on all rateable land in its municipal area, based on value of land, and a minimum or fixed component may apply. Although Council can only make one general rate under Section 107 of the LGA it can vary the rate by use or non-use, locality, planning zone, or any other prescribed factor.

### **6 FINANCIAL IMPLICATIONS**

As detailed above.

### **7 CONSULTATION WITH STATE GOVERNMENT**

There is some requirement to consult with the State Grants Commission, the State Fire Service and the Department of Treasury and Finance in relation to revenue and expenditure that has impact on Council's budget.

### **8 COMMUNITY CONSULTATION**

There is community input into the budget process of drafting the budget via councillors, local district committees, and direct input from members of the public.

### **9 OPTIONS**

Council has the option to change components of the budget as required, and also an opportunity each month to review its budget and add/delete items.

### **10 OFFICERS COMMENTS**

Section 82 (7) of the LGA requires the General Manager to report any budget adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.

### **11 ATTACHMENTS**

- 11.1 The 2021-22 Budget Summary, Budget Report including Capital Works Program, Rates Report, Rates & Charges Policy and Fees & Charges Schedule.
- 11.2 2021-2022 Annual Plan.



11.3 Long Term Financial Plan 2020-2030.

## 12 RECOMMENDATION

- A. That Council receive and discuss the 2021/2022 Annual Budget; 2021/2022 Annual Plan; Rates & Charges Policy, Budget Summary Report and the Fees and Charges Schedule.
- B. That Council approve and adopt the 2021/2022 Annual Plan pursuant to Section 71 of the Local Government Act 1993.
- C. That Council approve and adopt the 2021/2022 Rates & Charges Policy pursuant to Section 86B of the Local Government Act 1993.
- D. That Council:

- i) approve and adopt the 2021/2022 revenue and expenditure estimates pursuant to Section 82 of the Local Government Act 1993.
- ii) make rates and charges for the period 1 July 2021 to 30 June 2022 pursuant to the provisions of the Local Government Act 1993 in accordance with the following resolutions:

### 1. General Rate

- a) That pursuant to Section 90 of the Local Government Act 1993 Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provision of Section 87) within the municipal area of Northern Midlands for the period commencing 1 July 2021 and ending on 30 June 2022, namely a rate of 9.43 cents in the dollar on the assessed annual value of the land.
- b) Pursuant to Section 107, by reason of the use or predominant use of any land, the non-use of any land or land being within a planning zone, Council by absolute majority declares that the general rate shall be varied as follows:
  - i) Land used for primary production purposes the general rate is varied to 4.17 cents in the dollar on the assessed annual value of the land;
  - ii) Land zoned as “residential low density and rural living zones” under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 6.53 cents in the dollar on the assessed annual value of the land;
  - iii) Land used for sport and recreation purposes the general rate is varied to 7.04 cents in the dollar on the assessed annual value of the land;
  - iv) Land used for residential purposes (not being land within subparagraphs (ii) or (viii)) the general rate is varied to 7.26 cents in the dollar on the assessed annual value of the land;
  - v) Land used for quarries or mining purposes the general rate is varied to 8.49 cents in the dollar on the assessed annual value of the land;
  - vi) Land used for commercial purposes the general rate is varied to 7.26 cents in the dollar on the assessed annual value of the land;
  - vii) Land used for public purposes the general rate is varied to 8.71 cents in the dollar on the assessed annual value of the land;
  - viii) Land used for residential purposes (not being land within subparagraphs (ii) or (iv)) and zoned in the Rural Resource zone under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 6.53 cents in the dollar on the assessed annual value of the land;
  - ix) Land which is vacant the general rate is varied to 5.08 cents in the dollar on the assessed annual value of the land;
  - x) Land which is vacant and which is zoned industrial under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 9.43 cents in the dollar on the assessed annual value of the land.

- c) That pursuant to Section 90(4) of the Local Government Act 1993 Council sets a minimum amount payable in respect of the general rate of \$519.
- d) Pursuant to section 107 Council declares by absolute majority the minimum amount is varied to \$329 by reference to land use as follows:
  - i) Land used for public purposes;
  - ii) Land used for sport and recreation facilities;
  - iii) Land used for primary production;
  - iv) Land used for quarries or mining;
  - v) Land used for industrial;
  - vi) Vacant land which is not used for any purpose.

## **2. Service Rates and Services Charges**

That pursuant to Sections 93A, 94 and 95 of the Local Government Act 1993, Council makes the following service rates and service charges on all rateable land within the municipal area of Northern Midlands (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply the following services) for the period on the 1 July 2021 and ending on the 30 day of June 2022 namely:

### **1. Service Charge Waste Management**

- 1.1 A service charge for waste management (garbage removal) in respect of all land to which Council makes available a garbage removal service of:
  - i) \$126 for one 140 litre mobile garbage bin and 240 litre mobile recycling bin
  - ii) \$189 for one 240 litre mobile garbage bin and one 240 litre mobile recycling bin; and
  - iii) \$90 for each additional recycle bin.

### **2. Fire Service Contribution**

- 2.1 Pursuant to section 93A of the Local Government Act 1993 Council makes the following service rates in respect of the Fire Service Contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows;
  - a) Cressy, Campbell Town, Longford, Perth & Evandale Volunteer Brigade rating district 0.382 cents in the dollar of assessed annual value of such land;
  - b) for general land 0.385 cents in the dollar of assessed annual value of such land.
- 2.2 Pursuant to section 93(3) Council sets a minimum amount payable in respect of the service rate for fire protection of \$42.

## **3. Separate Land**

For the purposes of these resolutions the rates and charges shall apply for each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

## **4. Payment**

Pursuant to Section 124 of the Act, Council:

- a) permits all ratepayers to pay rates by instalments instead of by one payment, if ratepayers so elect
- b) determines that if all rates are paid by one payment, then the date by which the rates are due to be paid shall be 30 September 2021
- c) decides that where rates are payable by instalments, then they shall be paid by three instalments of approximately equal amounts and determines that the dates by which such instalments are to be paid shall be as follows:

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

- i) the first instalment on or before 31 August 2021
- ii) the second instalment on or before 30 November 2021
- iii) the third instalment on or before 28 February 2022

#### 5. **Discount for Early Payment**

Pursuant to Section 130 of the Act, Council offers to all ratepayers who pay the whole of the rates specified in the rates notice in one payment on or before 31 August 2021, a discount of 0.5% upon the current rates and charges.

#### 6. **Penalty & Interest**

That pursuant to Section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due then:

- a) there is payable a penalty of 5% of the unpaid rate or instalment imposed from 1 April 2022; and
- b) there is payable a daily interest charge of 0.0178% in respect of the unpaid rate or instalment for the period during which it is unpaid.

#### 7. **Adjusted Values**

That for the purposes of each of these resolutions, any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the Local Government Act 1993.

#### 8. **Words Used**

Words and expressions used both in these resolutions and in the Local Government Act 1993 or the Fire Service Act 1979 have in these resolutions the same respective meanings as they have in those Acts.

- E. That Council approve and adopt special project assistance funding.
- F. That Council approve and adopt special event funding.
- G. That Council pursuant to Section 205 of the *Local Government Act 1993*;
  - i) Imposes fees and charges as specified in the Fees and Charges Schedule 2021/2022; and
  - ii) In addition to any other fee, charge, rate or service charge, Council imposes a \$659 charge for the service of bio-cycle sewer disposal systems for the period 1 July 2021 to 30 June 2022.
  - iii) Each of the fees and charges referred to in these resolutions are payable within 30 days of receipt by the person who is liable to pay rates in respect of the land to which the fees and charges relate, of a notice of those fees and charges from the Council.
  - iv) If any fee or charge is not paid to Council on the date that it is due for payment then interest is payable at a rate of 6.50% from the due date of payment until the date of payment.

#### DECISION

Cr Polley/Cr Adams

- A. That Council receive and discuss the 2021/2022 Annual Budget; 2021/2022 Annual Plan; Rates & Charges Policy, Budget Summary Report and the Fees and Charges Schedule.
- B. That Council approve and adopt the 2021/2022 Annual Plan pursuant to Section 71 of the Local Government Act 1993.
- C. That Council approve and adopt the 2021/2022 Rates & Charges Policy pursuant to Section 86B of the Local Government Act 1993.
- D. That Council:
  - i) approve and adopt the 2021/2022 revenue and expenditure estimates pursuant to Section 82 of the Local Government Act 1993.

- ii) make rates and charges for the period 1 July 2021 to 30 June 2022 pursuant to the provisions of the Local Government Act 1993 in accordance with the following resolutions:

**1. General Rate**

- a) That pursuant to Section 90 of the Local Government Act 1993 Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provision of Section 87) within the municipal area of Northern Midlands for the period commencing 1 July 2021 and ending on 30 June 2022, namely a rate of 9.43 cents in the dollar on the assessed annual value of the land.
- b) Pursuant to Section 107, by reason of the use or predominant use of any land, the non-use of any land or land being within a planning zone, Council by absolute majority declares that the general rate shall be varied as follows:
- i) Land used for primary production purposes the general rate is varied to 4.17 cents in the dollar on the assessed annual value of the land;
  - ii) Land zoned as “residential low density and rural living zones” under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 6.53 cents in the dollar on the assessed annual value of the land;
  - iii) Land used for sport and recreation purposes the general rate is varied to 7.04 cents in the dollar on the assessed annual value of the land;
  - iv) Land used for residential purposes (not being land within subparagraphs (ii) or (viii)) the general rate is varied to 7.26 cents in the dollar on the assessed annual value of the land;
  - v) Land used for quarries or mining purposes the general rate is varied to 8.49 cents in the dollar on the assessed annual value of the land;
  - vi) Land used for commercial purposes the general rate is varied to 7.26 cents in the dollar on the assessed annual value of the land;
  - vii) Land used for public purposes the general rate is varied to 8.71 cents in the dollar on the assessed annual value of the land;
  - viii) Land used for residential purposes (not being land within subparagraphs (ii) or (iv)) and zoned in the Rural Resource zone under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 6.53 cents in the dollar on the assessed annual value of the land;
  - ix) Land which is vacant the general rate is varied to 5.08 cents in the dollar on the assessed annual value of the land;
  - x) Land which is vacant and which is zoned industrial under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 9.43 cents in the dollar on the assessed annual value of the land.
- c) That pursuant to Section 90(4) of the Local Government Act 1993 Council sets a minimum amount payable in respect of the general rate of \$519.
- d) Pursuant to section 107 Council declares by absolute majority the minimum amount is varied to \$329 by reference to land use as follows:
- i) Land used for public purposes;
  - ii) Land used for sport and recreation facilities;
  - iii) Land used for primary production;
  - iv) Land used for quarries or mining;
  - v) Land used for industrial;
  - vi) Vacant land which is not used for any purpose.

## **2. Service Rates and Services Charges**

That pursuant to Sections 93A, 94 and 95 of the Local Government Act 1993, Council makes the following service rates and service charges on all rateable land within the municipal area of Northern Midlands (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply the following services) for the period on the 1 July 2021 and ending on the 30 day of June 2022 namely:

### 1. Service Charge Waste Management

1.1 A service charge for waste management (garbage removal) in respect of all land to which Council makes available a garbage removal service of:

- i) \$126 for one 140 litre mobile garbage bin and 240 litre mobile recycling bin
- ii) \$189 for one 240 litre mobile garbage bin and one 240 litre mobile recycling bin; and
- iii) \$90 for each additional recycle bin.

### 2. Fire Service Contribution

2.1 Pursuant to section 93A of the Local Government Act 1993 Council makes the following service rates in respect of the Fire Service Contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows;

- a) Cressy, Campbell Town, Longford, Perth & Evandale Volunteer Brigade rating district 0.382 cents in the dollar of assessed annual value of such land;
- b) for general land 0.385 cents in the dollar of assessed annual value of such land.

2.2 Pursuant to section 93(3) Council sets a minimum amount payable in respect of the service rate for fire protection of \$42.

## **3. Separate Land**

For the purposes of these resolutions the rates and charges shall apply for each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

## **4. Payment**

Pursuant to Section 124 of the Act, Council:

- a) permits all ratepayers to pay rates by instalments instead of by one payment, if ratepayers so elect
- b) determines that if all rates are paid by one payment, then the date by which the rates are due to be paid shall be 30 September 2021
- c) decides that where rates are payable by instalments, then they shall be paid by three instalments of approximately equal amounts and determines that the dates by which such instalments are to be paid shall be as follows:
  - i) the first instalment on or before 31 August 2021
  - ii) the second instalment on or before 30 November 2021
  - iii) the third instalment on or before 28 February 2022

## **5. Discount for Early Payment**

Pursuant to Section 130 of the Act, Council offers to all ratepayers who pay the whole of the rates specified in the rates notice in one payment on or before 31 August 2021, a discount of 0.5% upon the current rates and charges.

## 6. Penalty & Interest

That pursuant to Section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due then:

- a) there is payable a penalty of 5% of the unpaid rate or instalment imposed from 1 April 2022; and
- b) there is payable a daily interest charge of 0.0178% in respect of the unpaid rate or instalment for the period during which it is unpaid.

## 7. Adjusted Values

That for the purposes of each of these resolutions, any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the Local Government Act 1993.

## 8. Words Used

Words and expressions used both in these resolutions and in the Local Government Act 1993 or the Fire Service Act 1979 have in these resolutions the same respective meanings as they have in those Acts.

- E. That Council approve and adopt special project assistance funding.
- F. That Council approve and adopt special event funding.
- G. That Council pursuant to Section 205 of the *Local Government Act 1993*;
  - i) Imposes fees and charges as specified in the Fees and Charges Schedule 2021/2022; and
  - ii) In addition to any other fee, charge, rate or service charge, Council imposes a \$659 charge for the service of bio-cycle sewer disposal systems for the period 1 July 2021 to 30 June 2022.
  - iii) Each of the fees and charges referred to in these resolutions are payable within 30 days of receipt by the person who is liable to pay rates in respect of the land to which the fees and charges relate, of a notice of those fees and charges from the Council.
  - iv) If any fee or charge is not paid to Council on the date that it is due for payment then interest is payable at a rate of 6.50% from the due date of payment until the date of payment.

## AMENDMENT

Cr Goninon/Cr Brooks

- A. That Council receive and discuss the 2021/2022 Annual Budget; 2021/2022 Annual Plan; Rates & Charges Policy, Budget Summary Report and the Fees and Charges Schedule.
- B. That Council approve and adopt the 2021/2022 Annual Plan pursuant to Section 71 of the Local Government Act 1993.
- C. That Council approve and adopt the 2021/2022 Rates & Charges Policy pursuant to Section 86B of the Local Government Act 1993.
- D. That Council:
  - i) approve and adopt the 2021/2022 revenue and expenditure estimates pursuant to Section 82 of the Local Government Act 1993.
  - ii) make rates and charges for the period 1 July 2021 to 30 June 2022 pursuant to the provisions of the Local Government Act 1993 in accordance with the following resolutions:

### 1. General Rate

- a) That pursuant to Section 90 of the Local Government Act 1993 Council makes the

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

following general rate on all rateable land (excluding land which is exempt pursuant to the provision of Section 87) within the municipal area of Northern Midlands for the period commencing 1 July 2021 and ending on 30 June 2022, namely a rate of 9.37 cents in the dollar on the assessed annual value of the land.

- b) Pursuant to Section 107, by reason of the use or predominant use of any land, the non-use of any land or land being within a planning zone, Council by absolute majority declares that the general rate shall be varied as follows:
  - i) Land used for primary production purposes the general rate is varied to 4.15 cents in the dollar on the assessed annual value of the land;
  - ii) Land zoned as “residential low density and rural living zones” under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 6.49 cents in the dollar on the assessed annual value of the land;
  - iii) Land used for sport and recreation purposes the general rate is varied to 6.99 cents in the dollar on the assessed annual value of the land;
  - iv) Land used for residential purposes (not being land within subparagraphs (ii) or (viii)) the general rate is varied to 7.21 cents in the dollar on the assessed annual value of the land;
  - v) Land used for quarries or mining purposes the general rate is varied to 8.44 cents in the dollar on the assessed annual value of the land;
  - vi) Land used for commercial purposes the general rate is varied to 7.21 cents in the dollar on the assessed annual value of the land;
  - vii) Land used for public purposes the general rate is varied to 8.65 cents in the dollar on the assessed annual value of the land;
  - viii) Land used for residential purposes (not being land within subparagraphs (ii) or (iv)) and zoned in the Rural Resource zone under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 6.49 cents in the dollar on the assessed annual value of the land;
  - ix) Land which is vacant the general rate is varied to 5.05 cents in the dollar on the assessed annual value of the land;
  - x) Land which is vacant and which is zoned industrial under the Northern Midlands Interim Planning Scheme 2013 the general rate is varied to 9.37 cents in the dollar on the assessed annual value of the land.
- c) That pursuant to Section 90(4) of the Local Government Act 1993 Council sets a minimum amount payable in respect of the general rate of \$515.
- d) Pursuant to section 107 Council declares by absolute majority the minimum amount is varied to \$329 by reference to land use as follows:
  - i) Land used for public purposes;
  - ii) Land used for sport and recreation facilities;
  - iii) Land used for primary production;
  - iv) Land used for quarries or mining;
  - v) Land used for industrial;
  - vi) Vacant land which is not used for any purpose.

## 2. Service Rates and Services Charges

That pursuant to Sections 93A, 94 and 95 of the Local Government Act 1993, Council makes the following service rates and service charges on all rateable land within the municipal area of Northern Midlands (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

does not supply the following services) for the period on the 1 July 2021 and ending on the 30 day of June 2022 namely:

#### 1. Service Charge Waste Management

- 1.1 A service charge for waste management (garbage removal) in respect of all land to which Council makes available a garbage removal service of:
- i) \$126 for one 140 litre mobile garbage bin and 240 litre mobile recycling bin
  - ii) \$189 for one 240 litre mobile garbage bin and one 240 litre mobile recycling bin; and
  - iii) \$90 for each additional recycle bin.

#### 2. Fire Service Contribution

- 2.1 Pursuant to section 93A of the Local Government Act 1993 Council makes the following service rates in respect of the Fire Service Contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows;
- a) Cressy, Campbell Town, Longford, Perth & Evandale Volunteer Brigade rating district 0.372 cents in the dollar of assessed annual value of such land;
  - b) for general land 0.375 cents in the dollar of assessed annual value of such land.
- 2.2 Pursuant to section 93(3) Council sets a minimum amount payable in respect of the service rate for fire protection of \$42.

#### **3. Separate Land**

For the purposes of these resolutions the rates and charges shall apply for each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

#### **4. Payment**

Pursuant to Section 124 of the Act, Council:

- a) permits all ratepayers to pay rates by instalments instead of by one payment, if ratepayers so elect
- b) determines that if all rates are paid by one payment, then the date by which the rates are due to be paid shall be 30 September 2021
- c) decides that where rates are payable by instalments, then they shall be paid by three instalments of approximately equal amounts and determines that the dates by which such instalments are to be paid shall be as follows:
  - i) the first instalment on or before 31 August 2021
  - ii) the second instalment on or before 30 November 2021
  - iii) the third instalment on or before 28 February 2022

#### **5. Discount for Early Payment**

Pursuant to Section 130 of the Act, Council offers to all ratepayers who pay the whole of the rates specified in the rates notice in one payment on or before 31 August 2021, a discount of 0.5% upon the current rates and charges.

#### **6. Penalty & Interest**

That pursuant to Section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due then:

- a) there is payable a penalty of 5% of the unpaid rate or instalment imposed from 1 April 2022; and
- b) there is payable a daily interest charge of 0.0178% in respect of the unpaid rate or instalment for the period during which it is unpaid.



**7. Adjusted Values**

That for the purposes of each of these resolutions, any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the Local Government Act 1993.

**8. Words Used**

Words and expressions used both in these resolutions and in the Local Government Act 1993 or the Fire Service Act 1979 have in these resolutions the same respective meanings as they have in those Acts.

- E.** That Council approve and adopt special project assistance funding.
- F.** That Council approve and adopt special event funding.
- G.** That Council pursuant to Section 205 of the *Local Government Act 1993*;
  - i) Imposes fees and charges as specified in the Fees and Charges Schedule 2021/2022; and
  - ii) In addition to any other fee, charge, rate or service charge, Council imposes a \$659 charge for the service of bio-cycle sewer disposal systems for the period 1 July 2021 to 30 June 2022.
  - iii) Each of the fees and charges referred to in these resolutions are payable within 30 days of receipt by the person who is liable to pay rates in respect of the land to which the fees and charges relate, of a notice of those fees and charges from the Council.
  - iv) If any fee or charge is not paid to Council on the date that it is due for payment then interest is payable at a rate of 6.50% from the due date of payment until the date of payment.

Carried

Voting for the amendment:

Cr Brooks, Cr Davis, Cr Goninon, Cr Goss, Cr Lambert

Voting against the amendment:

Mayor Knowles, Cr Adams, Cr Polley

The AMENDMENT became the motion

And was put

Carried unanimously

*Mr Maddox left the meeting at 5.44pm.*

**219/21 POLICY UPDATE: HEAVY VEHICLES USING COUNCIL BRIDGES**

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

**1 PURPOSE OF REPORT**

The purpose of this report is for Council to endorse updates to the Heavy Vehicles Using Council Bridges Policy.

**2 INTRODUCTION/BACKGROUND**

The Council has previously considered the effect of B-Double, Quad Dog and Heavy vehicles on Council bridges, subsequently a policy was developed. Council officers have now reviewed this Policy and the updated Policy is attached to this report with the suggested inclusions highlighted and deletions marked with a ~~strike through~~.

**3 STRATEGIC PLAN 2017-2027**

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

- Lead –
  - Best Business Practice & ComplianceCore Strategies:
  - ♦ Council complies with all Government legislation
- People –
  - Sense of Place – Sustain, Protect, ProgressCore Strategies:
  - ♦ Public assets meet future lifestyle challenges
  - Lifestyle – Strong, Vibrant, Safe and Connected CommunitiesCore Strategies:
  - ♦ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
  - Environment – Cherish & Sustain our LandscapesCore Strategies:
  - ♦ Meet environmental challenges

**4 POLICY IMPLICATIONS**

The purpose of this report is to update the existing Heavy Vehicles Using Council Bridges Policy.

**5 STATUTORY REQUIREMENTS**

Heavy Vehicle National Law and Regulations 2013

**6 FINANCIAL IMPLICATIONS**

There are no financial implications identified with this policy update.

**7 RISK ISSUES**

There are no risk issues identified with this policy update.

## 8 CONSULTATION WITH STATE GOVERNMENT

The Department of State Growth has carried out load analysis on all Council bridges and developed a Load Carrying Vehicle Network Map which allows certain classes of heavy vehicle to operate on approved Council and State Government roads, this information can be found at <https://data.stategrowth.tas.gov.au/Networks/templates/help.html>

## 9 COMMUNITY CONSULTATION

Not applicable.

## 10 OPTIONS FOR COUNCIL TO CONSIDER

To endorse the Policy updates, or not.

## 11 OFFICER'S COMMENTS/CONCLUSION

This Policy has been updated to reflect current requirements. It should be noted that reference to timber bridges has been deleted as Council has only two remaining timber bridges, one at Lions Park South in Campbell Town and one which provides access to a private property off Gulf Road, neither of these are public roads.

It is also recommended the policy be reviewed every four years.

## 12 ATTACHMENTS

12.1 Heavy Vehicles Using Council Bridges Policy

### RECOMMENDATION

That Council endorses the updated Heavy Vehicles Using Council Bridges Policy.

### DECISION

Cr Goss/Cr Adams

That Council endorses the updated Heavy Vehicles Using Council Bridges Policy.

Carried unanimously

*Mayor Knowles declared an interest in item GOV 17, signed the register and left the meeting at 5.48pm, at which time Deputy Mayor Goss took the Chair.*



NORTHERN MIDLANDS COUNCIL  
MINUTES – ORDINARY MEETING  
28 JUNE 2021

**220/21 NATIONAL SUMMIT ON WOMEN'S SAFETY: ATTENDANCE BY MAYOR KNOWLES**

The following correspondence was tabled: email received by Mayor Knowles from the Tasmanian Government's Family Safety Secretariat, advising that Mayor Knowles had been nominated as the Tasmanian delegate for the National Summit on Women's Safety being held in Canberra on 29-30 July 2021.

DECISION

Cr Polley/Cr Lambert

That Council cover the reasonable costs of Mayor Knowles attendance as the Tasmanian delegate at the National Summit on Women's Safety in Canberra on 29-30 July 2021.

Carried unanimously

*Mayor Knowles returned to the meeting and resumed the Chair at 5.55pm.*

*Mayor Knowles adjourned the meeting for the meal break at 5.55pm*

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

## **221/21 PUBLIC QUESTIONS & STATEMENTS**

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

Public Attendance Meeting Guidelines during the COVID-19 Disease Emergency

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This has necessarily meant that public attendance at meetings has been restricted. Under these arrangements Council meetings have been undertaken remotely via online platforms.

While COVID-19 restrictions remain in place, Council is mindful of the need to ensure community safety and compliance with regard to social distancing and limitations on the number of persons who may gather. This obligation is balanced with the need to minimise disruption to the business of Council.

Council determined that limited public access to Council meetings would be permitted from the Council Meeting scheduled for 14 December 2020.

Attendance of the public will be restricted to those who wish to make representation or present a statement in person at the meeting, preference is to be given to individuals

1. making representations to planning applications which are subject to statutory timeframes (limit of 4 persons per item), and
2. those making statements or representations on items listed in the Agenda for discussion (limited to 2 persons).

To ensure compliance with Council's COVID-19 Safety Plan, any person wishing to attend will be required to register their interest to attend, which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting by emailing [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au) or phoning Council on 6397 7303.

On arrival attendees will:

- be required to complete the health declaration section of their registration form to support COVID-19 tracing (in the event that it is necessary); and
- receive direction from council officers (or Council's delegate) in relation to their access to the meeting room.

Access to the Municipal Building will only be permitted until 6.45pm, at which time Public Question Time will commence.

Members of the public who would prefer not to attend the meeting, but would like to ask a question or make a representation to the Council that would normally be heard during Public Question Time, may forward their question/representation to [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au) which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting.

Any questions/representations received will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

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

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

### PUBLIC QUESTIONS AND STATEMENTS

Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* makes provision for Public Question Time during a Council meeting.

Public question time is to commence immediately after the meal break at approximately 6:45pm and is to be conducted in accordance with the following guidelines:

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

## 1 PUBLIC QUESTIONS

### CON 8 *Lease Agreement*

#### Representatives of the Campbell Town Football Club

##### David Nicholson, President

Mr Nicholson spoke in relation to the Campbell Town Football Club's annual lease agreement. Mr Nicholson advised:

- the club is a small club with one team in the competition
- they are currently struggling to rebuild the side with most players being in there 20's
- they provide both on-field and off-field activities
- currently the coach is not paid, should they need to employ a coach they would need to meet that cost, as well as the cost of additional players
- the committee is small with a small number of volunteers
- currently they have 5 home games, which is not likely to change
- the club needs certainty and the lease commitment at an affordable rate to be determined upfront.

##### David Gatenby, Vice-President

Mr Gatenby acknowledged the merits of the facility, and noted:

- that the lease payable should have been determined prior to construction of the facility
- notice received that a lease of \$11,300 was payable for 5 home games, which is unacceptable
- would consider \$4,500 (incl. GST) to be reasonable
- want lease amount, plus CPI, to be set for 3 – 5 years
- sporting clubs are community clubs and provide activities for youth, keeping the youth off the streets – a community and Council responsibility

Councillors queried as follows:

Would the Club be prepared to do cleaning and maintenance of the ground? Availability of bar and facilities? Consideration of hiring the facility for home games (bookings scheduled in advance)? Other clubs in the league?

Representatives responded:

- club undertakes own cleaning – a cleaner is paid to undertake cleaning on Sundays, otherwise incur a fine
- monthly cleaning undertaken by Council
- club discontinued ground maintenance as the club were maintaining and marking the ground for Council to lease to the AFL and other users whose usage is higher – rugby, state schools, etc.
- club has use of bar and facilities, but only has the opportunity to make money at home games
- the representatives noted that there is no security in hiring on a user pay basis
- clubs in the league are Campbell Town, Triabunna, Campania, Mount Pleasant and Bothwell

### GOV 14 *Kennel Licence Application for 8 Dogs at 49 Phillip Street Perth*

#### Lisa Bartlett, Perth

Ms Bartlett spoke in support of her kennel licence application, noting the following:

- financially not a position to relocate her business to a rural based property
- plans to relocate business when established successful client base
- wishes to keep her 8 labradoodles at current location and does not wish to separate them
- agrees to additional restrictions being placed on the kennel licence
- dogs are well looked after.



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 222/21 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 Lambert/Cr Goninon

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 6.

Carried unanimously

## 2 STATEMENTS

### REPRESENTATIONS ON PLANNING ITEMS

A maximum of 4 persons per item (2 for and 2 against) will be permitted to address Council on a planning item. After the representation has been made, Councillors are permitted to ask questions of the party who made the representation.

Each speaker is limited to a maximum of 3 minutes.

#### PLAN 1 PLN-21-0047: 1 KING STREET, CRESSY

Shaun Smith, Summerhill – for proponents

Mr Smith spoke on behalf of the applicants, noting the following:

- noted that responses to the submissions had been provided
- applicants have been members of the community for over 50 years, being working members of the community
- the home at Cressy is their retirement home
- shed is being built to house assets safely and securely, not practical to build a smaller shed as will not accommodate the assets
- do not wish to house assets openly on the property as would be unsightly
- placement of the building has been determined on engineering advice and is discreet, cannot be seen from King Street, however the pitch may be visible from Main Street
- development is detrimental or an imposition to surrounding properties, and in keeping with the many types of architecture within Cressy
- house is taller than the shed, and the house is dominant.

#### PLAN 3 PLN-21-0101: SMITH STREET, BETWEEN GEORGE STREET AND RECREATION GROUND, LONGFORD

Fran Hoyle, Longford

Mrs Hoyle provided the following statement from which she read:

...

*I request you ask yourselves this question "what is the purpose of this project?" Why is it necessary to have trees down the middle of a residential street that is away from the town centre?*

*Is it to beautify the area? Considering the location who exactly would see these trees? As a resident of western Smith St I estimate that 90% of traffic is by Residents and those providing services to Residents. On game days the football ground attracts extra traffic. I suggest football patrons would prefer good traffic flow and easy parking. So I ask, who will appreciate the beauty of these trees? Certainly not the road users.*

*Is the purpose to slow down traffic? I was told scientific research states trees in the middle of the road could decrease the ambient temperature by 3 degrees. I would suggest for this to occur trees would need to be planted in the middle of every street in Longford.*

*The first petition I presented was only for residents with driveways on Smith St. They strongly opposed the proposal.*



## NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

*The second petition was by a personal approach only, at meetings of Probus, Rotary, Community Singers, Toosey Auxiliary, Jazz Club and Church. I was overwhelmed by the support I was given by this sample of Longford Residents. I say with confidence there is general opposition to the planting of trees in the middle of roads.*

*I applaud the planning of trees in Stokes Park, tree planting in appropriate areas is most welcome but please Councillors, listen to the Ratepayers, listen to the Residents, trees in the middle of residential streets is an inappropriate use of funds and unwelcome.*

*So I ask again ... what is the purpose of this project?*

Noted that one resident was not in support of the petition.

PLAN 5	PLN-21-0071: 35 COLLINS STREET (ACCESS OVER 18 LOGAN ROAD), EVANDALE
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Peter Woof, Evandale

Mr Woof spoke in support of his development application, he noted:

- that he wishes to buy the property to build a house
- the current owner believes it is a residential block
- Council has previously advised that it was not possible to build on the block as it is located within an attenuation zone
- the owner has put a commercial value on the block, and the block is required for access to the market grounds carpark
- considerable congestion would occur in Evandale without this access.



**223/21 PLANNING APPLICATION PLN-21-0047: 1 KING STREET, CRESSY**

**File Number:** PLN-21-0047  
**Responsible Officer:** Erin Miles, Development Supervisor  
**Report prepared by:** Paul Godier, Senior Planner

## 1 INTRODUCTION

This report assesses an application for 1 King Street, Cressy to construct multiple dwellings (one proposed, one existing) and an outbuilding (vary northern side setback).

## 2 BACKGROUND

<b>Applicant:</b> Stephen Lawes	<b>Owner:</b> Jennifer Elizabeth Smith & Kelly Vernon Smith
<b>Zone:</b> General Residential Zone	<b>Codes:</b> Carparking and Sustainable Transport Code
<b>Classification under the Scheme:</b> Residential (multiple dwellings)	<b>Existing Use:</b> Residential (single dwelling)
<b>Deemed Approval Date:</b> 3 July 2021	<b>Recommendation:</b> Approve

### Discretionary Aspects of the Application

- Variation to northern side setback (clause 10.4.2 A3/P3).
- Shared driveway within 2.5m of a habitable room window (clause 10.4.6 A3/P3).
- Outbuilding larger than 45m<sup>2</sup> for multiple dwelling (clause 10.4.11).

### Planning Instrument:

*Northern Midlands Interim Planning Scheme 2013, Version 33, Effective from 22 February 2021*

### Preliminary Discussion:

Before the application was placed on public exhibition, further information was requested from the applicant. Copy of correspondence attached.

### Subject site from King Street



## 3 STATUTORY REQUIREMENTS

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

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

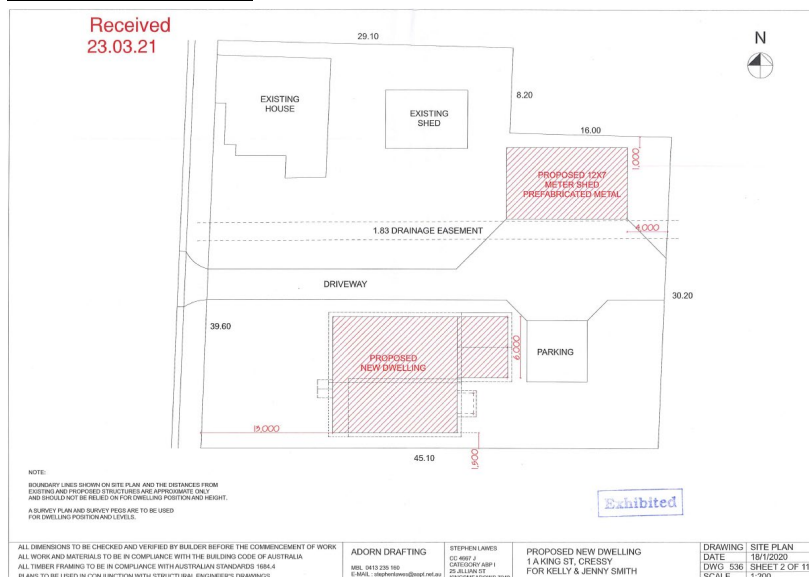
## 4 ASSESSMENT

### 4.1 Proposal

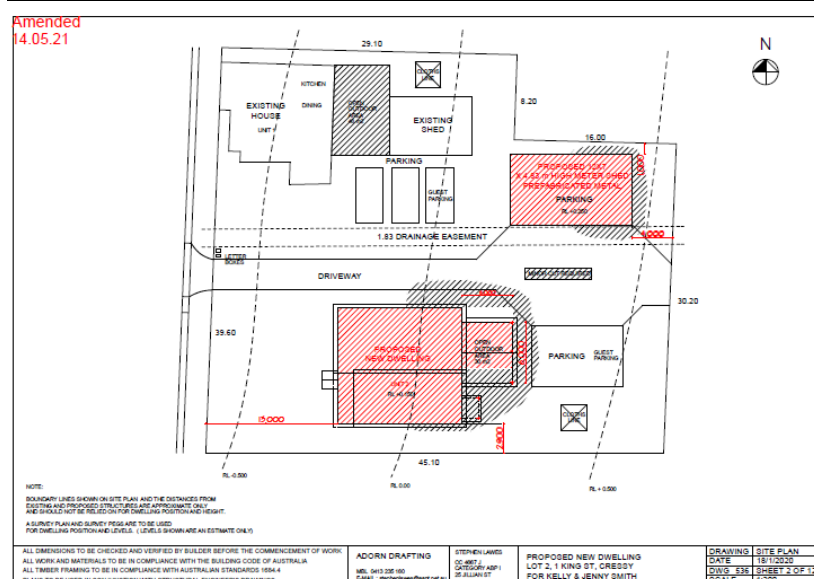
It is proposed to construct:

- a second dwelling;
- an outbuilding (vary northern side setback).

#### Site Plan – advertised.



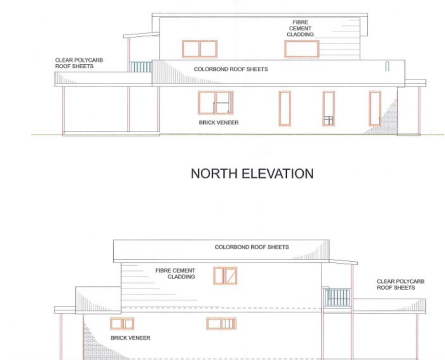
#### Site Plan – amended – house moved further northward to fit inside building envelope.



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## North and South Elevations – advertised.

Received  
23.03.21



NORTH ELEVATION

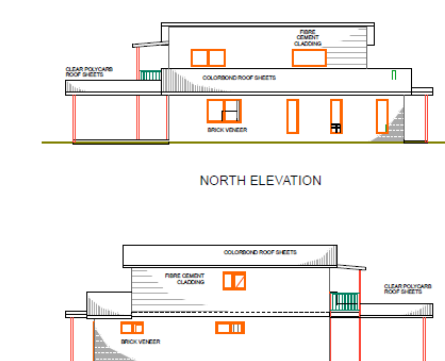
SOUTH ELEVATION

Exhibited

ALL DIMENSIONS TO BE CHECKED AND VERIFIED BY BUILDER BEFORE THE COMMENCEMENT OF WORK. ALL WORK AND MATERIALS TO BE IN COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA. ALL TIMBER FRAMING TO BE IN COMPLIANCE WITH AUSTRALIAN STANDARDS 1684.4 PLANS TO BE USED IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DRAWINGS.	ADORN DRAFTING MEL 0413 226 180 E.MEL - info@adorn.com.au	STEPHEN LAWES CC 4607 / CARTOONIST ADP 1 25 JULIAN ST KINGSTON (ADORN 7246)	PROPOSED NEW DWELLING 1 KING ST, CRESSY FOR KELLY & JENNY SMITH	DRAWING   ELEVATIONS DATE 18/1/2021 DWG 536 SHEET 5 OF 11 SCALE 1:100
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## North and South Elevations – from amended drawing set.

Amended  
14.05.21



NORTH ELEVATION

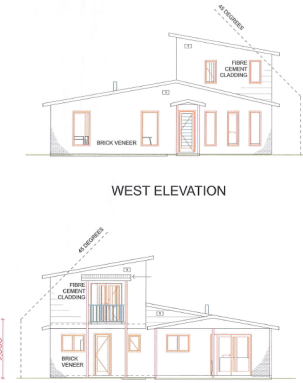
SOUTH ELEVATION

Exhibited

ALL DIMENSIONS TO BE CHECKED AND VERIFIED BY BUILDER BEFORE THE COMMENCEMENT OF WORK. ALL WORK AND MATERIALS TO BE IN COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA. ALL TIMBER FRAMING TO BE IN COMPLIANCE WITH AUSTRALIAN STANDARDS 1684.4 PLANS TO BE USED IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DRAWINGS.	ADORN DRAFTING MEL 0413 226 180 E.MEL - info@adorn.com.au	STEPHEN LAWES CC 4607 / CARTOONIST ADP 1 25 JULIAN ST KINGSTON (ADORN 7246)	PROPOSED NEW DWELLING 1 KING ST, CRESSY FOR KELLY & JENNY SMITH	DRAWING   ELEVATIONS DATE 18/1/2021 DWG 536 SHEET 5 OF 11 SCALE 1:100
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## West and East Elevations – advertised.

Received  
23.03.21



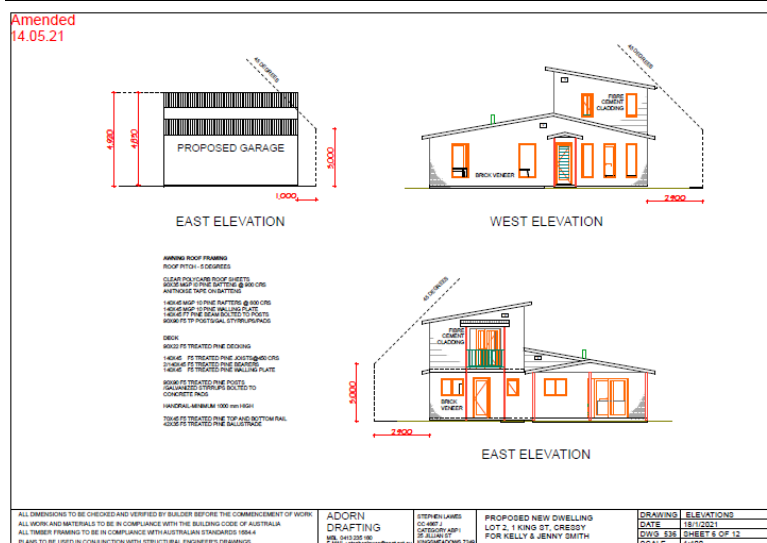
WEST ELEVATION

EAST ELEVATION

Exhibited

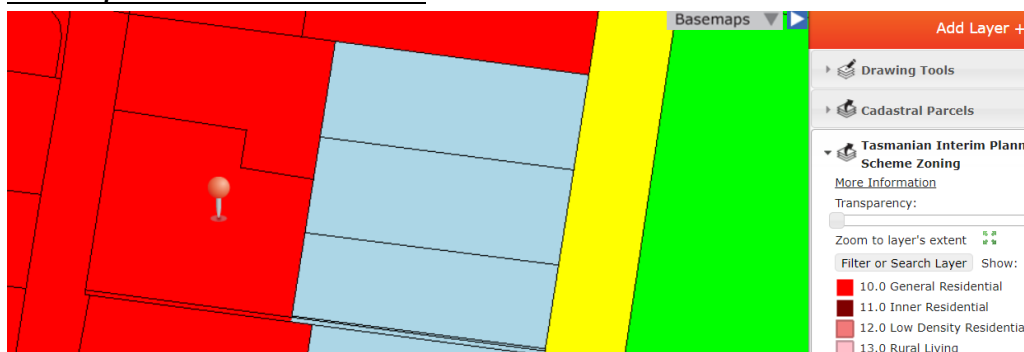
ALL DIMENSIONS TO BE CHECKED AND VERIFIED BY BUILDER BEFORE THE COMMENCEMENT OF WORK. ALL WORK AND MATERIALS TO BE IN COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA. ALL TIMBER FRAMING TO BE IN COMPLIANCE WITH AUSTRALIAN STANDARDS 1684.4 PLANS TO BE USED IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DRAWINGS.	ADORN DRAFTING MEL 0413 226 180 E.MEL - info@adorn.com.au	STEPHEN LAWES CC 4607 / CARTOONIST ADP 1 25 JULIAN ST KINGSTON (ADORN 7246)	PROPOSED NEW DWELLING LOT 2, 1 KING ST, CRESSY FOR KELLY & JENNY SMITH	DRAWING   ELEVATIONS DATE 18/1/2021 DWG 536 SHEET 6 OF 12 SCALE 1:100
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***West and East Elevations – amended – house moved to inside building envelope, building envelope shown for garage.***



## 4.2 Zone and land use

**Zone Map – General Residential zone.**



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

<i>dwelling</i>	<i>means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.</i>
<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>
<i>outbuilding</i>	<i>means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.</i>

Clause 10.2 General Residential zone Use Table (extract)

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If a single dwelling
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If a caretakers dwelling or home-based business If for multiple dwellings

Residential (multiple dwellings) is a Permitted (with permit) use and development in the zone.

#### 4.3 Subject site and locality

The author of this report carried out a site visit on 21 June 2021. The site contains a dwelling and outbuildings. Surrounding land is similarly developed.

**Subject site from King Street – green shed to be removed for house, garage to be located to left of shipping container.**



**Garage proposed to left of shipping container.**



#### 4.4 Permit/site history

None relevant to this application.

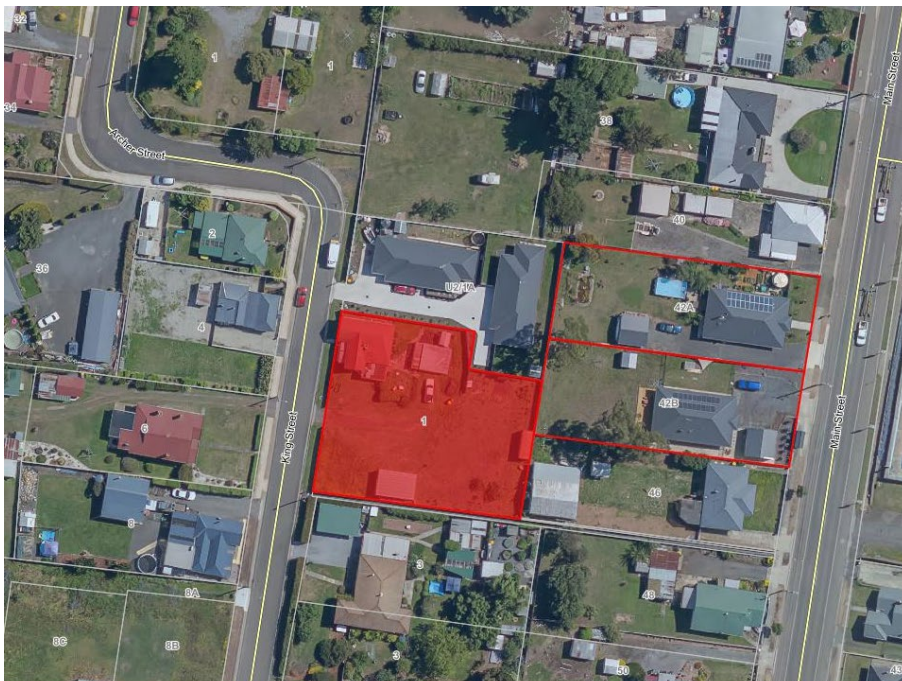
#### 4.5 Representations

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

- Emma & Jake Bourke, 42B Main Street, Cressy
- Steve & Marlene Cronin, 42A Main Street, Cressy



***Aerial photograph of area – subject site highlighted, representor properties outlined in red.***



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

Emma & Jake Bourke 42B Main Street, Cressy

- **Clause 10.4.11 A1 states that outbuildings should not have an area greater than 45m<sup>2</sup>. The proposed shed size is 84m<sup>2</sup> as per page 4 'Site Information'. The size of shed, combined with its location make it incompatible with the neighbourhood streetscape.**

Planner's comment: Because the proposal does not comply with clause 10.4.11 A1, it must be assessed against clause 10.4.11 P1:

*Outbuildings for each multiple dwelling must be designed and located having regard to:*

- (a) visual impact on the streetscape; and*
- (b) compatibility with the size and location of outbuildings in the neighbourhood.*

The outbuilding is proposed to be located towards the rear of the site, approximately 29m from King Street and approximately 55m from Main Street. It would have a dwelling between it and each of the streets. It is considered that the outbuilding will not have an adverse visual impact on the streetscape.

The proposed outbuilding measures 7m x 12m (84m<sup>2</sup>) x 4.92m high. Examples of similarly sized outbuildings are:  
5A King Street (6.9m x 17.5m x 4.5m high);  
28 King Street (9m x 10m x 4.4m high);  
47 Main Street (10m x 30m x 4.88m high);  
18 Archer Street (8.5m x 15m x 4.83m high).

It is considered that the proposed outbuilding is compatible with the size of outbuildings in the neighbourhood.

- **As shown on page 5 of the development application, the proposed shed is set back 4m from the rear boundary. Clause 10.4.13.15 (taken to mean clause 10.4.13.5), A1b states that as the lot size is greater than 1000m<sup>2</sup> (1624m<sup>2</sup> as per page 4 'Site Information') the shed must be set back at least 5m from the rear boundary. The size of the shed fails to meet the character of the area, as most sheds try to be discreet. The shed size prevents surrounding properties from being able to enjoy the scenic landscape and 'small town' character.**

- As shown on page 5 of the development application, the shed is shown to be setback from the northern side boundary 1m. Clause 10.4.13.5 A2b states that the shed should be setback at least 2m. As the shed is proposed to be 4.83m tall, the setback should be at least 2.3m. There are no Performance Criteria for this clause, so the Acceptable Solution must be met.

Planner's comment: Clause 10.4.13 states, *Clauses 10.4.13.1 – 10.4.13.9 only apply to development within the Residential Use Class which is not a dwelling.* The proposed outbuilding is defined as a dwelling under clause 4.1.3 (see extract below).

Clause 10.4.13.5 A1b and A2b therefore do not apply to the proposal.

Clause 4.1.3 (extract) In this planning scheme, unless the contrary intention appears:

<i>dwelling</i>	<i>means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.</i>
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Steve & Marlene Cronin, 42A Main Street, Cressy

- Does not comply with clause 2.2.2.8 – Heritage.

Planner's comment: The site is not heritage listed or in a heritage precinct. This clause cannot be considered.

- Does not comply with the Zone Purpose Statement at clause 10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

Planner's comment: Clause 8.10.2 states that in determining an application for a permit for a discretionary use the planning authority must have regard to the purpose of the applicable zone, and any relevant local area objective or desired future character statement for the applicable zone, but only insofar as each such purpose is relevant to the particular discretion being exercised.

The discretions being exercised are the setback of the garage from the northern boundary with 1A King Street, shared driveway closer than 2.5m to habitable room windows, and the garage having a floor area greater than 45m<sup>2</sup>. These have been found to comply with the relevant performance criteria as discussed in this report. It is therefore considered that the proposal complies with the zone purpose statement.

- Does not comply with clause 10.1.1.4 (clause 10.4.2 Objective) *The siting and scale of dwellings:*  
(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;  
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property.

Planner's comment: Clause 8.10.2 states that in determining an application for a permit for a discretionary use the planning authority must have regard to the purpose of the applicable zone, and any relevant local area objective or desired future character statement for the applicable zone, but only insofar as each such purpose is relevant to the particular discretion being exercised.

The discretions being exercised are the setback of the garage from the northern boundary with 1A King Street, shared driveway closer than 2.5m to habitable room windows, and the garage having a floor area greater than 45m<sup>2</sup>. These have been found to comply with the relevant performance criteria as discussed in this report. It is therefore considered that the proposal complies with the objective of clause 10.4.2 – the siting and scale of developments.

- Does not comply with the development standards at clause 16.4.

Planner's comment: Clause 16.4 is the Village zone. The site is zoned General Residential, so the Village zone provisions cannot be considered. The application is assessed against the General Residential zone provisions at section 4.7 below.

- **Does not comply with clause 10.4.11 A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m<sup>2</sup>.**

Planner's comment: Because the proposal does not comply with clause 10.4.11 A1, it must be assessed against clause 10.4.11 P1:

*Outbuildings for each multiple dwelling must be designed and located having regard to:*

- (a) visual impact on the streetscape; and*
- (b) compatibility with the size and location of outbuildings in the neighbourhood.*

The outbuilding is proposed to be located towards the rear of the site, approximately 29m from King Street and approximately 55m from Main Street. It would have a dwelling between it and each of the streets. It is considered that the outbuilding will not have an adverse visual impact on the streetscape.

The proposed outbuilding measures 7m x 12m (84m<sup>2</sup>) x 4.92m high. Examples of similarly sized outbuildings are:

- 5A King Street (6.9m x 17.5m x 4.5m high);
- 28 King Street (9m x 10m x 4.4m high);
- 47 Main Street (10m x 30m x 4.88m high);
- 18 Archer Street (8.5m x 15m x 4.83m high).

It is considered that the proposed outbuilding is compatible with the size of outbuildings in the neighbourhood.

- **Does not comply with clause 10.4.13.7 Overlooking**

Planner's comment: The proposal was revised after representations were received, so that the house now fits within the building envelope and complies with the acceptable solution at clause 10.4.13.7.

- **Does not comply with clause 10.4.6 Privacy for all dwellings**

Planner's comment: The proposal was revised after representations were received, so that the house now complies with the acceptable solution at clause 10.4.6.

- **Does not comply with the objective of clause 10.4.13.3 Building Height**

Planner's comment: Clause 10.4.13 states, *Clauses 10.4.13.1 – 10.4.13.9 only apply to development within the Residential Use Class which is not a dwelling.* The proposed outbuilding is defined as a dwelling under clause 4.1.3 (see extract below).

Clause 10.4.13.3 therefore does not apply to the proposal.

Clause 4.1.3 (extract) *In this planning scheme, unless the contrary intention appears:*

<i>dwelling</i>	<i>means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.</i>
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#### 4.6 Referrals

##### Council's Works Department

Summary: Council's Engineering Officer, Jonathan Galbraith, advised that stormwater can be covered under plumbing and building permits, there is no need for it to be conditioned on the planning permit.

##### TasWater

Summary: TasWater provided a Submission to Planning Authority Notice on 24/5/2021 which will be included in any planning permit issued.

#### 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</i>



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

services are available or can be provided.

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

Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.

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

**Assessment:** The discretions are:

- Variation to northern side setback (clause 10.4.2 A3/P3).
- Shared driveway within 2.5m of a habitable room window (clause 10.4.6 A3/P3).
- Outbuilding larger than 45m<sup>2</sup> for multiple dwelling (clause 10.4.11).

These have been assessed as complying with the performance criteria. Therefore, the application is considered to be in accordance with the zone purpose.

#### LOCAL AREA OBJECTIVES

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

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

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

**Assessment:** The discretions are:

- Variation to northern side setback (clause 10.4.2 A3/P3).
- Shared driveway within 2.5m of a habitable room window (clause 10.4.6 A3/P3).
- Outbuilding larger than 45m<sup>2</sup> for multiple dwelling (clause 10.4.11).

These have been assessed as complying with the performance criteria. Therefore, the application is considered to be in accordance with the local area objectives.

## Use Standards

### 10.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
<b>Comment:</b> Complies. The proposal is for a permitted use.	<b>Comment:</b> Not applicable.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
<b>Comment:</b> Not applicable. The proposal is not for a discretionary use.	<b>Comment:</b> Not applicable.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.
<b>Comment:</b> Complies. The proposal is for a permitted use.	<b>Comment:</b> Not applicable.

### 10.3.2 Residential Character – Discretionary Uses

**Comment:** Not applicable. The proposal is for a permitted use.

## Development Standards for Dwellings

### 10.4.1 Residential density for multiple dwellings

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

<p><b>A1</b></p> <p>Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>.</p>	<p><b>P1</b></p> <p>Multiple dwellings must only have a site area per dwelling that is less than 325m<sup>2</sup>, if the development will not exceed the capacity of infrastructure services and:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the density of existing development on established properties in the area; or</li> <li>(b) provides for a significant social or community benefit and is: <ul style="list-style-type: none"> <li>(i) wholly or partly within 400m walking distance of a public transport stop; or</li> <li>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</li> </ul> </li> </ul>
<p><b>Comment:</b> Complies. The title has an area of 1624m<sup>2</sup>. 1624m<sup>2</sup> / 2 dwellings gives a site area per dwelling of 812m<sup>2</sup>.</p>	<p><b>Comment:</b> Not applicable.</p>

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

<p>Objective:</p>	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</li> <li>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</li> <li>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>	<p><b>P1</b></p> <p>A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</li> <li>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</li> </ul>
<p><b>Comment:</b> Complies. The dwelling is proposed to be 13m from the frontage.</p>	<p><b>Comment:</b> Not applicable.</p>
<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>Comment:</b> Complies. The outbuilding is proposed to be more than 5.5m from the primary frontage.</p>	<p><b>Comment:</b> Not applicable.</p>

<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <ul style="list-style-type: none"> <li>(i) an adjoining property; or</li> <li>(ii) another dwelling on the same site.</li> </ul>
<p><b>Comment:</b> The proposed house complies (see building envelope on proposal plans).</p> <p>The proposed outbuilding complies with the required setback from the rear boundary from 42B Main Street.</p> <p>The proposed outbuilding does not comply with the required setback from the northern boundary with 1A King Street and must be assessed against the performance criteria for that setback only.</p>	<p><b>Comment:</b> The variation is sought from the northern boundary which is with 1A King Street. The siting and scale of the outbuilding must:</p> <p>(a) not cause an unreasonable loss of amenity to an adjoining property, having regard to:</p> <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling.</li> </ul> <p><b>Comment:</b> The outbuilding is proposed to be located to the south of 1A King Street. The outbuilding will therefore not cause an unreasonable loss of amenity by reduction in sunlight to a habitable room.</p> <ul style="list-style-type: none"> <li>(ii) overshadowing the private open space of an adjoining property.</li> </ul> <p><b>Comment:</b> The outbuilding is proposed to be located to the south of 1A King Street. The outbuilding will therefore not cause an unreasonable loss of amenity by overshadowing the private open space.</p> <ul style="list-style-type: none"> <li>(iii) overshadowing of an adjoining vacant property.</li> </ul> <p><b>Comment:</b> There is not an adjoining vacant property.</p> <ul style="list-style-type: none"> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property.</li> </ul> <p><b>Comment:</b> The aerial photograph shows that the outbuilding is proposed to be located adjacent to the backyard of 1A King Street and located such that it will not cause an unreasonable loss of amenity through visual impacts caused by the apparent scale, bulk or proportions when viewed from 1A King Street.</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.</p> <p><b>Comment:</b> The proposed 1m setback from the northern boundary provides separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area, as can be seen in the aerial photograph.</p>

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

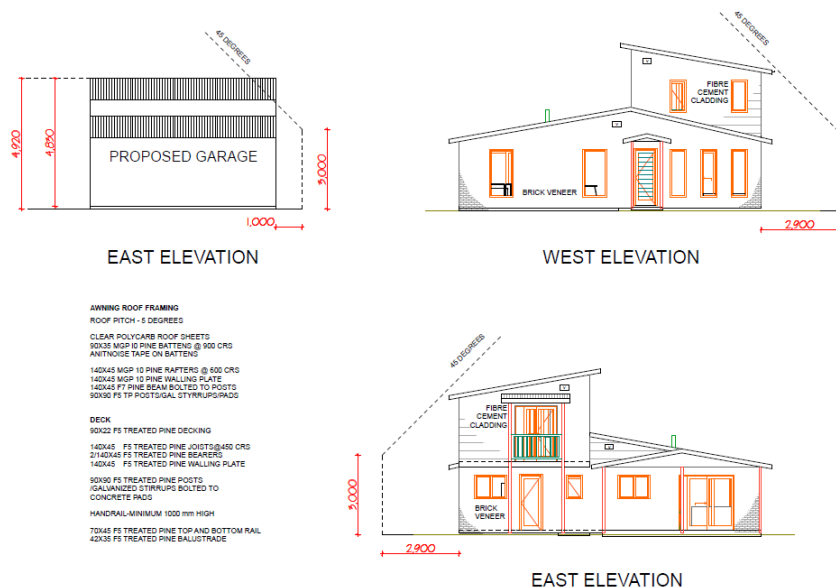
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
- (i) an adjoining property.

**Comment:** The proposed outbuilding is to the south of 1A King Street. It therefore will not cause an unreasonable reduction in sunlight to an existing solar energy installation.

- (ii) another dwelling on the same site.

**Comment:** The proposed outbuilding is located such that it will not cause an unreasonable reduction in sunlight to an existing solar energy installation.

Amended  
14.05.21



ALL DIMENSIONS TO BE CHECKED AND VERIFIED BY BUILDER BEFORE THE COMMENCEMENT OF WORK  
ALL WORK AND MATERIALS TO BE IN COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA  
ALL TIMBER FRAMING TO BE IN COMPLIANCE WITH AUSTRALIAN STANDARDS 1684.4  
PLANS TO BE USED IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DRAWINGS

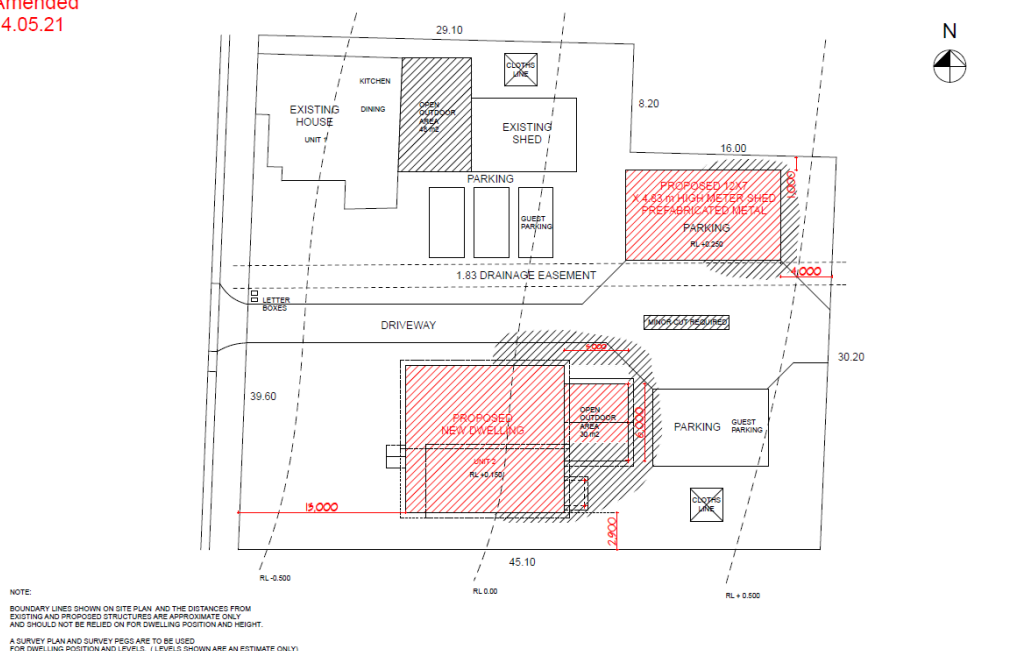
**ADORN DRAFTING**  
MBL 0413 235 162  
E-MAIL: stephent@adorn.net.au

STEPHEN LAWES  
CC 4687.1  
CATEGORY ABP 1  
25 JILLIAN ST  
KINGSTON/ADONIS 7249

PROPOSED NEW DWELLING  
LOT 2, 1 KING ST, CRESSY  
FOR KELLY & JENNY SMITH

**DRAWING ELEVATIONS**  
DATE 18/1/2021  
DWG 536 SHEET 6 OF 12  
SCALE 1:100

Amended  
14.05.21



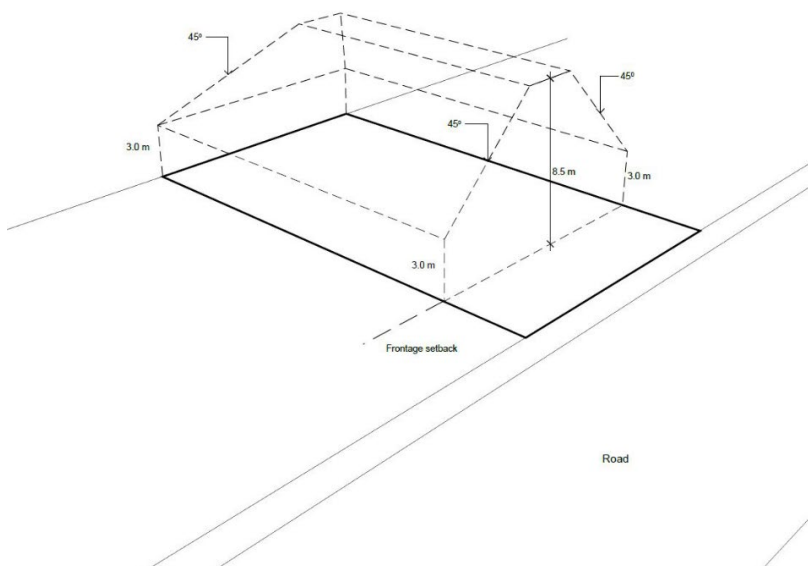
ALL DIMENSIONS TO BE CHECKED AND VERIFIED BY BUILDER BEFORE THE COMMENCEMENT OF WORK  
ALL WORK AND MATERIALS TO BE IN COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA  
ALL TIMBER FRAMING TO BE IN COMPLIANCE WITH AUSTRALIAN STANDARDS 1684.4  
PLANS TO BE USED IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DRAWINGS

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MBL 0413 235 162  
E-MAIL: stephent@adorn.net.au

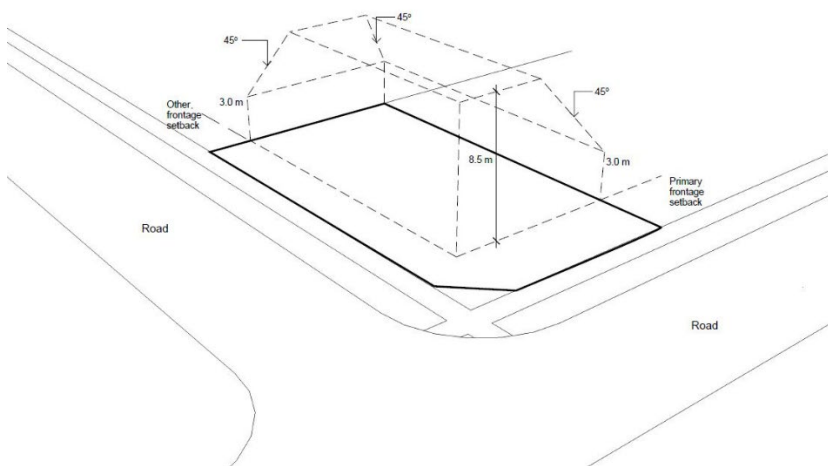
STEPHEN LAWES  
CC 4687.1  
CATEGORY ABP 1  
25 JILLIAN ST  
KINGSTON/ADONIS 7249

PROPOSED NEW DWELLING  
LOT 2, 1 KING ST, CRESSY  
FOR KELLY & JENNY SMITH

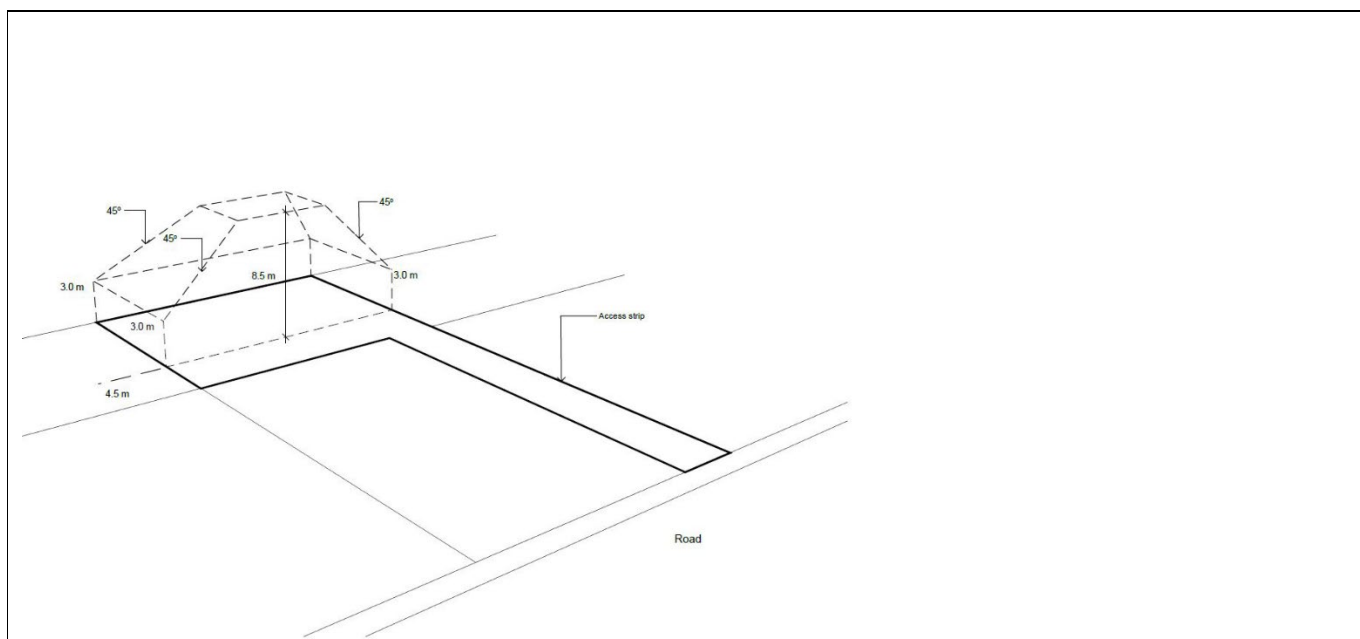
**DRAWING SITE PLAN**  
DATE 18/1/2020  
DWG 536 SHEET 2 OF 12  
SCALE 1:200



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



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



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

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

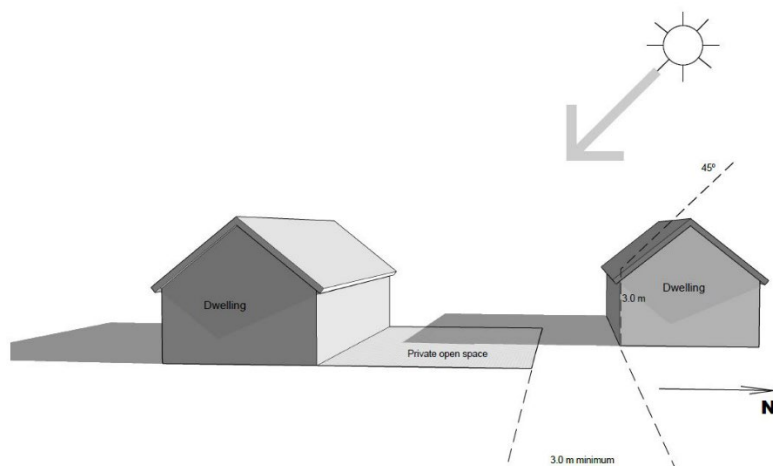
Objective:	That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
Acceptable Solutions	Performance Criteria
<b>A1</b> Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).	<b>P1</b> Dwellings must have: (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
<b>Comment:</b> Complies. The site has an area of 16242m <sup>2</sup> . Site coverage is proposed to be 345m <sup>2</sup> (21%).	<b>Comment:</b> Not applicable.
<b>A2</b> A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m <sup>2</sup> ; or (ii) 12m <sup>2</sup> , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than	<b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.



1.8m above the finished ground level (excluding a garage, carport or entry foyer);	
(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and	
(d) has a gradient not steeper than 1 in 10.	
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.

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

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
Acceptable Solutions	Performance Criteria	
<b>A1</b> A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 10.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	<b>P1</b> A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.	
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.	



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

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

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.	
Acceptable Solutions	Performance Criteria	
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.	
<b>Comment:</b> Complies. The outbuilding is proposed to be more than 12m of a primary frontage.	<b>Comment:</b> Not applicable.	

#### 10.4.6 Privacy for all dwellings

Objective: To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <ul style="list-style-type: none"> <li>(a) a dwelling on an adjoining property or its private open space; or</li> <li>(b) another dwelling on the same site or its private open space.</li> </ul>
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.
<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <ul style="list-style-type: none"> <li>(a) the window or glazed door: <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> </li> <li>(b) the window or glazed door: <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul> </li> </ul>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>
<b>Comment:</b> Complies. Windows to habitable rooms that have a floor level more than 1m above existing ground level are	<b>Comment:</b> Not applicable.



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

proposed to be more than 3m from a side boundary and more than 4m from the rear boundary.	
<b>A3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: <ul style="list-style-type: none"> <li>(a) 2.5m; or</li> <li>(b) 1m if: <ul style="list-style-type: none"> <li>(i) it is separated by a screen of not less than 1.7m in height; or</li> <li>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</li> </ul> </li> </ul>	<b>P3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.
<b>Comment:</b> Screening condition required	<b>Comment:</b> Not applicable.

#### 10.4.7 Frontage fences for all dwellings

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

#### 10.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m <sup>2</sup> per dwelling and is within one of the following locations: <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	<b>P1</b> A multiple dwelling must have storage for waste and recycling bins that is: <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) screened from the frontage and dwellings; and</li> <li>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.

#### 10.4.9 Storage for multiple dwellings

Objective
To provide adequate storage facilities for each multiple dwelling.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Acceptable Solutions	Performance Criteria
A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents.
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.

#### 10.4.10 Common Property for multiple dwellings

<b>Objective</b> To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.	
Acceptable Solutions	Performance Criteria
A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as: <ul style="list-style-type: none"> <li>a) driveways; and</li> <li>b) site services and any waste collection points.</li> </ul>	P1 No performance criteria.
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.

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

<b>Objective</b> To ensure: <ul style="list-style-type: none"> <li>a) that outbuildings do not detract from the amenity or established neighbourhood character; and</li> <li>b) that dwellings remain the dominant built form within an area; and</li> <li>c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m <sup>2</sup> .	P1 Outbuildings for each multiple dwelling must be designed and located having regard to: <ul style="list-style-type: none"> <li>(c) visual impact on the streetscape; and</li> <li>(d) compatibility with the size and location of outbuildings in the neighbourhood.</li> </ul>
<b>Comment:</b> Does not comply. The outbuilding is proposed to have a floor area of 84m <sup>2</sup> . Must be assessed against the performance criteria.	<b>Comment:</b> a) The outbuilding is proposed to be located towards the rear of the site, approximately 29m from King Street and approximately 55m from Main Street. It would have a dwelling between it and each of the streets. It is considered that the outbuilding will not have an adverse visual impact on the streetscape. b) The proposed outbuilding measures 7m x 12m (84m <sup>2</sup> ) x 4.92m high. Examples of similarly sized outbuildings are: 5A King Street (6.9m x 17.5m x 4.5m high); 28 King Street (9m x 10m x 4.4m high); 47 Main Street (10m x 30m x 4.88m high); 18 Archer Street (8.5m x 15m x 4.83m high). It is therefore concluded that the proposed outbuilding is compatible with the size of outbuildings in the neighbourhood.
A2 A swimming pool for private use must be located: <ul style="list-style-type: none"> <li>(a) behind the setback from a primary frontage; or</li> <li>(b) in the rear yard.</li> </ul>	P2 A swimming pool for private use must be designed and located to: <ul style="list-style-type: none"> <li>(a) minimise any visual impact on the streetscape; and</li> <li>(b) not unreasonably overlook or overshadow adjoining properties; and</li> <li>(c) be compatible with the size and location of approved outbuildings in the neighbourhood.</li> </ul>
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

#### 10.4.12 Site services for multiple dwellings

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

A1 Provision for mailboxes must be made at the frontage.	P1 Sufficient space (including easements where required) for mail services must be provided for each multiple dwelling.
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.

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

**Comment:** Not applicable. The proposal is for a dwelling.

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

**Comment:** Not applicable. The proposal is for residential development.

**10.4.15**      **Subdivision**

**Comment:** Not applicable. The proposal is not for subdivision.

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	N/a
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	N/a
E5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies. See code assessment below
E7.0	SCENIC MANAGEMENT CODE	N/a
E8.0	BIODIVERSITY CODE	N/a
E9.0	WATER QUALITY CODE	N/a
E10.0	RECREATION AND OPEN SPACE CODE	N/a
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

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

**E6.6**      **Use Standards**

**E6.6.1**      **Car Parking Numbers**

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

	j) any heritage values of the site; and k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: i) the size of the dwelling and the number of bedrooms; and ii) the pattern of parking in the locality; and iii) any existing structure on the land.
<b>Comment:</b> Complies. The proposal would result in two dwellings, each with more than two bedrooms. Two car parking spaces are required for each dwelling plus a total of one visitor space. Three spaces are proposed for each dwelling. (Two spaces per dwelling and one visitor space per dwelling).	<b>Comment:</b> Not applicable.

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

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

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

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.			
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1	Permanently accessible bicycle parking or storage spaces must be provided having regard to the:
A1.2	The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	a)	likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
		b)	location of the site and the distance a cyclist would need to travel to reach the site; and
		c)	availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
<b>Comment:</b> Complies. Each dwelling would have an outbuilding, providing for bicycle parking.		<b>Comment:</b> Not applicable.	

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

Objective: To ensure that taxis can adequately access developments.			
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1	No performance criteria.
<b>Comment:</b> Not applicable.		<b>Comment:</b> Not applicable.	

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

Objective: To ensure that motorbikes are adequately provided for in parking considerations.			
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1	No performance criteria.
<b>Comment:</b> Not applicable.		<b>Comment:</b> Not applicable.	

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

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1	All car parking, access strips manoeuvring and circulation spaces must be:	P1	All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
a)	formed to an adequate level and drained; and		
b)	except for a single dwelling, provided with an impervious all weather seal; and		
c)	except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.		
<b>Comment:</b> The owner advises that the areas will be sealed. Condition required.		<b>Comment:</b> Not applicable.	

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

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1	The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	a)	the layout of the site and the location of existing buildings; and
		b)	views into the site from the road and adjoining public spaces; and
		c)	the ability to access the site and the rear of buildings; and
		d)	the layout of car parking in the vicinity; and
		e)	the level of landscaping proposed for the car parking.
<b>Comment:</b> Complies.		<b>Comment:</b> Not applicable.	
A2.1	Car parking and manoeuvring space must:	P2	Car parking and manoeuvring space must:
a)	have a gradient of 10% or less; and	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)	where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; 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.
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> .		
<b>Comment:</b> Complies with a) and b). Condition required for c) and A2.2.		<b>Comment:</b> Not applicable.	

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

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

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

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.
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#### E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.	
Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 The location and design of parking spaces considers the needs of disabled persons, having regard to: <ul style="list-style-type: none"> <li>a) the topography of the site;</li> <li>b) the location and type of relevant facilities on the site or in the vicinity;</li> <li>c) the suitability of access pathways from parking spaces, and</li> <li>d) applicable Australian Standards.</li> </ul>
<b>Comment:</b> Not applicable. Being for a dwelling, the proposal does not require, and does not propose, parking for persons with a disability.	<b>Comment:</b> Not applicable.
A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2 No performance criteria.
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: <ul style="list-style-type: none"> <li>a) at least one loading bay must be provided in accordance with Table E6.4; and</li> <li>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</li> </ul>	P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

#### E6.8 Provisions for Sustainable Transport

##### E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

##### E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</li> </ul> A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
<b>Comment:</b> Does not comply. Must address the performance criteria.	<b>Comment:</b> Each dwelling would have an outbuilding that would provide for safe, secure and convenient bicycle parking.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p>i) 1.7m in length; and</p> <p>ii) 1.2m in height; and</p> <p>iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<p><b>Comment:</b> Does not comply. Must address the performance criteria.</p>	<p><b>Comment:</b> Each dwelling would have an outbuilding that would provide for bicycle parking spaces and access of dimensions that provide for their safe, secure and convenient use.</p>

#### E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
<b>Comment:</b> Complies. The application requires 5 and proposes 6 car parking spaces. No separate pedestrian access is required.	<b>Comment:</b> Not applicable.

**Table E6.5: Pedestrian Access**

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

#### Notes

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

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	Not applicable.
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	Not applicable.
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	Not applicable.
9.2 Development for Existing Discretionary Uses	Not applicable.
9.3 Adjustment of a Boundary	Not applicable.
9.4 Demolition	Not applicable.
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	Not applicable.
9.6 Change of Use	Not applicable.
9.7 Access and Provision of Infrastructure Across Land in Another Zone	Not applicable.
9.8 Buildings Projecting onto Land in a Different Zone	Not applicable.
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<b>Strategic Plan 2017-2027</b> <ul style="list-style-type: none"> <li>Statutory Planning</li> </ul>	

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

## 7 DISCUSSION

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

Discretion to refuse the application is limited to:

- Variation to northern side setback (clause 10.4.2 A3/P3).

As discussed in this report, the variation is sought from the northern boundary which is with 1A King Street. It is found that the siting and scale of the outbuilding does not cause an unreasonable loss of amenity to 1A King Street.

- Shared driveway within 2.5m of a habitable room window (clause 10.4.6 A3/P3).

A condition is required for a 1.7m high screen between the driveway and the windows in the ground floor northern wall of the proposed dwelling.

- Outbuilding larger than 45m<sup>2</sup> for multiple dwelling (clause 10.4.11).

As discussed in this report, the proposed location of the outbuilding is such that it will not have an adverse visual impact on the streetscape. There are sheds in the area of similar size and therefore proposed outbuilding is compatible with the size of outbuildings in the neighbourhood.

It is recommended that the application be approved with the conditions below.

## 8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Referral responses
- Representations & applicant's response

## RECOMMENDATION

That land at 1 King Street, Cressy be approved to be developed and used for multiple dwellings (1 new, 1 existing) and an outbuilding (vary northern side setback) in accordance with application PLN-21-0047, and subject to the following conditions:

### 1 Layout not altered

The development and use must be in accordance with the endorsed documents **P1 – P12** (*Adorn Drafting drawings DWG 536, Sheets 1 – 12, Amended date 14/5/2021*).

### 2 TasWater conditions

Water and sewerage services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2021/00463-NMC).

### 3 Carparking

- All car parking, access strips manoeuvring and circulation spaces must be provided with an impervious all weather seal.



- Before the building permit is lodged, amended plans must be submitted showing the access as 4.5m wide for initial 7m from the road carriageway.

#### **4 Screening required**

Before the building permit is lodged, amended plans must be submitted showing a screen of not less than 1.7m in height between the driveway and the ground floor windows in the northern wall of the proposed dwelling.

#### DECISION

Cr Polley/Cr Goss

That land at 1 King Street, Cressy be approved to be developed and used for multiple dwellings (1 new, 1 existing) and an outbuilding (vary northern side setback) in accordance with application PLN-21-0047, and subject to the following conditions:

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

The development and use must be in accordance with the endorsed documents **P1 – P12** (*Adorn Drafting drawings DWG 536, Sheets 1 – 12, Amended date 14/5/2021*).

##### **2 TasWater conditions**

Water and sewerage services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2021/00463-NMC).

##### **3 Carparking**

- All car parking, access strips manoeuvring and circulation spaces must be provided with an impervious all weather seal.
- Before the building permit is lodged, amended plans must be submitted showing the access as 4.5m wide for initial 7m from the road carriageway.

##### **4 Screening required**

Before the building permit is lodged, amended plans must be submitted showing a screen of not less than 1.7m in height between the driveway and the ground floor windows in the northern wall of the proposed dwelling.

Carried unanimously

**224/21 REQUEST FOR PLANNING EXEMPTION FOR CAMPBELL TOWN  
UNDERPASS**

*File:* 17/014  
*Responsible Officer:* Erin Miles, Development Supervisor  
*Report prepared by:* Paul Godier, Senior Planner

**1 PURPOSE OF REPORT**

This report presents Council with a request from Pitt&Sherry for a proposed underpass at Campbell Town to be considered exempt from the planning scheme.

**2 INTRODUCTION/BACKGROUND**

Pitt&Sherry advises that the Department of State Growth intend to carry out upgrades to the road networks in Campbell Town which include a new pedestrian underpass in High Street (adjacent to the sports club) and a new footpath on the eastern side of Bridge Street. The proposed plans for the upgrade are attached.

Pitt&Sherry asks Council to consider the proposal exempt from requiring a planning permit under clause 5.2.4 of the planning scheme.

**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
- People –
  - Sense of Place – Sustain, Protect, Progress  
Core Strategies:
    - ♦ Planning benchmarks achieve desirable development
    - ♦ Public assets meet future lifestyle challenges
  - 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

**4 POLICY IMPLICATIONS**

There are no policy implications.

**5 STATUTORY REQUIREMENTS**

The request is for the works to be considered exempt under clause 5.2.4 of the planning scheme.

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.

## **6 FINANCIAL IMPLICATIONS**

If the works are exempt, Council will not receive planning application fees.

## **7 RISK ISSUES**

There is a risk that not all interested members of the public have been consulted.

## **8 CONSULTATION WITH STATE GOVERNMENT**

Pitt&Sherry/Department of State Growth have asked Council if the works are exempt from a planning permit.

## **9 COMMUNITY CONSULTATION**

Pitt&Sherry advises they have not undertaken community consultation.

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

Council can:

- Advise that the works are exempt under clause 5.2.4 of the planning scheme; or
- Advise that the works are not exempt and require a planning permit.

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

Council officers advised in 2019 that a planning permit is required for the underpass.

Interim Planning Directive 4 came into effect on 22 February 2021 and provides at clause 5.2.4 an exemption for the following road works:

*Maintenance and repair of roads and upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including:*

- (a) *widening or narrowing of existing carriageways;*
- (b) *making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping, unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development; or*
- (c) *repair of bridges, or replacement of bridges of similar size in the same or adjacent location.*

Draft Planning Directive 8 contains the same exemption. The Background Paper on Draft Planning Directive 8 (attached to C&D2) states on pages 2-3 that early implementation of the road works exemptions in the SPPs would assist in delivering key elements of the State Government's COVID-19 recovery strategy, specifically the \$3.1 billion 'Construction Blitz' announced on 4 June 2020, which includes a number of State road infrastructure projects, including Midland Highway pedestrian facilities at Campbell Town.

A pedestrian underpass is not specifically mentioned. It is therefore open for Council to decide whether the exemption applies to the underpass. Based on the Background Paper to draft Planning Directive 8, it is recommended that the underpass be considered exempt under clause 5.2.4.

## **12 ATTACHMENTS**

- Letter from Pitt&Sherry, 6 May 2021.
- Proposed underpass plans



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## **RECOMMENDATION 1**

That Council advise Pitt&Sherry that the proposed underpass is considered exempt under clause 5.2.4 of the planning scheme.

## DECISION

Cr Davis/Cr Goninon

That Council advise Pitt&Sherry that the proposed underpass is considered exempt under clause 5.2.4 of the planning scheme.

Carried unanimously

**225/21 PLANNING APPLICATION PLN-21-0101: SMITH STREET, BETWEEN  
GEORGE STREET AND RECREATION GROUND, LONGFORD**

*File Number:* PLN-21-0101  
*Responsible Officer:* Erin Miles, Development Supervisor  
*Report prepared by:* Paul Godier, Senior Planner

## 1 INTRODUCTION

This report assesses an application for street trees in the road centre of Smith Street.

## 2 BACKGROUND

**Applicant:**  
Northern Midlands Council

**Owner:**  
Northern Midlands Council

**Zone:**  
General Residential Zone

**Codes:**  
Car Parking and Sustainable Transport Code  
Local Historic Heritage Code  
Heritage Precincts Specific Area Plan

**Classification under the Scheme:**  
Utilities

**Existing Use:**  
Utilities

**Deemed Approval Date:**  
2 July 2021

**Recommendation:**  
Approve

### Discretionary Aspects of the Application

- Utilities is a Discretionary use in the General Residential zone.
- Reliance on performance criteria 10.3.1 – Amenity, 10.3.2 – Residential Character, 10.4.14 – Non-Residential Development.
- Development partly within heritage precinct.

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013, Version 34, Effective from 19<sup>th</sup> March 2021.*

### Subject site



## 3 STATUTORY REQUIREMENTS

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

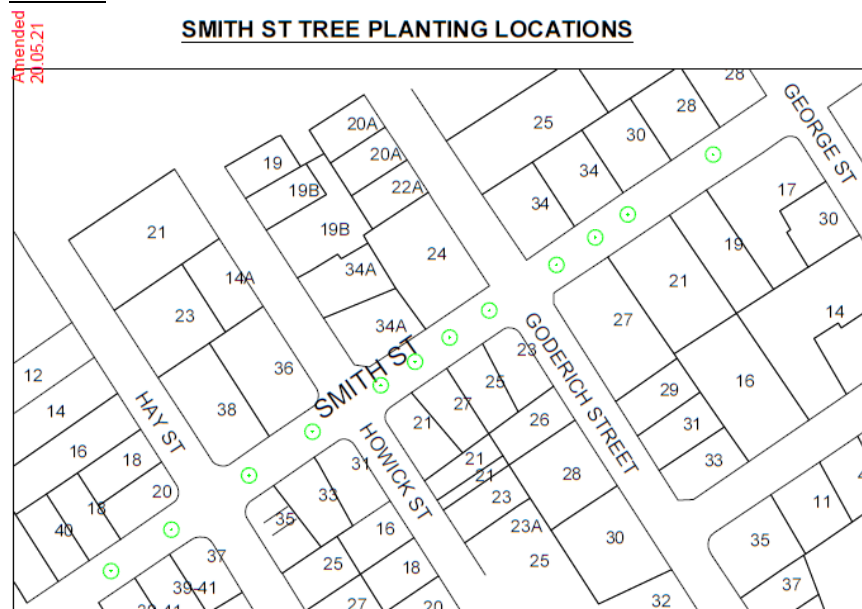
Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required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

## 4 ASSESSMENT

### 4.1 Proposal

It is proposed to plant street trees in road centre (partly within Heritage Precinct).

#### Site Plan



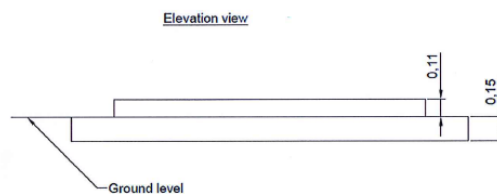
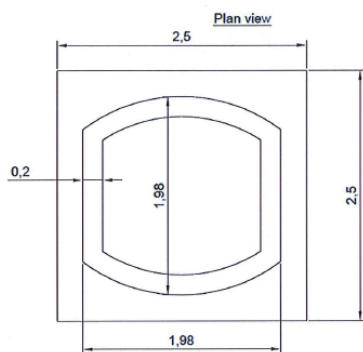
#### Turn Path Diagrams (noting tree outside #30 removed following TasWater RAI)







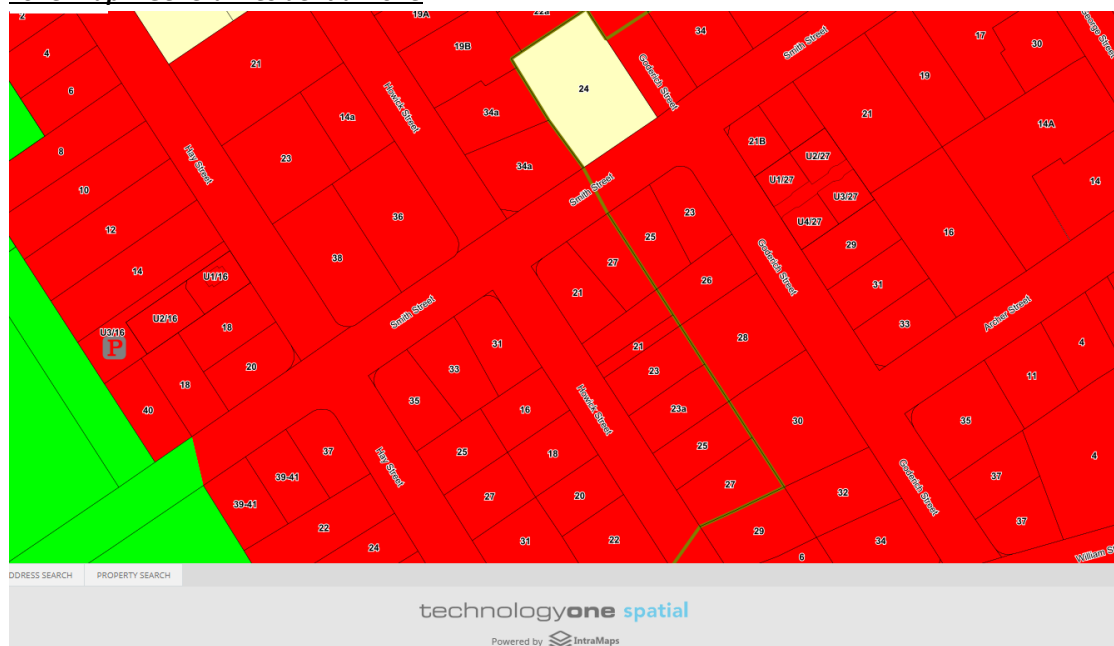
## Concrete Tree Surround and Tree Guard Details





#### 4.2 Zone and land use

##### Zone Map – General Residential Zone





The land is zoned General Residential and is partly within the Heritage Precinct.

The relevant Planning Scheme definition is:

Utilities	<p>use of land for utilities and infrastructure including:</p> <ul style="list-style-type: none"> <li>(a) telecommunications;</li> <li>(b) electricity generation;</li> <li>(c) transmitting or distributing gas, oil, or power;</li> <li>(d) transport networks;</li> <li>(e) collecting, treating, transmitting, storing or distributing water; or</li> <li>(f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.</li> </ul> <p>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.</p>
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Utilities is Discretionary in the General Residential zone.

#### 4.3 Subject site and locality

A site inspection was carried out on 21 June 2021. The site is located in Smith Street, Longford between George Street and the Recreation Ground. Adjacent to the site are predominantly single dwellings and multiple dwellings, with a medical centre at the corner of Smith Street and George Street and a church at the corner of Smith Street and Goderich Street.

#### Aerial photograph of area



**Photographs of subject site**









#### 4.4 Permit/site history

Relevant permit history includes:

- P19-0017 – Tree planting within centreline of street, including kerb surrounds, and two traffic islands, Smith Street, Longford (between Wellington Street and George Street).

#### 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:

- D. Fyfe, 19 Smith Street, Longford
- J.W. Cheek, Longford & L.G. Beck, Longford
- P. Kerr, 61 Hobhouse Street, Longford
- F. Hoyle, 21 Smith Street, Longford
- M. Myrander & T. Trowbridge, 21A Smith Street, Longford
- Longford Care-A-Car Inc. Committee, PO Box 54, Longford
- O. Barnard, 37 Smith Street, Longford
- S. Castle, 28 Smith Street, Longford
- M. Rhodes, unknown address, email provided
- R. van der Woude, Unit 1/27 Goderich Street, Longford

**Map showing location of adjacent representor properties in relation to subject site**



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

**D. Fyfe**

- The trees would cause danger to cars and pedestrians, due to the visibility issues from parked cars outside this property.

**J.W.Cheek & L.G Beck**

- Existing trees are already a great inconvenience to residents and traffic thoroughfare.
- With many cars parking in this street, the tree guards make it very difficult to access driveways and businesses.
- Access to houses is quite awkward when reversing into the traffic.
- Unnecessary and unwanted expensive development.

**P. Kerr**

- The trees already planted in the section of Smith Street from Wellington Street to George Street are a traffic hazard.
- The area is difficult to negotiate especially when there are cars parked along the side of the road.
- Trees do not belong in the middle of a road and rather they should be in parks and gardens.
- May cause damage to the road surface causing further expense at a later date.

**F. Hoyle**

- Enclosed a copy of a petition.
- Speed humps slow traffic at a much-reduced cost and without causing future expense when tree roots damage the road surface.
- Alternative areas to plant trees have been suggested.
- Question whether allowance was made for parked cars on both sides of the road.
- This project is unwelcome by many ratepayers.

**M. Myrander & T. Trowbridge**

- One of the representors is legally blind, there are not enough footpaths around town and there are no safe crossings on any street.
- Concerned that there are better ways to spend money than on something so superficial as planting trees that will only cause problems for the residents of Smith Street, including the Medical Centre, and surrounds.

Care-A-Car Committee

- A traffic hazard and reduce visibility especially on intersections.
- Access to the driveways could be difficult especially if parked cars are on the road.
- Concerns of funds for this project.

O. Barnard

- Difficulty in accessing the representors driveway when there are events on at the Football ground, with the trees this will make it even more difficult and also dangerous.
- Not suitable to have trees up the smaller end of Smith Street.
- Difficult to reverse ute and trailer into driveway.
- Roadway not wide enough.

S. Castle

- Difficulty reversing trailer into the garage and necessary to cross Smith Street to align the tow car and trailer, with the addition of a street tree and its surrounds particularly when cars are parked on both sides of the road, will reduce the turning circle needed and increases difficulty of this manoeuvre.
- Same issue with driveway and caravan.
- Cars parked on both sides of Smith Street near the Doctors surgery already reduce the width of Smith Street.
- The trees will require ongoing maintenance and costs.
- Visibility will be diminished particularly when someone reverses from their driveway.
- The trees will limit visibility and manoeuvrability for ambulances that are often required at the medical practice.
- Large delivery trucks will find road access limited.
- Concerns funds could be spent better elsewhere.

M. Rhodes

- The location of existing infrastructure should be ascertained at the earliest opportunity which in combination with provision for clearances around existing driveway accesses would allow the identification of locations where trees cannot be placed.
- Concerns the 1.6m wide zones and 1.98m x 1.98m tree surrounds fail to finalise tree positions.
- The drawings do not demonstrate accessibility to driveways from the near side nor do they consider vehicles that exceed the dimensions of the B99 passenger vehicle, such as towing trailers, caravans or boats.
- Expectation a TIA be provided, however notes that the Traffic comment would appear capable of satisfying the requirements of a TIA.
- Concerns on funding project.

R. van der Woude

- Supportive of the project.

Planner's Comment - Parking and Traffic

The Traffic Impact Assessment states:

- Smith Street has a minimum width of 13.11m with no centre line marking and generally free range parking along its length.
- The street works proposed do not appear to impact on traffic service or provide for any change in traffic volumes in the street, and on this basis traffic efficiency is not considered to be adversely impacted by the proposal.
- The proposal provides appropriate traffic calming, and with additional pedestrian refuge opportunities presented by the centre median zone. Consideration of dedicated additional pedestrian crossings at desire lines such as near to the Council entry location, street corners from footpath accesses, etc. should be considered at detailed design stage.



- Existing property accesses in Smith Street appear not to be significantly impacted by the proposal, with further consideration of vehicle turning paths by Council and potentially with consultation on individual circumstances for landholders if required.
- In general, the traffic islands and individual trees where noted on plans currently appear to provide access to the majority of properties directly to the immediate lane or cross lane with appropriate gaps for such movements.
- In general a left turn only option for entry and exit from each property would otherwise also be acceptable from a traffic safety perspective, otherwise the grid structure of the nearby streets, plus the roundabout at George Street likely provide ample turning opportunities as well as turn manoeuvres at other areas of the street where appropriate.
- Sight distance for each access and junction should be confirmed at each location during detailed design. Note that broken visibility due to tree trunks, power poles or parked cars (as currently exists in the street) is acceptable under these circumstances, and provided tree canopy for larger/mature trees is kept approx. above 2m or trees are narrow, the new trees should provide no significant sight distance issues if appropriately spaced and sensible species used.
- Parking can likely be maintained as currently available with some opportunity for line marking /delineation if desired as part of detailed design to ensure parking zones comply with Australian Standard requirements. Note turning paths for cross-lane vehicles should be considered at detailed design for nominating parking exclusion zones. This may require increasing no parking zones in some localized areas or providing fewer crossing opportunities/more raised medians. Detailed design layout will confirm this and provide options.
- Tree location, raised medians and other kerb lines should be checked against typical vehicle movements and turning paths at time of detailed design to ensure that typical vehicles can efficiently access each property, and manoeuvre appropriately in the street. In general, at concept plan stage, this appears generally achievable, but should be checked specifically, particularly at accesses and junctions.
- Consideration be given to planting trees that have an elevated canopy so that visibility of crossing pedestrians and vehicles using designated turning points can be maximised, with clearance of foliage above trunk up to the height of around 2m plus where possible, or at juvenile stages are suitably narrow/constrained.

#### Planner's Comment – Funding of project or alternate locations

These are not relevant planning considerations and further comment in relation to these concerns are not required at the planning application stage.

#### **Proposed street tree – previously used in Smith Street**



Proposed street tree *Acer rubrum* var. 'Fairview Flame' 15m h x 10m w.

#### 4.6 Referrals

The only referrals required were as follows:

##### Council's Works Department

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reported on 12/5/21 that the department has no comment to make on the subject application.

##### TasWater

Summary: TasWater advised Council on 31 May 2021 that pursuant to the *Water and Sewerage Industry Act 2008 (TAS) Section 56P(1)* TasWater has assessed the amended plan for this application and determined that the proposed development does not now require a submission from TasWater. *Note: The amended plan removed one tree outside #30.*

##### Heritage Adviser

Summary: Council's Heritage Advisor, David Denman, reviewed the application on 27/5/2021. Mr Denman noted that he had no objections to the proposal and his comments form the Heritage Code assessment of this report. Mr Denman notes that the street trees will make a positive contribution to the historic heritage character of the precinct.

#### 4.7 Planning Scheme Assessment

GENERAL RESIDENTIAL ZONE	
ZONE PURPOSE	
<ul style="list-style-type: none"> <li>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.</li> <li>To provide for compatible non-residential uses that primarily serve the local community.</li> <li>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.</li> <li>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</li> </ul>	
<b>Assessment:</b> The proposal does not conflict with the zone purpose.	
LOCAL AREA OBJECTIVES	
<ul style="list-style-type: none"> <li>To consolidate growth within the existing urban land use framework of the towns and villages.</li> <li>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</li> <li>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</li> </ul>	
<b>Assessment:</b> The proposal satisfies the local area objectives.	

#### 10.3 Use Standards

##### 10.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
Does not comply – Discretionary use.	The use is not likely to cause an environmental nuisance in relation to these matters.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
Complies – there are no commercial vehicles associated with the use.	N/a – complies with the acceptable solution.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Does not comply – Discretionary use.

Complies – will not have external lighting.

#### 10.3.2 Residential Character – Discretionary Uses

Objective To ensure that discretionary uses support:	
a) the visual character of the area; and	
b) the local area objectives, if any.	
Acceptable Solutions	Performance Criteria
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
Complies – there are no commercial vehicles associated with the use.	N/a
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2 No performance criteria.
Complies – the proposal does not involve waste material storage.	N/a
A3 Waste material storage for discretionary uses must:	P3 No performance criteria.
a) not be visible from the road to which the lot has frontage ; and	
b) use self-contained receptacles designed to ensure waste does not escape to the environment.	
Complies – the proposal does not involve waste material storage.	N/a

#### 10.4 Development Standards

10.4.1 – 10.4.13

N/a – these clauses only relate to residential uses.

#### 10.4.14 Non Residential Development

Objective To ensure that all non-residential development undertaken in the Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 Development must be designed to protect the amenity of surrounding residential uses and must have regard to: <ul style="list-style-type: none"> <li>a) the setback of the building to the boundaries to prevent unreasonable impacts on the amenity, solar access and privacy of habitable room windows and private open space of adjoining dwellings; and</li> <li>b) the setback of the building to a road frontage and if the distance is appropriate to the location and the character of the area, the efficient use of the site, the safe and efficient use of the road and the amenity of residents; and</li> <li>c) the height of development having regard to: <ul style="list-style-type: none"> <li>i) the effect of the slope of the site on the height of the building; and</li> <li>ii) the relationship between the proposed building height and the height of existing adjacent and buildings; and</li> <li>iii) the visual impact of the building when viewed from the road and from adjoining properties; and</li> <li>iv) the degree of overshadowing and overlooking of adjoining properties; and</li> </ul> </li> <li>d) the level and effectiveness of physical screening by fences or vegetation; and</li> <li>e) the location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries; and</li> <li>f) the location and impacts of illumination of the site; and</li> <li>g) passive surveillance of the site; and</li> <li>h) landscaping to integrate development with the streetscape.</li> </ul>
Does not comply – Discretionary use.	The applicable performance criteria c) iv) and e) are satisfied as follows. <i>Development must be designed to protect the amenity of surrounding residential uses and must have regard to the height of development having regard to the degree of overshadowing of adjoining properties.</i>

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

	<p>The proposed maple trees in the centre of the street are not considered to cause an unreasonable loss of amenity by loss of sunlight to adjoining properties given they are deciduous and the width of the road reserve. In summer the trees will have a positive effect in terms of shading.</p> <p><i>Development must be designed to protect the amenity of surrounding residential uses and must have regard the location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries.</i></p> <p>The Traffic Impact Assessment has found that:</p> <ul style="list-style-type: none"> <li>Parking can likely be maintained as currently available with some opportunity for line marking /delineation if desired as part of detailed design to ensure parking zones comply with Australian Standard requirements. Note turning paths for cross-lane vehicles should be considered at detailed design for nominating parking exclusion zones. This may require increasing no parking zones in some localized areas or providing fewer crossing opportunities/more raised medians. Detailed design layout will confirm this and provide options.</li> <li>General review of the plan shows some locations of trees as proposed which may provide some potential issues for vehicle turning movements in some cases, depending on final tree and kerb/tree surround placement. This should be reviewed further by Council either during detailed design with turning template overlays on the drawing file and in consultation with landowners to confirm specific suitability. It is likely that suitable site locations for tree centres can be established similar to that shown, but this should be confirmed prior to final set out on site.</li> <li>Sight distance for each access and junction should be confirmed at each location during detailed design. Note that broken visibility due to tree trunks, power poles or parked cars (as currently exists in the street) is acceptable under these circumstances, and provided tree canopy for larger/mature trees is kept approx. above 2m or trees are narrow, the new trees should provide no significant sight distance issues if appropriately spaced and sensible species used.</li> </ul>
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10.4.15 – N/a – only relates to subdivision.

CODES	
E1.0	BUSHFIRE PRONE AREAS CODE
E2.0	POTENTIALLY CONTAMINATED LAND
E3.0	LANDSLIP CODE
E4.0	ROAD AND RAILWAY ASSETS CODE
E5.0	FLOOD PRONE AREAS CODE
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE
E7.0	SCENIC MANAGEMENT CODE
E8.0	BIODIVERSITY CODE
E9.0	WATER QUALITY CODE
E10.0	RECREATION AND OPEN SPACE CODE
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE
E12.0	AIRPORTS IMPACT MANAGEMENT CODE
E13.0	LOCAL HISTORIC HERITAGE CODE
E14.0	COASTAL CODE
E15.0	SIGNS CODE

#### 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	P1	The number of car parking spaces provided must have regard to:
		a)	the provisions of any relevant location specific car parking plan; and

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

than the requirements of:	b)	the availability of public car parking spaces within reasonable walking distance; and
a) Table E6.1; or	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
b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	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 – there is no requirement set by Table E6.1.	N/a	

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

Use	Parking Requirement	
	Vehicle	Bicycle
Residential:		
Utilities	No requirement set	No requirement set

#### E6.6.2 Bicycle Parking Numbers

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

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

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

#### E6.6.4 Motorbike Parking Provisions

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

#### E6.7 Development Standards

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

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1	All car parking, access strips manoeuvring and circulation spaces must be:	P1	All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
a)	formed to an adequate level and drained; and		
b)	except for a single dwelling, provided with an impervious all weather seal; and		
c)	except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.		
<b>Comment:</b> Not applicable, does not propose new car parking.		N/A	

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

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	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
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	c)	the ability to access the site and the rear of buildings; and
		d)	the layout of car parking in the vicinity; and
		e)	the level of landscaping proposed for the car parking.
<b>Comment:</b> Not applicable, does not propose new car parking.		N/a	
A2.1	Car parking and manoeuvring space must:	P2	Car parking and manoeuvring space must:
a)	have a gradient of 10% or less; and	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)	where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; 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.
c)	have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and		
A2.2	The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.		
<b>Comment:</b> Not applicable, does not propose new car parking.		N/a	

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

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

**\*Note 1**

- Carriageways must have an internal radius of at least 4.0 metres at changes of direction or intersections or be wider than 4.2 metres.

**Note 2**

- Passing bay area is additional to the required carriageway width.
- For one-way operation the minimum access width is 3 metres and there is no passing bay requirement.

**Table E6.3: Width of Access and Manoeuvring Space adjacent to Parking Spaces**

Angle of Car Spaces to Access Strip	Access Strips Widths	Car Park Widths	Car parking length
Parallel	3.6m	2.3m	6.7m

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

45 degrees	3.5m	2.6m	5.4m
60 degrees	4.9m	2.6m	5.4m
90 degrees	6.4m	2.6m	5.4m
	5.8m	2.8m	5.4m
	5.2m	3.0m	5.4m
	4.8m	3.2m	5.4m

**Notes:**

1. A building may project into a parking space provided it is at least 2.1 metres above the parking surface level.
2. If entry to the car space is from a road then the width of the access strips may include the road

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

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

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

Objective: To ensure adequate parking for persons with a disability.			
Acceptable Solutions		Performance Criteria	
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1	The location and design of parking spaces considers the needs of disabled persons, having regard to:
		a)	the topography of the site;
		b)	the location and type of relevant facilities on the site or in the vicinity;
		c)	the suitability of access pathways from parking spaces, and
		d)	applicable Australian Standards.
<b>Comment:</b> Not applicable, does not propose and the scheme does not require parking for persons with a disability.		<b>Comment:</b> N/a	
A2	Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2	No performance criteria
<b>Comment:</b> Not applicable, does not propose and the scheme does not require parking for persons with a disability.		<b>Comment:</b> N/a	

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.			
Acceptable Solutions		Performance Criteria	
A1	For retail, commercial, industrial, service industry or warehouse or storage uses:	P1	For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
a)	at least one loading bay must be provided in accordance with Table E6.4; and		
b)	loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.		
<b>Comment:</b> Not applicable.		N/a	

#### E6.8 Provisions for Sustainable Transport

##### E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

##### E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>d) be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</li> </ul> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>
Not applicable, no requirement.	N/a
<p>A2 Bicycle parking spaces must have:</p> <ul style="list-style-type: none"> <li>a) minimum dimensions of:               <ul style="list-style-type: none"> <li>i) 1.7m in length; and</li> <li>ii) 1.2m in height; and</li> <li>iii) 0.7m in width at the handlebars; and</li> </ul> </li> <li>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</li> </ul>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
Not applicable, no requirement.	N/a

##### E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>	<p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>
<p><b>Comment:</b> Does not propose new car parking, therefore Table E6.5 does not apply.</p>	N/a

**Table E6.5: Pedestrian Access**

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

**Notes**

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

#### Assessment against E13.0 (Local Historic Heritage Code)

##### E13.1 Purpose

E13.1.1 The purpose of this provision is to:

- a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; and
- b) encourage and facilitate the continued use of these items for beneficial purposes; and
- c) discourage the deterioration, demolition or removal of buildings and items of assessed heritage significance; and

- d) ensure that new use and development is undertaken in a manner that is sympathetic to, and does not detract from, the cultural significance of the land, buildings and items and their settings; and
- e) conserve specifically identified heritage places by allowing a use that otherwise may be prohibited if this will demonstratively assist in conserving that place

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

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

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

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

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

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

Comment:

The subject site is within a Heritage Precinct.

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

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

Objective: To ensure that the use of heritage buildings provides for their conservation.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where:</p> <ul style="list-style-type: none"> <li>a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and</li> <li>b) the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and</li> <li>c) a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.</li> </ul>

Comment: Satisfies the performance criteria.

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

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

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



Comment: N/a

**E13.6.2 Subdivision and development density**

*Objective: To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

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

Comment: N/a

**E13.6.3 Site Cover**

*Objective: To ensure that site coverage is consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts, if any.*

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

Comment: N/a

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

*Objective: To ensure that the height and bulk of buildings are consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 New building must be in accordance with the acceptable development criteria for heights of buildings or structures within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1.1 The height and bulk of any proposed buildings must not adversely affect the importance, character and appearance of the building or place, and the appearance of adjacent buildings; and</p> <p>P1.2 Extensions proposed to the front or sides of an existing building must not detract from the historic heritage significance of the building; and</p> <p>P1.3 The height and bulk of any proposed buildings must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: N/a

**E13.6.5 Fences**

*Objective: To ensure that fences are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 New fences must be in accordance with the acceptable development criteria for fence type and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1 New fences must:</p> <ul style="list-style-type: none"> <li>a) be designed to be complementary to the architectural style of the dominant buildings on the site or</li> <li>b) be consistent with the dominant fencing style in the heritage precinct; and</li> <li>c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</li> </ul>

Comment: N/a



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

*Objective: To ensure that roof form and materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 Roof form and materials must be in accordance with the acceptable development criteria for roof form and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 Roof form and materials for new buildings and structures must: a) be sympathetic to the historic heritage significance, design and period of construction of the dominant existing buildings on the site; and b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

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

*Objective: To ensure that wall materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 Wall materials must be in accordance with the acceptable development criteria for wall materials within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 Wall material for new buildings and structures must: a) be complementary to wall materials of the dominant buildings on the site or in the precinct; and b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

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

*Objective: To ensure that the siting of buildings, does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 New buildings and structures must be in accordance with the acceptable development criteria for setbacks of buildings and structures to the road within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 The front setback for new buildings or structure must: a) be consistent with the setback of surrounding buildings; and b) be set at a distance that does not detract from the historic heritage significance of the place; and c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

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

*Objective: To ensure that the siting of outbuildings and structures does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 Outbuildings and structures must be: a) set back an equal or greater distance from the principal frontage than the principal buildings on the site; and b) in accordance with the acceptable development criteria for roof form, wall material and site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 New outbuildings and structures must be designed and located; a) to be subservient to the primary buildings on the site; and b) to not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

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

*Objective: To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 Car parking areas for non-residential purposes must be: a) located behind the primary buildings on the site; or	P1 Car parking areas for non-residential purposes must not:

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in Table 1: Heritage Precincts, if any.	a) result in the loss of building fabric or the removal of gardens or vegetated areas where this would be detrimental to the setting of a building or its historic heritage significance; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
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Comment: N/a

#### E13.6.11 Places of Archaeological Significance

Objective: To ensure that places identified in Table E13.3 as having archaeological significance are appropriately managed.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 For works impacting on places listed in Table E13.3: a) it must be demonstrated that all identified archaeological remains will be identified, recorded and conserved; and b) details of survey, sampling and recording techniques technique be provided; and c) that places of identified historic heritage significance will not be destroyed unless there is no prudent and feasible alternative.

Comment: N/a

#### E13.6.12 Tree and Vegetation Removal

Objective: To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 The removal of vegetation must not: a) unreasonably impact on the historic cultural significance of the place; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

#### E13.6.13 Signage

Objective: To ensure that signage is appropriate to conserve the historic heritage significance of local heritage places and precincts.	
Acceptable Solutions	Performance Criteria
A1 Must be a sign identifying the number, use, heritage significance, name or occupation of the owners of the property not greater than 0.2m <sup>2</sup> .	P1 New signs must be of a size and location to ensure that: a) period details, windows, doors and other architectural details are not covered or removed; and b) heritage fabric is not removed or destroyed through attaching signage; and c) the signage does not detract from the setting of a heritage place or does not unreasonably impact on the view of the place from public viewpoints; and d) signage does not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

#### E13.6.14 Maintenance and Repair

Objective To ensure that maintenance and repair of buildings is undertaken to be sympathetic to, and not detract from the <a href="#">historic cultural heritage significance</a> of local heritage places and precincts.
<b>Acceptable Solution</b> New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are being replaced.

Comment: N/a

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

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

Existing Character Statement - Description and Significance
<p><b>LONGFORD HERITAGE PRECINCT CHARACTER STATEMENT</b></p> <p>The Longford Heritage Precinct is unique because it is the core of an intact nineteenth century townscape, rich with significant structures and the atmosphere of a centre of trade and commerce for the district. Traditional commercial buildings line the main street, flanked by two large public areas containing the Christ Church grounds and the War Memorial. The street then curves gently</p>

at Heritage Corner towards Cressy, and links Longford to the surrounding rural farmland, creating views to the surrounding countryside and a gateway to the World Heritage listed Woolmers and Brickendon estates. Heritage residential buildings are tucked behind the main street comprising traditional styles from the mid nineteenth century to the early twentieth century, including significant street trees, picket fences and cottage gardens. The rural township feel is complemented by a mix of businesses serving local needs, tourism and historic interpretation. Longford's heritage ambience has been acknowledged, embraced and built on by many of those who live in or visit the town.

#### **Management Objectives**

To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct.

To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.

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

#### **SPECIFIC AREA PLANS**

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

#### **Assessment against F2.0 (Heritage Precincts Specific Area Plan)**

#### **F2.1 Purpose of Specific Area Plan**

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

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

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

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

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

#### **F2.3 Definitions**

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

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

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

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

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

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

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

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

**Comment:** Council's Heritage Adviser notes that the street trees will make a positive contribution to the historic heritage character of the 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 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<b>Strategic Plan 2017-2027</b> <ul style="list-style-type: none"> <li>Statutory Planning</li> </ul>	

## 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:

- Utilities is a Discretionary use in the General Residential zone.
- Reliance on performance criteria 10.3.1 – Amenity, 10.3.2 – Residential Character, 10.4.14 – Non-Residential Development.
- Development partly within heritage precinct.

*Development must be designed to protect the amenity of surrounding residential uses and must have regard to the height of development having regard to the degree of overshadowing of adjoining properties.*

The proposed maple trees in the centre of the street are not considered to cause an unreasonable loss of amenity by loss of sunlight to adjoining properties given they are deciduous and the width of the road reserve. In summer the trees will have a positive effect in terms of shading.

*Development must be designed to protect the amenity of surrounding residential uses and must have regard the location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries.*

The Traffic Impact Assessment has found that:

- Parking can likely be maintained as currently available with some opportunity for line marking /delineation if desired as part of detailed design to ensure parking zones comply with Australian Standard requirements. Note turning

paths for cross-lane vehicles should be considered at detailed design for nominating parking exclusion zones. This may require increasing no parking zones in some localized areas or providing fewer crossing opportunities/more raised medians. Detailed design layout will confirm this and provide options.

- General review of the plan shows some locations of trees as proposed which may provide some potential issues for vehicle turning movements in some cases, depending on final tree and kerb/tree surround placement. This should be reviewed further by Council either during detailed design with turning template overlays on the drawing file and in consultation with landowners to confirm specific suitability. It is likely that suitable site locations for tree centres can be established similar to that shown, but this should be confirmed prior to final set out on site.
- Sight distance for each access and junction should be confirmed at each location during detailed design. Note that broken visibility due to tree trunks, power poles or parked cars (as currently exists in the street) is acceptable under these circumstances, and provided tree canopy for larger/mature trees is kept approx. above 2m or trees are narrow, the new trees should provide no significant sight distance issues if appropriately spaced and sensible species used.

It is considered that the proposal complies with the performance criteria. It is recommended that the application be approved with the conditions below.

## 8 ATTACHMENTS

- Application & plans
- Referral responses
- Representations

## RECOMMENDATION

That land at Roadway adjacent to: 28-40 Smith Street, Longford be approved to be developed and used for a Planting of Street Trees in road centre (partially within Heritage Precinct) in accordance with application PLN-21-0101, and subject to the following conditions:

### 1 Layout not altered

**Except as required by condition 2**, the use and development must be generally in accordance with the endorsed documents **P1 – P3** (Smith Street Tree Planting Plans 01, 02, 03), **D1** (Concrete Tree Surround and Tree Guard Details) and **D2** (tree variety).

### 2 Detailed design required

Before the development commences, a detailed design must be provided. When approved it will be endorsed and form part of this permit. The detailed design must take into consideration:

- The location of trees, raised medians and other kerb lines against typical vehicle movements to ensure that typical vehicles can efficiently access each property and manoeuvre appropriately in the street.

## DECISION

Cr Goninon/Cr Davis

That application PLN-21-0101 to develop and use the land at roadway adjacent to 28-40 Smith Street, Longford for Planting of Street Trees in road centre (partially within Heritage Precinct) be refused.

Carried unanimously

**226/21 PLANNING APPLICATION PLN-20-0269: 49 GEORGE STREET, PERTH**

**File Number:** 9105700.307; CT 45677/3 & 4, 158071/1, 158071/2  
**Responsible Officer:** Erin Miles, Development Supervisor  
**Report prepared by:** Chloe Lyne, Consultant Planner

**1 INTRODUCTION**

This report assesses an application for 49 George Street, Perth to construct Multiple Dwellings (15), title consolidation & extension to Little Mulgrave St (Road & Railway Assets Code).

**2 BACKGROUND**

**Applicant:**

Design to Live

**Owner:**

Harley Developments Pty Ltd

**Zone:**

General Residential Zone

**Codes:**

Road & Railway Assets Code  
Car Parking and Sustainable Transport Code

**Classification under the Scheme:**

Discretionary

**Existing Use:**

Vacant

**Deemed Approval Date:**

3 July 2021

**Recommendation:**

Approve

**Discretionary Aspects of the Application**

- Front setback
- Building envelope (due to front setback)
- Subdivision – any road extension evokes discretion
- Increase in traffic movements
- Use and development within 50m of railway corridor
- Location of visitor parking

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26<sup>th</sup> April 2021.*

**Preliminary Discussion**

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

**Subject site**





### 3 STATUTORY REQUIREMENTS

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

### 4 ASSESSMENT

#### 4.1 Proposal

It is proposed to:

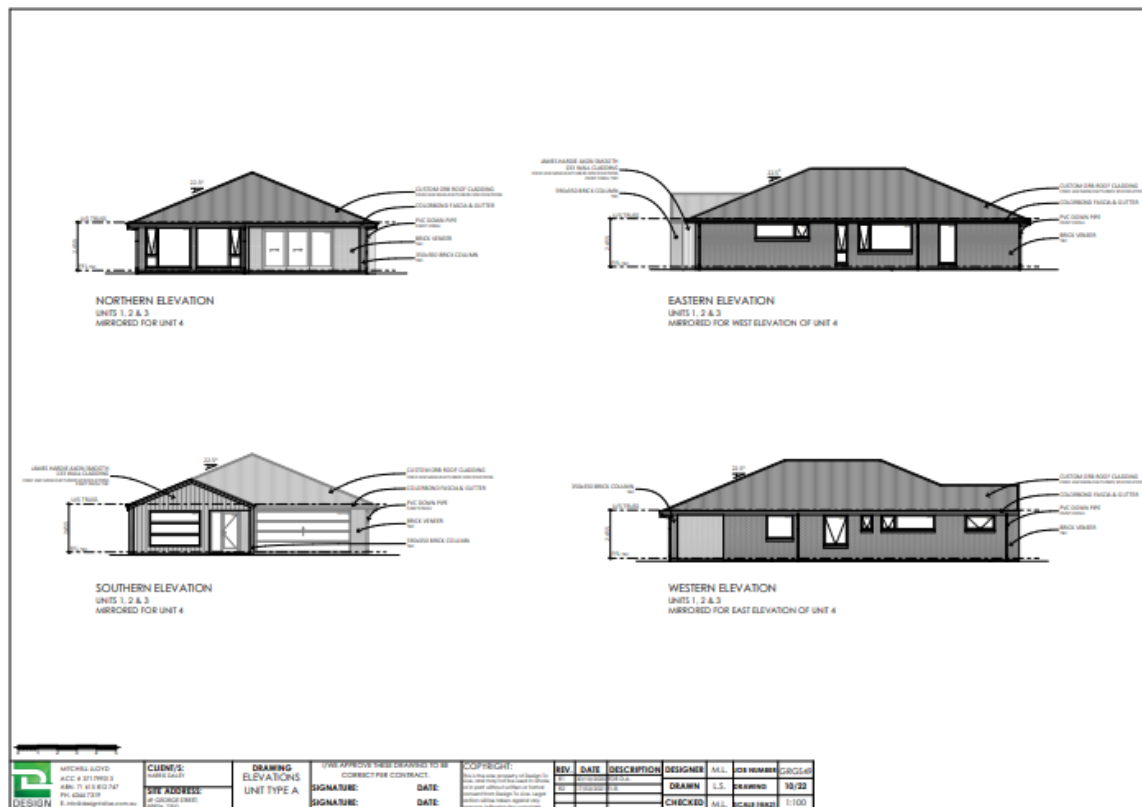
- Construct 15 x Multiple Dwellings and extend Little Mulgrave St to provide access. The titles are then proposed to be consolidated by way of Strata Title.
- Whilst the units have slightly varying configurations they all comprise three bedrooms (master with ensuite), bathroom, laundry, open plan living/kitchen/dining room and a double garage. Each unit is provided with an alfresco outdoor entertaining area.
- The units have a height of 3.5 metres above maximum ground level.
- The units are constructed of a mix of brick and axion wall cladding with colorbond roofing.

The application also seeks to consolidate the three lots that form the site resulting in a single lot with an area of 6754m<sup>2</sup> (anticipated to be done by way of strata titling the development).

#### Site Plan

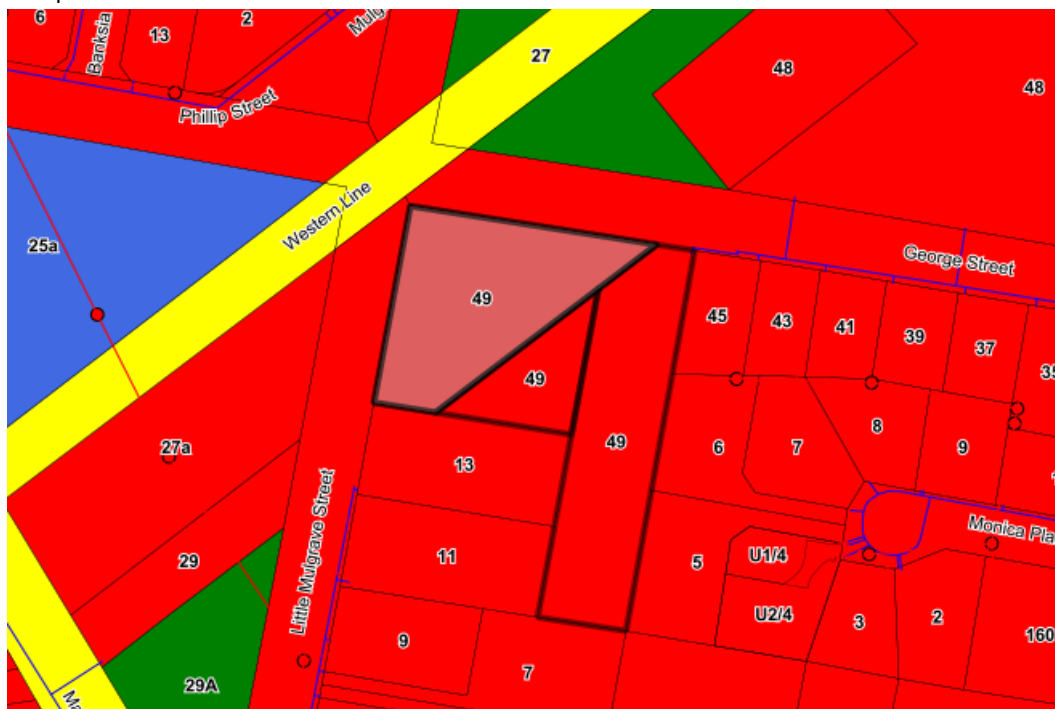


## Elevations (type A)



## 4.2 Zone and land use

### Zone Map – General Residential Zone



The land is zoned General Residential and is subject to the Road & Railway Assets Code and Car Parking and Sustainable Transport Code.



The relevant Planning Scheme definition is:

*multiple dwellings*

*means 2 or more dwellings on a site.*

Residential (multiple dwelling) is a permitted use in the zone.

## 4.3 Subject site and locality

The author of this report carried out a site visit on the 11<sup>th</sup> June 2021. The subject site consists of three lots, 2992m<sup>2</sup>, 927m<sup>2</sup> and 2835m<sup>2</sup> and requires a stormwater connection via a fourth title. The site is surrounded by residential uses to the east, south and west, while the Western Line railway is located the north. The Perth Train Park is also located nearby.

Aerial photograph of area



Photographs of subject site



View across the site from George Street



View across the site and boundary with 13 Little Mulgrave St



View across site from the unmade section of Little Mulgrave Street

#### 4.4 Permit/site history

Relevant permit history includes:

- Nil – vacant site.

#### 4.5 Representations

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

- J & T Gaby, 45 George St Perth
- D & M Coombe, 41 George St, Perth



- M Rhodes, no address provided
- N Moore, 9 Little Mulgrave St, Perth
- Dr J Paterson, 9 Little Mulgrave St, Perth
- S & L Farquhar, 13 Little Mulgrave St Perth

Map showing location of representor properties (circled) in relation to subject site (indicated within cloud)



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

#### **Issue 1**

- Concerned with the density of the development. Representor's concerned that the density is out of character with the area.

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

The proposal complies with the relevant density standard under Clause 10.4.1 which requires a minimum site area per dwelling of 325m<sup>2</sup>. The proposed site area per dwelling is 450m<sup>2</sup>.

#### **Issue 2**

- Concerned regarding proposed setbacks to George and Little Mulgrave Streets. The proposal should adhere to the required 4.5m setbacks. The proponent shouldn't utilise the reduce setbacks of heritage buildings to justify the argument. Owners of other properties in the street have had to comply with the 4.5 m setback so it should be the same for the developers.

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

The setback to George Street complies with the planning scheme requirements. The application does rely on a discretion with respect to the minimum 2.99m setback of Unit 5 to Little Mulgrave Street. As outlined in the assessment against Clause 10.4.2, the proposed setback is consistent with the range of setbacks within Little Mulgrave Street and is considered to be compatible with the streetscape.

#### **Issue 3**

- The representor at 45 George St has had issues with stormwater run off from the lot known at 47 George Street after rainfall events. Broader concerns with stormwater overflows in the area.

Planner's comment:

The Services plan accompanying the application shows that there will be an on-site stormwater detention pit for storage and collection of stormwater prior to discharge into Council's drain on George Street.

Part of the stormwater condition on the permit requires that there be no additional flows onto neighbouring properties.

**Issue 4**

- Concerns regarding privacy with the number of units proposed on the western boundary of 47 George St

Planner's comment:

The proposed unit development meets all permitted standards in relation to privacy. It is noted there is a 1.8m high Colorbond fence along the common boundary with 47 George Street which will provide a high degree of privacy between the two properties.

**Issue 5**

- Concerned that the water pressure will be reduced with the number of units proposed.

Planner's comment:

TasWater has assessed the application and determined that there is suitable capacity in the system to cater for the development and has accordingly issued a SPAN with reference number TWDA 2021/00505-NMC.

**Issue 6**

- Concerned re the use of George St for construction traffic and issues that will cause in terms of maintenance of grassy area

Planner's comment:

The site does not have a constructed access point from George Street and a condition of permit will require Little Mulgrave Street to be extended prior to the construction of the units to ensure construction traffic is utilising a formed road. It is noted that the proposed staging plan is such that the first units to be constructed are units 4-8 which are adjacent to Little Mulgrave Street.

**Issue 7**

- Concerned about the capacity of sewage infrastructure in the area. Representor had heard that Northern Midlands Council had stated that only a maximum of 3 houses would be able to be constructed on this site due to existing limitations with sewage capacity.

Planner's comment:

TasWater has assessed the application and determined that there is suitable capacity in the system to cater for the development and has accordingly issued a SPAN with reference number TWDA 2021/00505-NMC.

**Issue 8**

- Concerned about the narrowness of access within the development and its potential to prevent emergency vehicle access and delivery vehicles.

Planner's comment:

It is intended that garbage trucks will collect waste from the street and the cul-de-sac head is designed to Australian Standard and capable of facilitating the turn of a garbage truck.

In terms of movements within the site, the driveway servicing units 1-8 is dual carriageway and therefore can facilitate the easy passing of vehicles. The driveway servicing units 9-15 is single carriageway but each unit is provided with sufficient space for turning adjacent to the garage and there are two turning bays at the northern and southern ends of this road.

**Issue 9**

- Questions what the developer's intentions regarding fencing on the George Street boundary are.

Planner's comment:

The fence along the George Street boundary will be a 1.8m fence which is solid to 1.2m and 30% transparent between 1.2m and 1.8m

**Issue 10**

- Has Tas Fire Service been consulted about the proposed development? The location of the fire plug has not been noted on any plan.

Planner's comment:

The location of any additional fire infrastructure will be required to be provided at the detailed design stage.

**Issue 11**

- Is it the intention of the NMC and/or developer to retitle the development to a more accurate address number in Little Mulgrave St?

Planner's comment:

As the site will be formally accessed from Little Mulgrave Street, it will be addressed as such.

**Issue 12**

- Clause 10.4.2 A2 specifically requires a private open space of 24m<sup>2</sup> that has a minimum horizontal distance of 4m. The proposal plans do not show the space

Planner's comment:

The plans do show private open space meeting the minimum requirements of Clause 10.4.2 A2 (see drawing no. 15/22).

**Issue 13**

- It is unclear whether it is intended for any fences or gates dividing the private area of units 1-8 from the more public driveway side.

Planner's comment:

No fences are proposed at the internal frontage of the units.

**Issue 14**

- There is an error of around 10° in the orientation of all shadow diagrams.

Planner's comment:

This has not been verified, however given the compliance with setbacks and privacy clauses, combined with the low height of the units, overshadowing is not considered to be an issue.

**Issue 15**

- Concerned about the dust, noise and runoff during construction and the length of the construction period.

Planner's comment:

This is not a relevant planning matter. A standard condition of permit regarding pollutants required the installation of silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Any material or debris deposited on the road reserve must be removed by the developer.

**Issue 16**

- The trail walk/link between George and Little Mulgrave Streets should be preserved in the design.

Planner's comment:

The trail link is not a formal or constructed path. The plans do show a footpath link from the site to George Street and the extent of the site is such that there would be nothing preventing the continued use of the informal link between Little Mulgrave and George Streets.

**Issue 17**

- The traffic survey lodged with the application notes that Little Mulgrave Street is in good condition. The representor does not agree with this and notes that construction traffic could worsen the conditions. A condition of permit must require the developers to cover the cost of any repairs.

Planner's comment:

A condition of permit requires the developer to cover the cost of any repairs.

**Issue 18**

- Concerned about potential increase to use of area near railway line as a dumping ground. Reiterated the need for a fence/barrier to be installed.

Planner's comment:

This is not a relevant matter for consideration under the planning scheme. The proposed unit development will be fenced.

**Issue 19**

- Lighting on the site should not impact amenity of adjoining properties.

Planner's comment:

Lighting from residential use is not a matter to be assessed under the Planning Scheme provisions. In any case residential use lighting is typically unobtrusive and acceptable for a residential area.

**Issue 20**

- Concerned about unit 1 being within the railway corridor. This should not be allowed due to safety concerns,

Planner's comment:

Unit 1 is located 27 metres from the centre of the railway line and there will be a 1.8 metre high fence along the boundary between the properties which will mean there are no safety issues.

**Issue 21**

- Will there be any upgrades to George St ie turning circle and gutters?

Planner's comment:

No upgrades to George Street are proposed.

**Issue 22**

- Traffic use in Little Mulgrave St is greater than stated in Traffic Report. The road is used by more than those who live there. The possibility of 30-45 extra cars on the street per day will impact everybody who uses the park. The lack of footpath along Little Mulgrave Street forces pedestrians to walk along the road which is unsafe.

Planner's comment:

The traffic report has estimated current usage at 99 vehicles per day which given it serves 9 residential lots at a typical traffic generation rate of 7.4 per dwelling results in 66 movements from residents leaving 33 movements related to the park. Even if the traffic were under-estimated, the size and capacity of the Little Mulgrave and the surrounding street network can cope with the estimated 111 additional traffic movements per day without reducing safety.

**Issue 23**

- Concerned about the impact on Little Mulgrave Street that increased postal deliveries to new units will create.

Planner's comment:

This is not a relevant consideration under the Planning Scheme.

**Issue 24**

- Will there be a barrier in terms of a fence or landscaping along the railway line to attenuate noise?

Planner's comment:

The developer can only undertake works on the subject site. As recommended by the Noise Report, Unit 1 will be double glazed to provide for sound attenuation.

**Issue 25**

- Concerned about the railway easement encroachment and impacts on future works to the railway.

Planner's comment:

- See referral response from Tasrail in part 4.6 of this report which addresses the change in interface with the road extension and railway.

**Issue 26**

- Concerned about increased number of domestic animals at the new development and potential for unhealthy conditions to arise.

Planner's comment:

This is not a relevant consideration under the Planning Scheme.

**Issue 27**

- The plans do not show areas for clothes drying

Planner's comment:

A condition of permit requires clothes drying facilities to be provided.

**Issue 28**

- Concerned about the bin storage areas for each unit creating issues of noise and odour to neighbouring residences. Queries bin collection point

Planner's comment:

The proposed bin storage units for each unit comply with the planning scheme requirements. The bins for the entire development will be placed out on Little Mulgrave Street for collection. Its location at the end of the cul-de-sac means that the conglomeration of bins will not be visible to a large number of passers by.

**Issue 29**

- A range of queries around whether a construction management plan will be required to ensure impacts to surrounding properties during the construction period will be managed.

Planner's comment:

Permit condition 3.7(b) requires the following to be undertaken prior to works to minimise impacts to adjoining properties: *Prior to the commencement of development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.*

#### 4.6 Referrals

**Council's Works Department**

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application on the 27.05.2021 and their recommended conditions are included in the conditions of approval.

**TasWater**

Summary: A Taswater Submission to Planning Authority Notice was issued on 12.4.2021 (Taswater Ref: TWDA 2021/00505-NMC).



#### **Tasrail (adjoining landowner)**

Precis: The application was referred to TasRail on the 21<sup>st</sup> May 2021. The interaction between the road extension and railway has been discussed at length and a formal response was received from Tasrail on the 22.06.2021, as follows:

TasRail requests the following be considered as conditions to any permit approved by Council:

- TasRail to review/approve the final design of the road extension to Little Mulgrave Street with respect to the interface with/near the boundary of State Rail Network land. TasRail requests that the end of the extension include kerbing and safety bollards be installed to prevent vehicle access to the rail corridor.
- The developer be obligated to inform any prospective tenant or purchaser of the units to undertake their own due diligence of likely exposure to train horn noise levels, particularly given the proximity of the units to railway crossings. TasRail's concern is to ensure appropriate buyer beware precautions and to avoid potential for train horn noise complaints.
- Should there be a requirement for excavation works within 3 metres of the State Rail Network boundary, please note the obligation to give property@tasrail.com.au TasRail a minimum of 7 days notice as per the Rail Infrastructure Act 2007, noting a TasRail Permit to authorise the works within this area will be required.

Additionally, TasRail is of the view that the extension of Little Mulgrave Street combined with the 15 Unit development and growth in residential development will trigger a change in conditions/public safety risk associated with unauthorised public access to the operational rail corridor and particularly to mitigate the risks associated with unauthorised pedestrian access/short cutting over the operational rail corridor. TasRail therefore requests that Council agree to the installation of a 1.8m high chain mesh fence being erected along approximately 50 metres of the shared rail corridor boundary from the extended Little Mulgrave Street to the other side of George Street to effectively block off access to the rail corridor. This request is made in the context that TasRail (as the rail operator) and Council (as the road owner) are obligated under Rail Safety National Law (and the Safety Interface Agreement between Northern Midlands Council and TasRail) to identify and eliminate or control risk so far as is reasonably practical to do so. TasRail is willing to share the cost with Council to install the requested 50m fencing.

*The estimated shared cost to Council for the fence installation would be max \$2225-2500 (50m fence @ \$90m / 2). Participating in fencing the area would mitigate the need to undertake an ALCAM Risk assessment in conjunction with Tasrail, which would be of significantly greater cost to Council.*

Please note that TasRail intends to contact the land owner (adjoining the rail corridor from the Main Road boundary) to discuss boundary fencing along this section of the rail corridor boundary to link up with the requested 50m of new 1.8m chain mesh fencing.

#### **General Manager**

Not applicable to this application

#### **Crown Consent**

Crown Consent for lodging of the application was obtained.

#### **4.7 Planning Scheme Assessment**

GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<p><i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i></p> <p><i>To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p><i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i></p> <p><i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i></p>
<p><b>Assessment:</b> The proposal to develop 15, 3 bedroom units on the 6000m<sup>2</sup>+ site is consistent with zone purpose as evidenced by the permitted status of multiple dwellings. The development will assist in creating a range of dwelling types and densities in the Perth township on a site that can be connected to full reticulated services.</p>
LOCAL AREA OBJECTIVES
<p><i>To consolidate growth within the existing urban land use framework of the towns and villages.</i></p> <p><i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i></p> <p><i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i></p>

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

**Assessment:** The proposal to infill an existing vacant parcel of land within the town boundaries with residential development accords with the Local Area Objectives. The site is not located within a Heritage Precinct.

#### Use Standards

##### 10.3.1 Amenity

Objective To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.
<b>Not applicable.</b> The Residential Use Class – multiple dwellings is a permitted use class in the General Residential Zone.	

##### 10.3.2 Residential Character – Discretionary Uses

Objective To ensure that discretionary uses support: a) the visual character of the area; and b) the local area objectives, if any.	
Acceptable Solutions	Performance Criteria
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2 No performance criteria.
A3 Waste material storage for discretionary uses must: a) not be visible from the road to which the lot has frontage; and b) use self-contained receptacles designed to ensure waste does not escape to the environment.	P3 No performance criteria.
<b>Not applicable</b> The Residential Use Class – multiple dwellings is a permitted use class in the General Residential Zone.	

#### Development Standards for Dwellings

##### 10.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
Acceptable Solutions	Performance Criteria
<b>A1</b> Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<b>P1</b> Multiple dwellings must only have a site area per dwelling that is less than 325m <sup>2</sup> , if the development will not exceed the capacity of infrastructure services and: (a) is compatible with the density of existing development on established properties in the area; or (b) provides for a significant social or community benefit and is: (i) wholly or partly within 400m walking distance of a public transport stop; or

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

- (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.

#### Complies with A1

The overall area of the site is 6754m<sup>2</sup>. A total of 15 multiple dwellings are proposed resulting in a site area per dwelling of 450m<sup>2</sup>.

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

Objective:	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</li> <li>d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(f) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(g) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(h) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</li> <li>(i) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</li> <li>(j) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>	<p><b>P1</b></p> <p>A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</li> <li>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</li> </ul>

#### Complies with P1

As the application includes consolidation of the three titles that the site is comprised of, the 'site' is assessed as the consolidated lot. In accordance with the table at Clause 4.1.3 of the Scheme, Primary Frontage is defined as:

*means, where there are 2 or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations.*

The site currently has frontage to two unmade roads being George Street and Little Mulgrave Street. The shortest frontage is to Little Mulgrave Street and given that will be the frontage which is constructed as a result of this development it should rightly be afforded primary frontage status.

The application therefore relies on P1 with respect to the Little Mulgrave Street frontage as the minimum setback to Little Mulgrave Street is 2.99 metres to Proposed Unit 5.

P1 (a) requires the front setback to be compatible with the streetscape.

To be compatible, it requires the development to be in harmony or broad correspondence with the setback from a frontage of existing dwellings in the street (taking account any topographical constraints)

Little Mulgrave Street is a short road with only 6 dwellings directly fronting it as the western side of the street contains a single dwelling which fronts Main Road and the Railway park and 5 Little Mulgrave St is an internal lot.

#### Existing frontage setbacks

Address	Setback from frontage (approx.)
13 Little Mulgrave St	11m
11 Little Mulgrave St	44m
9 Little Mulgrave St	2.9m
3 Little Mulgrave st	1.3m
1 Little Mulgrave St	3m



#### Aerial view of setbacks along Little Mulgrave Street

As demonstrated there is a large variation in the existing setbacks of existing dwellings fronting Little Mulgrave Street. The proposed 2.99 m setback will not be the shortest in the street and is broadly compatible with other setbacks in the street. It is considered that a particular setback is not the main contributor to any existing compatibility in the area.

It will only be unit 5 that has frontage to the extended section of Little Mulgrave St and given the unit is single storey it is considered that there will not be unreasonable bulk and scale at the frontage.

#### A2

A garage or carport for a dwelling must have a setback from a primary frontage of not less than:

- (d) 5.5m, or alternatively 1m behind the building line;
- (e) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (f) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.

#### P2

A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.

#### Complies with A2

The garage associated with Unit 5 is setback behind the building line.

#### A3

A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:
  - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
  - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
  - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or
  - (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

#### P3

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
  - (ii) overshadowing the private open space of a dwelling on an adjoining property;
  - (iii) overshadowing of an adjoining vacant property; or
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
- (i) an adjoining property; or
  - (ii) another dwelling on the same site.

#### Complies with P3

The majority of the development sits within the prescribed building envelope with setbacks to the northern boundary of 5 metres, units 9-15 having a minimum setback of 2.5 metres to the eastern side boundary, units 5-8 having a setback of 4.04 metres to the southern title boundary and unit 9 having a setback of 1.77m to the southern boundary. Given a maximum height of 3.8 metres to the pitch of the roof, even in those locations where the setback to a side or rear boundary is less than 3m, it still fits within the envelope due to the slope of the hipped roof.

The only protrusion to the building envelope is the frontage setback of Unit 5 to Little Mulgrave Street of 2.99 metres.

It is this frontage setback that is considered in the assessment against the Performance Criteria below:

The reduced front setback of Unit 5 will not cause any loss of amenity to adjoining properties through loss of sunlight, overshadowing of private open space or habitable rooms. The setback of Unit 5 from the southern boundary of 4.2 metres and the height of the existing boundary fence means it will not cause any increase in overshadowing to the residential dwelling to the south.

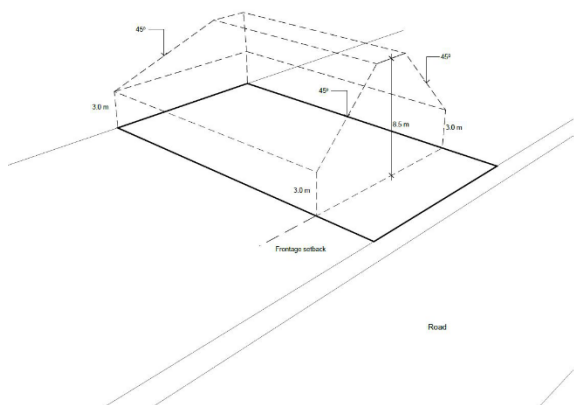
There will be a change in the visual outlook from the dwelling to the south 13 Little Mulgrave Street but the 1.5 m reduction in front boundary setback does not result in an unreasonable loss of amenity. It will only be the roof of Unit 5 visible above the boundary fence and the low profile of the units means they do not result in large bulk and form.

The side boundary setback of Unit 5 at 4.2 metres is consistent with side boundary setbacks along Little Mulgrave Street and provides adequate separation between the unit and the dwelling on the adjoining property.

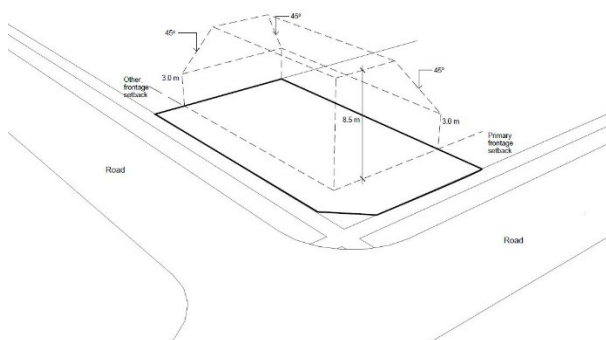
The reduced front boundary setback will not result in a reduction of sunlight to any solar panels or installations on the property to the south.

**Table 10.4.2**

Road	Setback (m)



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



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

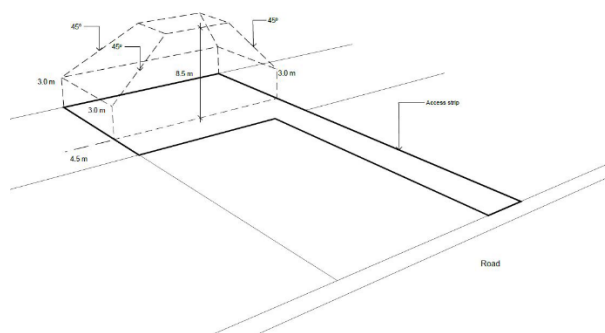


Figure 10.3 Building envelope for internal lots as required by clause 10.4.2 A3(a)

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

Objective:	That dwellings are compatible with the amenity and character of the area and provide: <ul style="list-style-type: none"> <li>(d) for outdoor recreation and the operational needs of the residents;</li> <li>(e) opportunities for the planting of gardens and landscaping; and</li> <li>(f) private open space that is conveniently located and has access to sunlight.</li> </ul>
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Acceptable Solutions	Performance Criteria
<b>A1</b> Dwellings must have: <ul style="list-style-type: none"> <li>(d) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(e) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<b>P1</b> Dwellings must have: <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes drying and storage; and</li> </ul> </li> <li>(f) reasonable space for the planting of gardens and landscaping.</li> </ul>

#### Complies with A1

The overall site area is 6754m<sup>2</sup>. The areas of each of the units is outlined below

COUNCIL	ZONE
NORTHERN MIDLANDS	GENERAL RESIDENTIAL
PROPOSED UNIT 1	179.97
PROPOSED UNIT 2	179.97
PROPOSED UNIT 3	179.97
PROPOSED UNIT 4	179.97
PROPOSED UNIT 5	168.64
PROPOSED UNIT 6	168.64
PROPOSED UNIT 7	168.64
PROPOSED UNIT 8	168.64
PROPOSED UNIT 9	172.37
PROPOSED UNIT 10	172.37
PROPOSED UNIT 11	172.37
PROPOSED UNIT 12	172.37
PROPOSED UNIT 13	172.37
PROPOSED UNIT 14	172.37
PROPOSED UNIT 15	172.37

The total area of the units is 2601.03m<sup>2</sup>. Each strata lot includes a 3.5m<sup>2</sup> garden shed, therefore the site coverage is 39.2% and compliance with A1 (a) is met.

With respect to private open space, each unit is provided is an alfresco area of 16m<sup>2</sup> beyond which is more open space to the rear and sides of the units exceeding 60m<sup>2</sup>.

<b>A2</b> A dwelling must have private open space that: <ul style="list-style-type: none"> <li>(a) is in one location and is not less than: <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m</li> </ul> </li> </ul>	<b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: <ul style="list-style-type: none"> <li>(c) conveniently located in relation to a living area of the dwelling; and</li> </ul>
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<p>above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>(d) orientated to take advantage of sunlight.</p>
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#### Complies with A2

Each unit is provided with an alfresco dining area of 16m<sup>2</sup> with a minimum horizontal dimension of 4m. The alfresco area then extends to open space and each unit is provided with in excess of 24m<sup>2</sup> therefore A2 (a) and (b) are met.

Each unit is provided with private open space that is not located within the frontage therefore (c) is met. The site is flat therefore the private open space will have a gradient not steeper than 1 in 10 and (d) is met.

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

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</li> </ul> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul>	<p><b>P1</b></p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.</p>

#### Complies with A1

Units 1-8 are separated from one another on the north-south axis by the internal driveway.

Units 9-15 which sit to the north of the private open space of the unit to the south, all have the required minimum separation of 3 metres between the dwelling and the private open space.

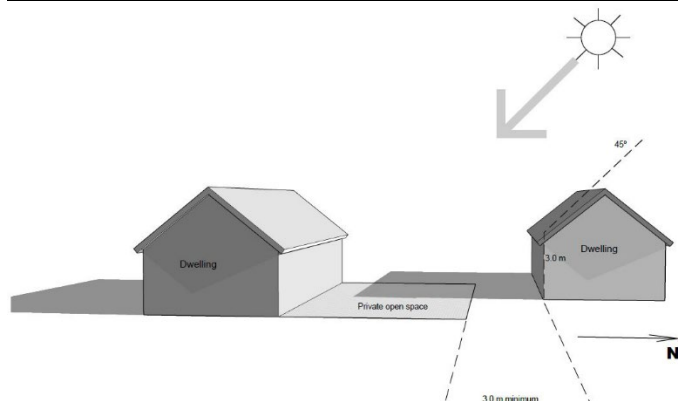


Figure 10.4 Separation from the private open space of another dwelling on the same site as required by clause 10.4.4 A1(a)



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.
Acceptable Solutions	Performance Criteria
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.
<b>Complies with A1</b> There are no garages within 12m of the primary frontage with an opening of more than 6m.	

#### 10.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.
Acceptable Solutions	Performance Criteria
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul> </li> </ul>	<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: <ul style="list-style-type: none"> <li>(a) a dwelling on an adjoining property or its private open space; or</li> <li>(b) another dwelling on the same site or its private open space.</li> </ul>
<b>Complies with A1</b> There are no balconies, decks, roof terraces, parking spaces or carports with a finished floor level of more than 1m.	
<b>A2</b> A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): <ul style="list-style-type: none"> <li>(a) the window or glazed door: <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> </li> <li>(b) the window or glazed door: <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul> </li> </ul>	<b>P2</b> A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to: <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>
<b>Complies with A2</b> All the units have a finished floor level of less than 1m above existing ground level.	

<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p><b>P3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p><b>Complies with A3</b></p> <p>Units 1-4 all have a bedroom window on the southern façade fronting the shared driveway. However, the window is separated from the driveway by a minimum of 4.8 m.</p> <p>Units 5-8 all have a living room window on the northern façade fronting the shared driveway. However, the window is separated from the shared driveway by a minimum distance of 6.7m.</p> <p>Units 9-15 all have a bedroom window on the western façade fronting the shared driveway. However, the window is separate from the shared driveway by a minimum distance of 7.5m.</p>	

#### 10.4.7 Frontage fences for all dwellings

Objective:	<p>The height and transparency of frontage fences:</p> <p>(a) provides adequate privacy and security for residents;</p> <p>(b) allows the potential for mutual passive surveillance between the road and the dwelling; and</p> <p>(c) is reasonably consistent with that on adjoining properties.</p>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>No Acceptable Solution<sup>1</sup>.</p>	<p><b>P1</b></p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>
<p><b>Not applicable</b></p> <p>The proposed 1.2m high brick front fences meets the exemption under Clause 5.6.3 of the Scheme for front fences.</p>	

#### 10.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>	<p><b>P1</b></p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>
<p><b>Complies with A1</b></p> <p>Each unit is provided with its own exclusive bin storage area with an area meeting the requirements.</p>	

#### 10.4.9 Storage for multiple dwellings

Objective
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<sup>1</sup> An exemption applies for fences in this zone – see Clause 5.0 - Exemptions

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

To provide adequate storage facilities for each multiple dwelling.	
Acceptable Solutions	Performance Criteria
A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents.
<b>Complies with A1</b> Each unit is provided with a 3.5m <sup>2</sup> garden shed providing 6 cubic metres of secure storage space. Additional storage is provided via the walk in robes and in built robes in each of the bedrooms.	

#### 10.4.10 Common Property for multiple dwellings

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

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

<b>Objective</b> To ensure: d) that outbuildings do not detract from the amenity or established neighbourhood character; and e) that dwellings remain the dominant built form within an area; and f) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.	
Acceptable Solutions	Performance Criteria
A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m <sup>2</sup> .	P1 Outbuildings for each multiple dwelling must be designed and located having regard to: (c) visual impact on the streetscape; and (d) compatibility with the size and location of outbuildings in the neighbourhood.
<b>Complies with A1</b> The floor area of the garden shed associated with each unit is approximately 3.5m <sup>2</sup> .	
A2 A swimming pool for private use must be located: (c) behind the setback from a primary frontage; or (d) in the rear yard.	P2 A swimming pool for private use must designed and located to: (d) minimise any visual impact on the streetscape; and (e) not unreasonably overlook or overshadow adjoining properties; and (f) be compatible with the size and location of approved outbuildings in the neighbourhood.
<b>Not applicable</b>	

#### 10.4.12 Site services for multiple dwellings

<b>Objective</b> To ensure that: c) site services for multiple dwellings can be installed and easily maintained; and d) site facilities for multiple dwellings are accessible, adequate and attractive.	
Acceptable Solutions	Performance Criteria
A1 Provision for mailboxes must be made at the frontage.	P1 Sufficient space (including easements where required) for mail services must be provided for each multiple dwelling.
<b>Complies with A1</b> The brick front fence will contain separate mailboxes for each unit within it.	

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

Not applicable.

#### 10.4.14 Non Residential Development

Not applicable

#### 10.4.15 Subdivision

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

<b>Objective</b> To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Lots must: <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>	<b>P1</b> Each lot for residential use must provide sufficient useable area and dimensions to allow for: <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>
<b>A2</b> Each lot must have a frontage of at least 3.6m.	<b>P2</b> Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.
<b>Complies with A1 and A2</b> The resultant lot size of approximately 6754m <sup>2</sup> exceeds the minimum lot size and the extension of Little Mulgrave Street will provide the site with frontage.	

##### 10.4.15.2 Provision of Services

<b>Objective</b> To provide lots with appropriate levels of utility services.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Each lot must be connected to a reticulated: <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<b>P1</b> Each lot created must be: <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>
<b>A2</b> Each lot must be connected to a reticulated stormwater system.	<b>P2</b> Each lot created must be capable of disposal of stormwater to a legal discharge point.
<b>Complies with A1 and A2</b> The subject site is connected to the full suite of reticulated services.	

##### 10.4.15.3 Solar Orientation of Lots

<b>Objective</b> To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
<b>A1</b> At least 50% of lots must have a long axis within the range of: <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>	<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.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

A2 The long axis of residential lots less than 500m <sup>2</sup> , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500 m <sup>2</sup> must provide adequate solar access to future dwellings, having regard to the: <ul style="list-style-type: none"> <li>a) size and shape of the development of the subject site; and</li> <li>b) topography; and</li> <li>c) location of access way(s) and roads.</li> </ul>
<b>Complies with A1 and A2</b> The single lot sits on a north-south axis.	

#### 10.4.15.4 Interaction, Safety and Security

This clause was not used in this planning scheme

#### 10.4.15.5 Integrated Urban Landscape

<b>Objective</b> To provide attractive and continuous landscaping in roads and public open spaces that contribute to the: <ul style="list-style-type: none"> <li>a) character and identity of new neighbourhoods and urban places; or</li> <li>b) to existing or preferred neighbourhood character, if any.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: <ul style="list-style-type: none"> <li>a) it has regard to existing, significant features; and</li> <li>b) accessibility and mobility through public spaces and roads are protected or enhanced; and</li> <li>c) connectivity through the urban environment is protected or enhanced; and</li> <li>d) the visual amenity and attractiveness of the urban environment is enhanced; and</li> <li>e) it furthers the local area objectives, if any.</li> </ul>
<b>Complies with P1:</b> The subdivision and development requires the extension of Little Mulgrave Street. The road design simply provides an extension of an existing street alignment culminating in a cul-de-sac head. Whilst mentioned in several of the representations, it is not considered practical or desirable to extend Little Mulgrave Street through to George Street at this stage, particularly as the western extent of George Street is unmade.	

#### 10.4.15.6 Walking and Cycling Network

<b>Objective</b> <ul style="list-style-type: none"> <li>a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and</li> <li>b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.</li> <li>c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to: <ul style="list-style-type: none"> <li>a) link to any existing pedestrian and cycling networks; and</li> <li>b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and</li> <li>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</li> <li>d) promote surveillance along roads and from abutting dwellings.</li> </ul>
<b>Complies with P1</b> The subdivision and development requires the extension of Little Mulgrave Street. The road design simply provides an extension of an existing street alignment culminating in a cul-de-sac head. Whilst mentioned in several of the representations, it is not considered practical or desirable to provide a pedestrian link from Little Mulgrave Street through to George Street as doing so would encroach into the Railway line easement.	

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

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

#### E4.6 Use Standards

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

<b>Objective</b> To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	<b>P1</b> Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
<b>Complies with P1</b> A Traffic Impact Assessment was submitted with the proposal due to the extension of the road and works within 50m of the Railway and was referred to the relevant road and rail authority. The key conclusions of the report are as follows: Key conclusions are: -The proposed new access point and road extension is to be located as per the attached plan. The extension and access is to be constructed to council Urban Standards as per the Tasmanian Standard drawing series; -Traffic services is deemed adequate for the road and access arrangements as proposed and will be satisfactory in servicing the development; -Sight distance for the new access is deemed to comply with the Austroads requirement, and sound SISD is available generally based on the site assessment; -No other Planning Scheme requirements are outstanding.	
<b>A2</b> For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	<b>P2</b> For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
<b>Complies with P2</b> The proposed development of 15, three-bedroom units will add an additional 111 vehicle movements per day. The addition of that number of vehicles on the road network with the Little Mulgrave extension is considered to retain an acceptable level of safety for all road users including pedestrians and cyclists.	
<b>A3</b> For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	<b>P3</b> For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or

	<p>development must provide a significant social and economic benefit to the State or region; and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be 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>
Not applicable	

#### E4.7 Development Standards

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

<p>Objective</p> <p>To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</p> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <p>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building areas on new lots; and</p> <p>c) outdoor sitting, entertainment and children's play areas</p>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <p>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</p> <p>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</p> <p>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.</p>
<p><b>Complies with P1</b></p> <p>The extension of Little Mulgrave Street and Unit 1 are sited within the 20m buffer to the railway line and units 2 and 3 are sited within 50m of the railway line.</p> <p>The proposed development of both the road and the units will not impact on the safety or efficiency of the railway line.</p> <p>The application is accompanied by a report which assesses the impact of noise from trains on the future dwellings. The assessment stated that it was likely that the noise level measured from 15m from the centre of the railway were likely to be 95dBA. The exterior walls of unit 1 are located approximately 27 metres from the centre of the railway line and it is estimated that noise levels at this point will be 64.9 dBA and 89.9dBA.</p> <p>The proposal plan show unit 1 will be clad in brick veneer and have R2 cavity insulation, R4 ceiling insulation and double-glazed windows. The noise attenuation of these construction materials have been estimated to reduce the noise levels to below EPP noise sleep disturbance level for bedroom 2 but not for bedroom 3. Accordingly, and based on the recommendations in the noise assessment, an acoustic rated window will be required to be installed in bedroom 2 of unit 1. Subject to this occurring, the noise from the railway line is unlikely to cause sleep disturbance and therefore residents should not suffer from environmental harm or nuisance.</p>	

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

Objective
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# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

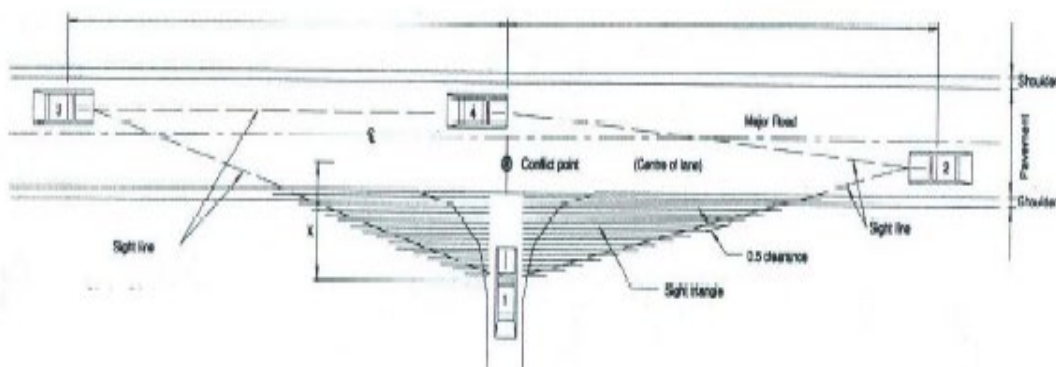
#### E4.7.3 Management of Rail Level Crossings

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

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

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

A sight distance of 80 m is required in accordance with Table E4.7.4. Only the sight distance to the left needs to be considered given the site is at the end of a cul-de-sac head. A Sight distance of approximately 162m to the left is provided.



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

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

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

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

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

Notes:

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

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

Objective: To ensure that an appropriate level of car parking is provided to service use.			
Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
		b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

#### Complies with A1

In accordance with Table E6.1, each 3 bedroom dwelling needs to be provided with 2 parking spaces and in addition, multiple dwellings are to be provided with 1 visitor space per 4 dwellings.

Each unit is provided with 2 spaces via a double garage and a further tandem space outside of the garage, therefore both the unit and visitor parking space requirements are met.

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

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

#### E6.6.2 Bicycle Parking Numbers

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

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

#### Complies with A1.1

There is room in the garages associated with each unit for provision of parking for 1 or more bicycles.

#### 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.

Not applicable

#### E6.6.4 Motorbike Parking Provisions

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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.
Not applicable	

#### E6.7 Development Standards

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

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
<b>Complies with A1</b> The car parking and access driveways will be constructed in concrete and drained to the stormwater system.	

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

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and  A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
<b>Complies with P1</b> The visitor parking bays associated with each unit are not located behind the building line. Provision for turning is provided within the site.  The tandem visitor spaces will not impact on the streetscape as they are located internally on the site. Their location will not impede access within the site and is considered appropriate for this type of development.	
A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and  A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
<b>Complies with A2.1 and A2.2</b> The site is relatively flat and car parking and access spaces will have a gradient less than 10%. The swept paths shown on the plans demonstrate that vehicles can enter and exit the site in a forward direction. The access width of 6.5 metres accords with the minimum requirement of 5.5m in Table E6.2. The layout of the parking spaces and access ways accords with the relevant Australian standard.	

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

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

Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
1 to 5	3.0m	Every 30m

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

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

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

Objective: To ensure adequate parking for persons with a disability.			
Acceptable Solutions		Performance Criteria	
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1	The location and design of parking spaces considers the needs of disabled persons, having regard to:
		e)	the topography of the site;
		f)	the location and type of relevant facilities on the site or in the vicinity;
		g)	the suitability of access pathways from parking spaces, and
		h)	applicable Australian Standards.
A2	One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with <i>Australian Standards AS/NZ 2890.6 2009</i> .	P2	The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to:
		a)	characteristics of the populations to be served;
		b)	their means of transport to and from the site; and
		c)	applicable Australian Standards.
<b>Not applicable</b>			

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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.			
Acceptable Solutions		Performance Criteria	
A1	For retail, commercial, industrial, service industry or warehouse or storage uses:	P1	For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
a)	at least one loading bay must be provided in accordance with Table E6.4; and		
b)	loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.		
<b>Not applicable</b>			

#### **E6.8 Provisions for Sustainable Transport**

##### **E6.8.1 Bicycle End of Trip Facilities**

Not used in this planning scheme

##### **E6.8.2 Bicycle Parking Access, Safety and Security**

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</li> </ul> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>
<p>A2 Bicycle parking spaces must have:</p> <ul style="list-style-type: none"> <li>a) minimum dimensions of: <ul style="list-style-type: none"> <li>i) 1.7m in length; and</li> <li>ii) 1.2m in height; and</li> <li>iii) 0.7m in width at the handlebars; and</li> </ul> </li> <li>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</li> </ul>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<p><b>Not applicable</b></p>	

#### E6.8.5 Pedestrian Walkways

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

**Table E6.5: Pedestrian Access**

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

**Notes**

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

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
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:

- Front setback
- Building envelope (due to front setback)
- Subdivision – road extension
- Increase in traffic movements
- Use and development within 50m of railway corridor
- Location of visitor parking

The reduced front setback to Little Mulgrave Street only relates to unit 5 and in the context of the range of setbacks within the street and the fact it will not impact the amenity of the dwelling directly to the south, it is considered that the front setback proposed is appropriate.

Other discretions arise in relation to traffic movements being an increase of more than 40 per day. It is considered that Little Mulgrave Street is of a suitable standard to cater for an additional estimated 111 traffic movements per day without impact on the safety of the network.

The other key issue is the proximity of the development to the Western Railway Line. Tas Rail have been consulted and have noted that road interface with the railway can be managed by:

- Fencing of the units within the development
- Installation of bollards or similar to restrict vehicle access to the rail reserve
- Installation of a fence along the extent of the rail reserve to restrict pedestrian access to the rail reserve
- Final road construction design to show separation distance to the rail reserve and road treatments to restrict access to the rail reserve

Further, the noise assessment that accompanies the application and will form part of the endorsed plans provides recommendations as to required insulation, cladding and double glazing at Unit 1.

Conditions that relate to any aspect of the application can be placed on a permit. The proposal will be conditioned to be used and developed in accordance with the proposal plans.

**8 ATTACHMENTS**

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

**RECOMMENDATION 1**

That land at 49 George Street, Perth be approved to be developed and used for a Multiple Dwellings (15), title consolidation & extension to Little Mulgrave St (Road & Railway Assets Code) in accordance with application PLN-20-0269, and subject to the following conditions:



#### 1 Layout not altered

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

- **P0 Cover Page**
- **P1 Site Plan** (Job Number GRGS49, 17/02/21)
- **P2 Site Detail 1** (Job Number GRGS49, 17/02/21)
- **P3 Site Detail 2** (Job Number GRGS49, 17/02/21)
- **P4 Strata Plan** (Job Number GRGS49, 17/02/21)
- **P5 Ground Plan Unit Type A** (Job Number GRGS49, 17/02/21)
- **P6 Ground Plan Unit Type B** (Job Number GRGS49, 17/02/21)
- **P7 Ground Plan Unit Type C** (Job Number GRGS49, 17/02/21)
- **P8 External Services** (Job Number GRGS49, 17/02/21)
- **P9 Elevations Unit Type A** (Job Number GRGS49, 17/02/21)
- **P10 Elevations Unit Type B** (Job Number GRGS49, 17/02/21)
- **P11 Elevations Unit Type C** (Job Number GRGS49, 17/02/21)
- **P12 Site Sections** (Job Number GRGS49, 17/02/21)
- **P13 Site Sections** (Job Number GRGS49, 17/02/21)
- **P14 Landscape Plan** (Job Number GRGS49, 17/02/21)
- **P15 Pitt and Sherry Assessment of Railway Noise Impact** (16/10/21)

#### 2 Staged Development

The development shall proceed in the following stages:

- Stage 1: Construct extension to Little Mulgrave Street
- Stage 2: Units 5-8
- Stage 3: Units 1-4
- Stage 4: Units 9-12
- Stage 5: Units 13-15

#### 3 Council's Works Department conditions

##### 3.1 Stormwater

- a) A connection shall be provided to the Council stormwater system in accordance with the approved design plans and the Tasmanian Municipal Standard Drawings.
- b) Stormwater detention must be installed in accordance with the approved design plans and Council's policy for Stormwater Detention in New Developments
- c) Concentrated stormwater must not be discharged into neighbouring properties
- d) Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- e) All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- f) Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings. The system must connect through properly-jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- g) A plumbing permit is required prior to commencing any plumbing or civil works within the property.

##### 3.2 Access

- a) A concrete driveway crossover and apron must be constructed in accordance with the approved design plan and Council standard Drawing TSD R03.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

##### 3.3 Roadworks

- a) Kerb and channel shall constructed in accordance with the approved plan and Tasmanian Municipal Standard Drawings
- b) All roadworks shall be hotmix sealed and road pavements and all other works must be constructed in accordance

with the Tasmanian Municipal Standard Drawings.

### 3.4 Bonds

The works shall be subject to a maintenance period of twelve months and a bond shall be held by Council until the completion of a satisfactory final inspection and the end of the maintenance period. The bond shall be calculated based on 5% of the total cost of works based on Council's standard road construction rates.

### 3.5 Municipal standards & approvals

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

### 3.6 Works in Council road reserve

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

### 3.7 Pollutants

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

### 3.8 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.

### 3.9 Easements to be created

Easements must be created over all new and existing Council owned services in favour of the Northern Midlands Council. Such easements must be created prior to the issue of a Certificate of Completion on the relevant final plan, to the satisfaction of the General Manager.

## **4 TasWater conditions**

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/00505-NMC, dated 12.04.2021).

## **5 Tasrail conditions**

### 5.1 Road Design

Prior to the commencement of works authorised by this permit, a final road construction design for the extension to Little Mulgrave Street with respect to the interface with/near the boundary of State Rail Network land must be provided to the satisfaction of Tasrail and the General manager, and show:

- Separation distance of the new cul-de-sac 'bulb' to the rail reserve boundary
- Installation of kerbing and removable bollards or similar at the head of the cul-de-sac to restrict general vehicle access to the rail reserve (but allow for emergency access to the rail reserve)

### 5.2 Agreement under Part 5 of Land Use Planning Approval Act 1993 - TasRail

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

The owners of all dwellings within 50m of the railway reserve formally acknowledge:

- the dwellings will be exposed to train noise;
- that train services operate 24/7 with the timetable subject to change at any time; and
- the train horn is required to be sounded twice per level crossing and at any other time a

train driver perceives a risk.

### 5.3 Excavation works

Should there be a requirement for excavation works within 3 metres of the State Rail Network boundary, the operator of this permit must give TasRail (property@tasrail.com.au) a minimum of 7 days notice as per the *Rail Infrastructure Act 2007*, noting a TasRail Permit to authorise the works within this area will be required.

## 6 Landscaping

- Landscaping works shall be in accordance with the endorsed plan, and landscaping works for each unit shall be completed prior to the commencement of use of that unit and then maintained for the duration of the use.
- Private open space, as shown on the endorsed plans must be screened with permanent fencing to the satisfaction of the General Manager, including for the entire George Street frontage (excluding the pedestrian access point) and entire Little Mulgrave Street frontage (excluding vehicle access point and associated landscaped area).
- Each unit shall be provided with a garden shed of at least 6 cubic metres prior to the commencement of the use of that unit.
- A bond of \$500 per unit shall be provided prior to the commencement of development of that unit authorised by this permit – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

## 7 Driveways and Parking Areas

- Driveways and parking areas around each unit shall be sealed with an impervious asphalt or concrete pavement prior to the commencement of use of the unit.
- Each parking space (unless contained within a garage) shall be clearly and permanently labelled with the unit number it is allocated to or as a visitor parking space, prior to the commencement of use of the unit.

## 8 Required prior to the application for a building permit

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

- Pay a \$500 per unit landscape bond (as per condition 6)

## 9 Prior to the commencement of use

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

- Landscaping works for each unit – mail and newspaper receptacles, clothes drying facilities, private open space screening and garden shed
- Driveways and parking areas around each unit sealed and labelled.

## 10 Consolidation of Titles

Prior to the commencement of use, all lots being Volume 158071 Folio 2, Volume 158071 folio 1 and Volume 45677 folio 4 must be consolidated into a single lot under the *Local Government (Building and Miscellaneous Provisions) Act 1993* or by way of Strata title under the *Strata Titles Act 1998*. The plan must be certified by the Council and lodged with the Land Titles Office for approval.

### Tasrail Standard Notes:

- 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.

## RECOMMENDATION 2

That Council agree to Tasrail's request to share costs for the installation of a 1.8m high chain mesh fence to be erected along approximately 50 metres of the shared rail corridor boundary from the extended Little Mulgrave Street to the other side of George Street to effectively block off access to the rail corridor.

This request is made in the context that TasRail (as the rail operator) and Council (as the road owner) are obligated under Rail Safety National Law (and the Safety Interface Agreement between Northern Midlands Council and TasRail) to identify and eliminate or control risk so far as is reasonably practical to do so.

## DECISION

Cr Goss/Cr Davis

That application PLN-20-0269 for Multiple Dwellings (15), title consolidation & extension to Little Mulgrave St (Road & Railway Assets Code) at 49 George Street, Perth be refused on the following grounds:

- 1 The proposal does not satisfy performance criteria P1 of clause 10.4.4 – Sunlight to private open space of multiple dwellings.  
Multiple dwellings 9-14 will be subject to an unreasonable loss of amenity as a result of overshadowing of private open space, caused by another dwelling on the same site. The location of private open space under the alfresco roof further restricts solar access.
- 2 The number of units proposed within the development will result in the following:
  - Traffic congestion within the development site and Little Mulgrave Street as a result of increased vehicle movements;
  - Inadequate access within unit development for emergency service vehicles and rubbish collection vehicles (resulting in congestion of bins in the street on rubbish collection days)
  - Inadequate road linkages to George Street and subsequent concentration of vehicle movements into Little Mulgrave Street
  - Safety concerns relating to increased movements at the intersection of Little Mulgrave Street and Main Road
  - Lack of usable private open space
  - Location visitor parking spaces (tandem parking behind unit parking).

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 227/21 PLANNING APPLICATION PLN-21-0071: 35 COLLINS STREET (ACCESS OVER 18 LOGAN ROAD), EVANDALE

*File Number:* PLN-21-0071  
*Responsible Officer:* Erin Miles, Development Supervisor  
*Report prepared by:* Paul Godier, Senior Planner

### 1 INTRODUCTION

This report assesses an application for 35 Collins Street, Evandale to construct a dwelling, garage and shed within the attenuation distance of the Evandale Sewage Treatment Plant.

### 2 BACKGROUND

**Applicant:**  
Peter Woof

**Owner:**  
Gillian Waddle

**Zone:**  
General Residential Zone

**Codes:**  
Car Parking and Sustainable Transport Code; Environmental Impacts and Attenuation Code

**Classification under the Scheme:**  
Residential (single dwelling)

**Existing Use:**  
Residential (single dwelling)

**Deemed Approval Date:**  
3 July 2021

**Recommendation:**  
Approve

#### Discretionary Aspects of the Application:

- Sensitive use within attenuation distance of Evandale Sewage Treatment Plant (clause E11.6.1).
- Unsealed parking and access (clause E6.7.1).
- Access across land in another zone (Rural Resource zone, Evandale Market carpark) (clause 9.7.1).

#### Planning Instrument:

*Northern Midlands Interim Planning Scheme 2013, Version 34, Effective from 19 March 2021 (the application was lodged on 24 March 2021).*

#### Preliminary Discussion:

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

### 3 STATUTORY REQUIREMENTS

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

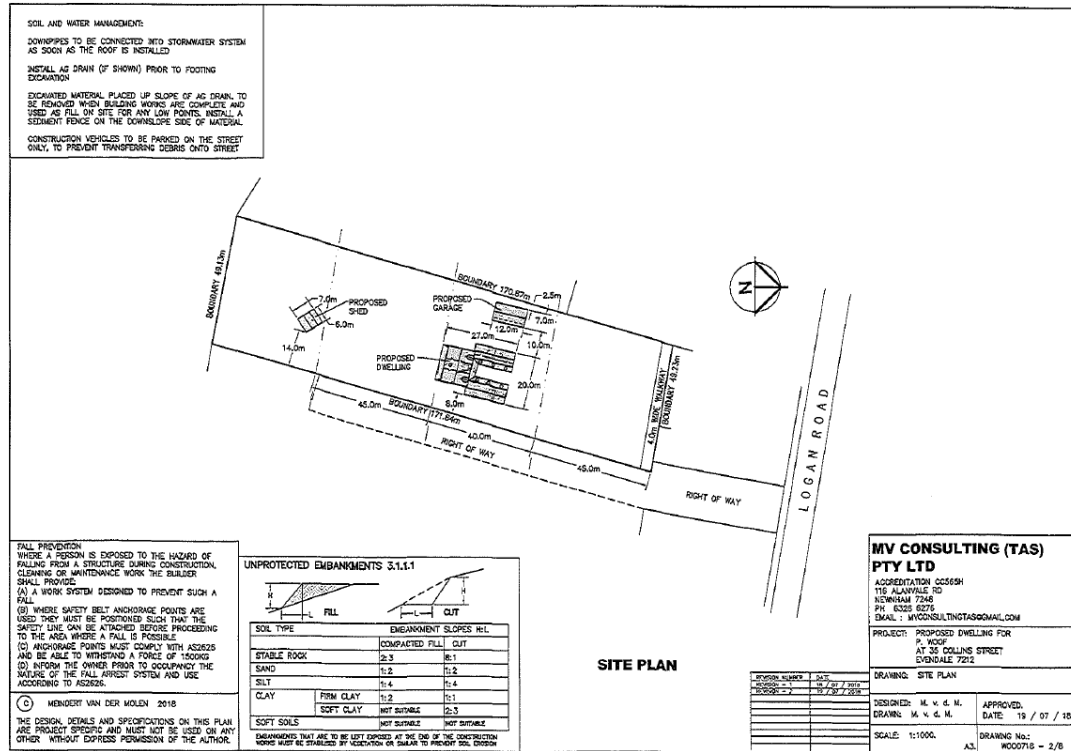
Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required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

#### 4 ASSESSMENT

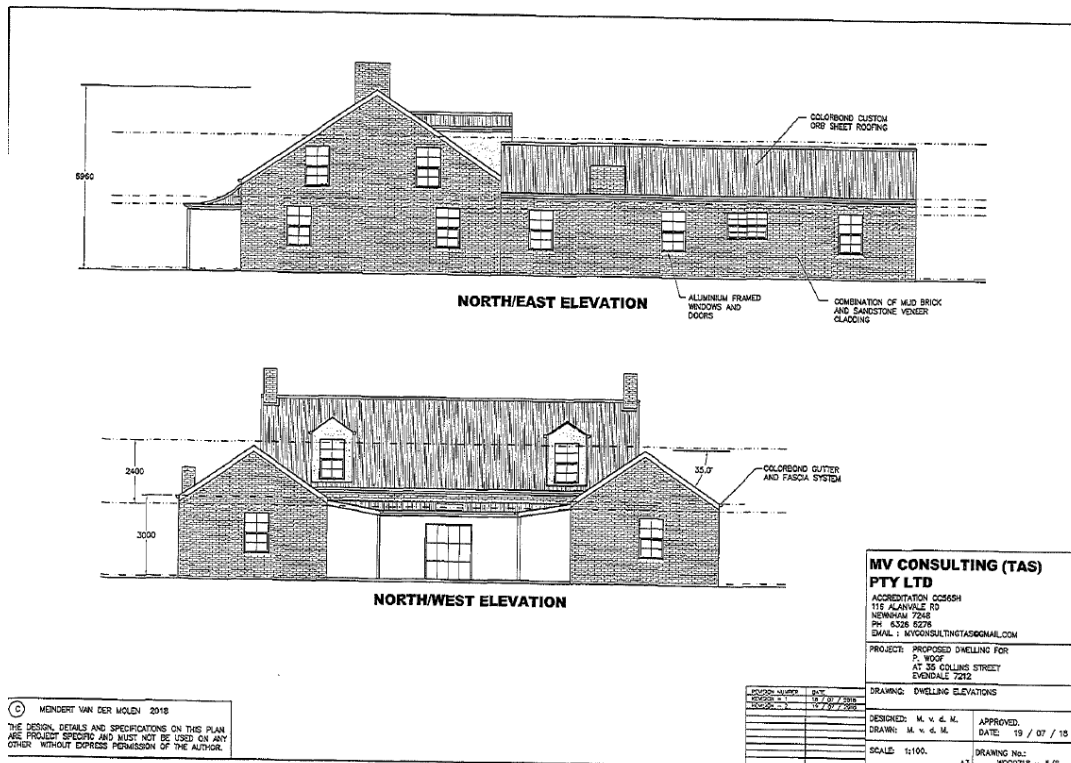
##### 4.1 Proposal

It is proposed to develop and use a dwelling, garage and shed, within the attenuation distance of Evandale Sewage Treatment Plant.

##### Site Plan

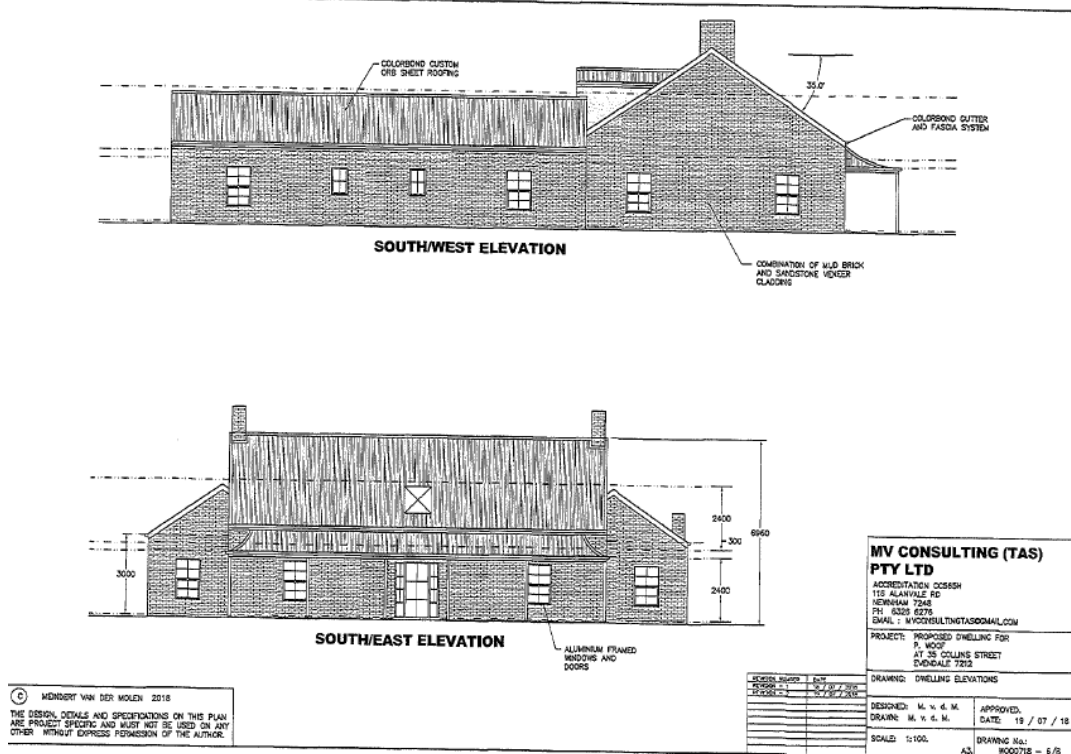


##### Elevations

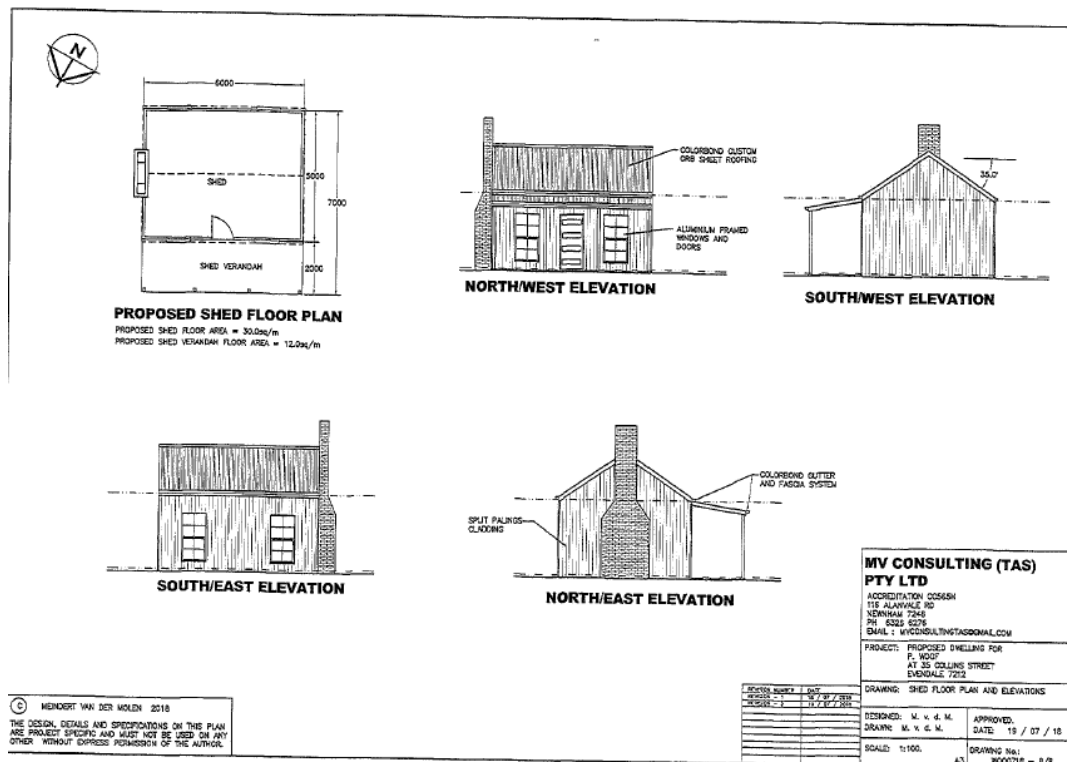




### Elevations

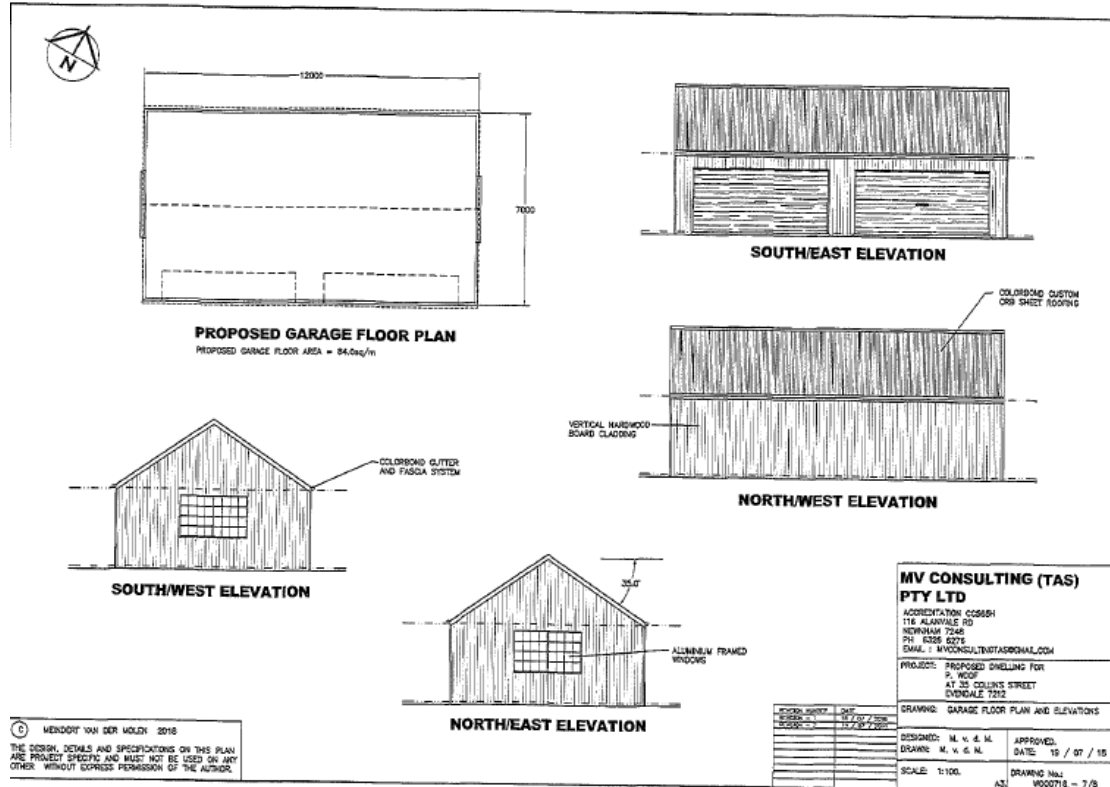


### Proposed shed



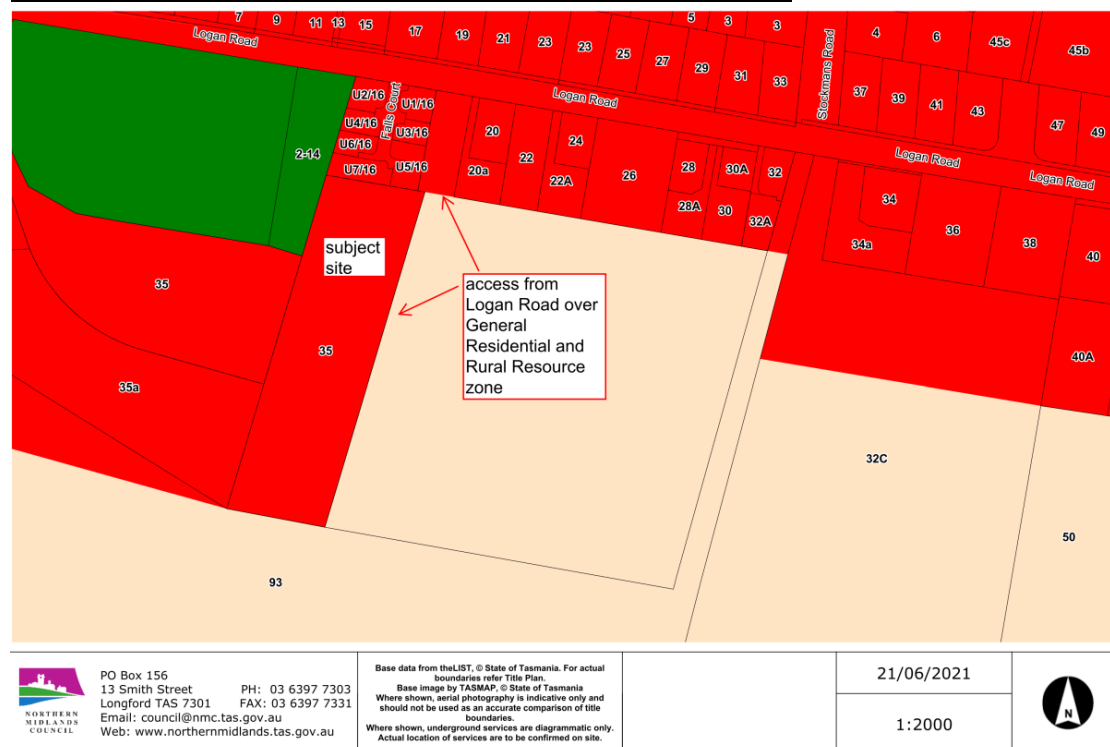


## Proposed garage



## 4.2 Zone and land use

### Zone Map – General Residential Zone, access over Rural Resource zone



The relevant Planning Scheme definitions are:

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

A single dwelling is 'no permit required' in the zone.

General Residential zone use table (extract):

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
<i>Residential</i>	<i>If a single dwelling</i>

#### 4.3 Subject site and locality

The author of this report carried out a site visit on 18 June 2021. The site is located south of residential units, east of a single dwelling and the Falls Park, north of farmland and gains access over the Evandale market carpark site.

##### Access from Logan Road, representor's property on left



##### Towards subject site – treed area – from laneway adjacent to rear of representor's property





**Access to site from Evandale market carpark**



**Existing slab for proposed shed**



**Trees for removal**





**Trees for removal**



**Trees for removal, looking towards representor's property**



**4.4 Permit/site history**

Relevant permit history includes:

**PLN-18-0191**

- Application for dwelling, garage and shed lodged on 20 July 2018.
- The application was referred to TasWater as per the Water and Sewerage Industry Act.
- TasWater requested additional information.
- The applicant did not provide the additional information within 2 years, so the application expired.
- Changes to the Water and Sewerage Industry Act mean that the application is now not required to be referred to TasWater.
- TasWater was notified of the current application as an adjacent landowner.

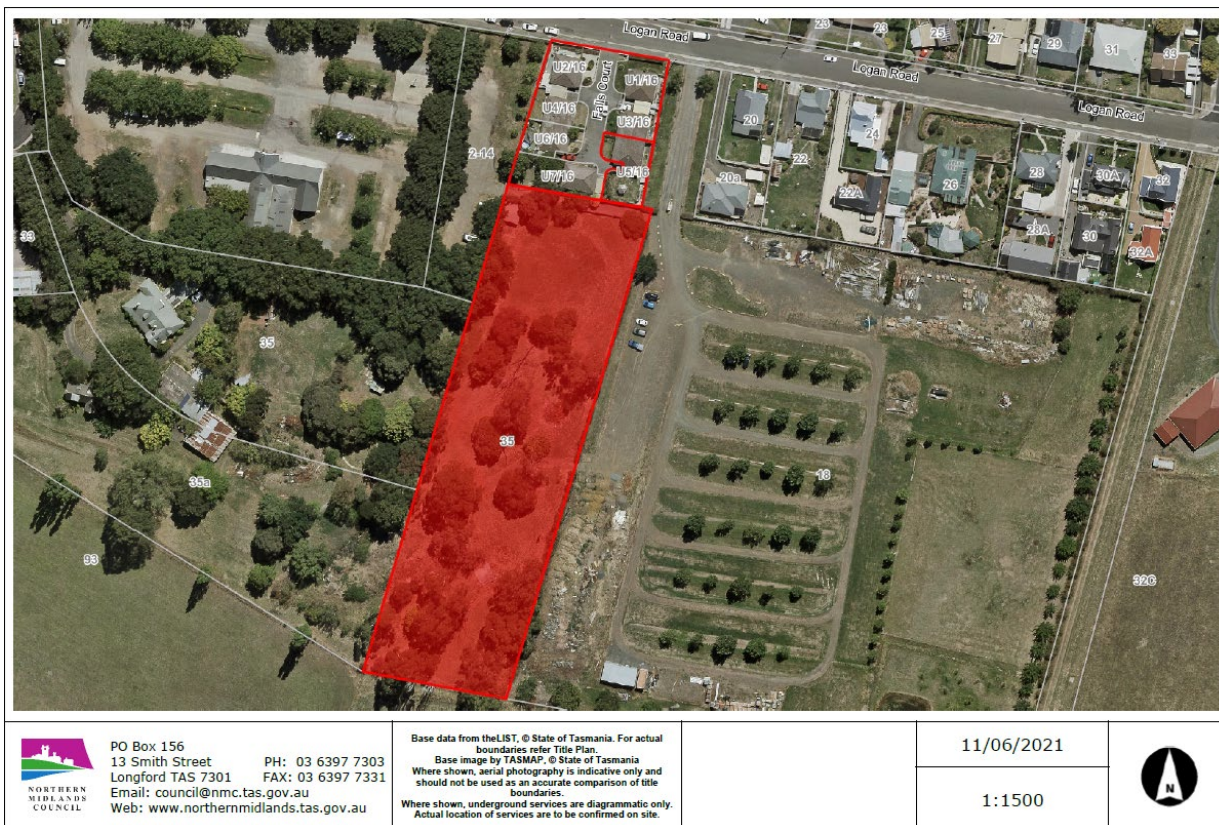


#### 4.5 Representations

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

- Mills Oakley on behalf of the beneficiaries of the estate of William Clarence Lahiff, deceased.

***Aerial photograph (2019) showing location of 5/16 Logan Road in relation to subject site.***



The matters raised in the representation are outlined below.

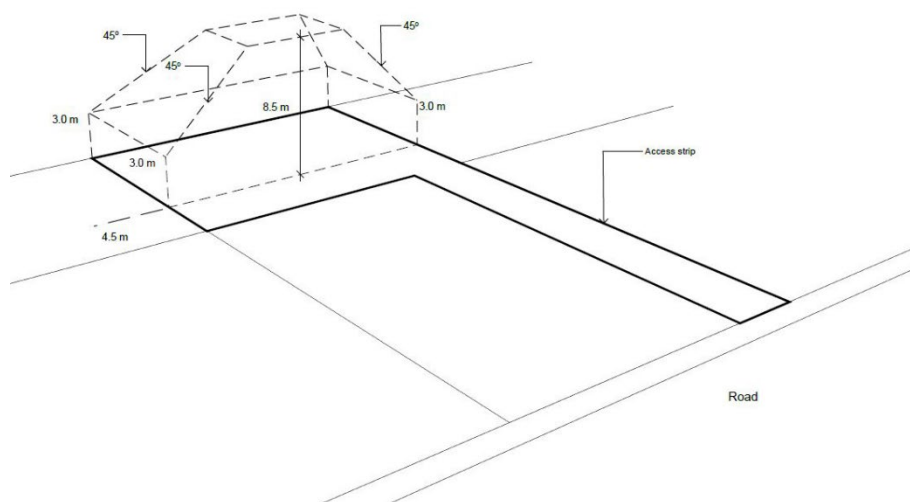
- **Unit 5/16 Logan Road is situated on a right of way from Collins Street which currently has restricted access for vehicle use. Increase in traffic on the right of way will have a negative effect on the quiet enjoyment by the occupants of the unit.**

**Planner's comment:** The application proposes to use 18 Logan Road to access the site, 35 Collins Street. The proposed use of the access is Residential (single dwelling). 18 Logan Road is zoned General Residential, where single dwelling is a 'no permit required' use and development and Rural Resource where a dwelling may be constructed where the lot has a Right of Carriageway registered over all relevant titles.

It is recommended that a condition of approval be that a Right of Carriageway in favour of 35 Collins Street be registered over 18 Logan Road.

- **The development is out of character and scale with the local townscape and will have a significant visual impact on the character of the town.**

**Planner's comment:** 35 Collins Street is zoned General Residential. It is not a heritage listed place or in a heritage precinct. The proposed development is contained within the building envelope of the General Residential zone at Figure 10.3 which allows a maximum height of 8.5m. There is no ability to consider whether the development is out of character and scale with the local townscape.



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

- The planning application fails to address the following issues:
  - Vehicle access for the development and its occupation;
  - Parking and manoeuvring area;
  - Site contours;
  - Trees to be removed;
  - Foul and storm water disposal;
  - Erosion;
  - Fire;
  - Location of buildings on adjoining lots;
  - Buildings to be demolished;
  - Rights of way and/or easements;
  - Cut and fill of the site;
  - Existing structures; and
  - Landscape plan.

**Planner's comment:** Clause 8.1.3 of the planning scheme states that a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development including the matters listed above.

Given the information provided on the proposal plans, the distance of the proposed buildings from boundaries and the size of the site, additional information is not considered necessary to be satisfied that the proposed use and development complies with the relevant standards and purpose statements in the zone and codes.

- It is not clear how power and telecommunications will be distributed to the site. Are they proposed aerially, along the right of way?

**Planner's comment:** The planning scheme does not require power and telecommunications to be underground in the General Residential zone.

- It is not clear what the intended use of the proposed shed with the chimney is.

**Planner's comment:** The application is to construct a shed on an existing slab. The applicant advises that the chimney will allow for the shed to be heated. Clause 8.2.2 of the scheme states, "A use or development that is directly associated with and a subservient part of another use on the same site must be categorized into the same use class as that other use". The shed therefore has the same use class as the proposed house, which is 'residential

- 'single dwelling' although it is an outbuilding which is defined as 'a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed'.

#### 4.6 Referrals

None required for this application.

#### 4.7 Planning Scheme Assessment

##### 8.10 Determining Applications

8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

8.10.2 In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective or desired future character statement for the applicable zone;
- (c) the purpose of any applicable code; and
- (d) the purpose of any applicable specific area plan.

but only insofar as each such purpose is relevant to the particular discretion being exercised.

8.10.3 In determining an application for any permit the planning authority must not take into consideration matters referred to in clauses 2.0 and 3.0 of the planning scheme.

##### 8.11 Conditions and Restrictions on a Permit

8.11.1 When deciding whether to attach conditions to a permit, the planning authority may consider the matters contained in subclauses 8.10.1 and 8.10.2.

8.11.2 Conditions and restrictions imposed by the planning authority on a permit may include:

- (a) requirements that specific things be done to the satisfaction of the planning authority;
- (b) staging of a use or development, including timetables for commencing and completing stages;
- (c) the order in which parts of the use or development can be commenced;
- (d) limitations on the life of the permit; and
- (e) requirements to modify the development in accordance with predetermined triggers, criteria or events.

GENERAL RESIDENTIAL ZONE	
ZONE PURPOSE	
To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.	
To provide for compatible non-residential uses that primarily serve the local community.	
Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.	
To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.	
<b>Assessment:</b> The application does not rely on any discretions in the General Residential zone. In accordance with clause 8.10.2 of the scheme, the zone purpose is not to be taken into consideration.	
LOCAL AREA OBJECTIVES	
To consolidate growth within the existing urban land use framework of the towns and villages.	
To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.	
To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.	
<b>Assessment:</b> The application does not rely on any discretions in the General Residential zone. In accordance with clause 8.10.2 of the scheme, the local area objectives are not to be taken into consideration.	

#### Use Standards

##### 10.3.1 Amenity

Objective
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# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
<b>Comment:</b> Complies. The proposal is for a no permit required use.	<b>Comment:</b> Not applicable.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
<b>Comment:</b> Not applicable. The proposal is not for a discretionary use.	<b>Comment:</b> Not applicable.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.
<b>Comment:</b> Complies. The proposal is for a no permit required use.	<b>Comment:</b> Not applicable.

#### 10.3.2 Residential Character – Discretionary Uses

**Comment:** Not applicable. The proposal is for a no permit required use.

### Development Standards for Dwellings

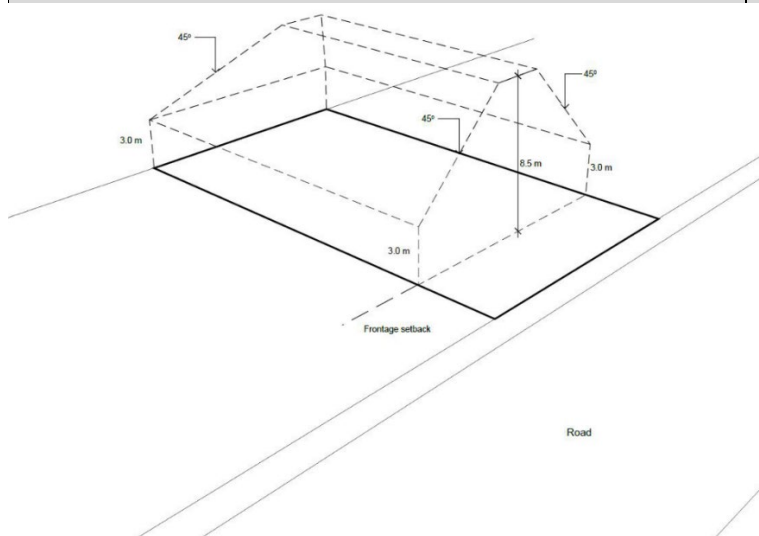
#### 10.4.1 Residential density for multiple dwellings

**Comment:** Not applicable. The proposal is not for multiple dwellings.

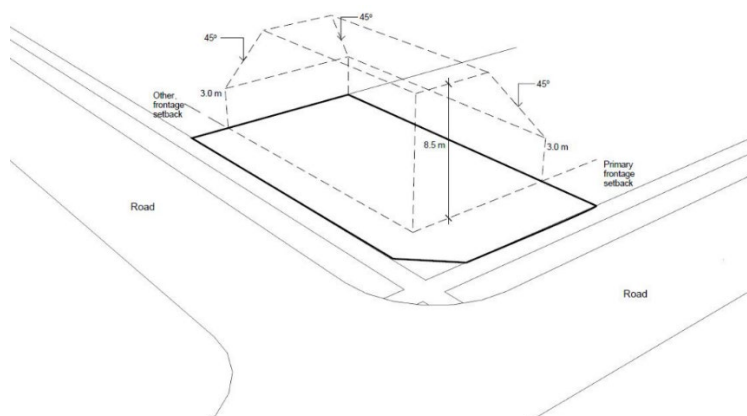
#### 10.4.2 Setbacks and building envelope for all dwellings

Objective:	The siting and scale of dwellings: (e) provides reasonably consistent separation between dwellings and their frontage within a street; (f) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (g) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (h) provides reasonable access to sunlight for existing solar energy installations.
Acceptable Solutions	Performance Criteria
<b>A1</b> Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (k) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (l) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (m) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; (n) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or (o) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	<b>P1</b> A dwelling must: (a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.

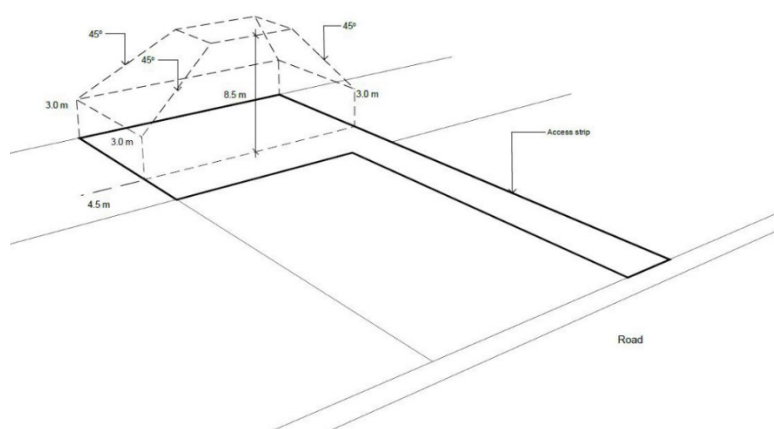
<b>Comment:</b> Complies. The dwelling is proposed to be more than 4.5m from the frontage.	<b>Comment:</b> Not applicable.
<b>A2</b> A garage or carport for a dwelling must have a setback from a primary frontage of not less than: <ul style="list-style-type: none"> <li>(g) 5.5m, or alternatively 1m behind the building line;</li> <li>(h) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(i) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<b>P2</b> A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.
<b>Comment:</b> Complies. The garage is proposed to be more than 5.5m from the primary frontage.	<b>Comment:</b> Not applicable.
<b>A3</b> A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> </li> <li>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>	<b>P3</b> The siting and scale of a dwelling must: <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> </li> <li>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</li> <li>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> <li>(i) an adjoining property; or</li> <li>(ii) another dwelling on the same site.</li> </ul> </li> </ul>
<b>Comment:</b> Complies. The development is proposed to be at least 45m from the internal front setback, and more than 1.5m from side and rear boundaries.	<b>Comment:</b> Not applicable.



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



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



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

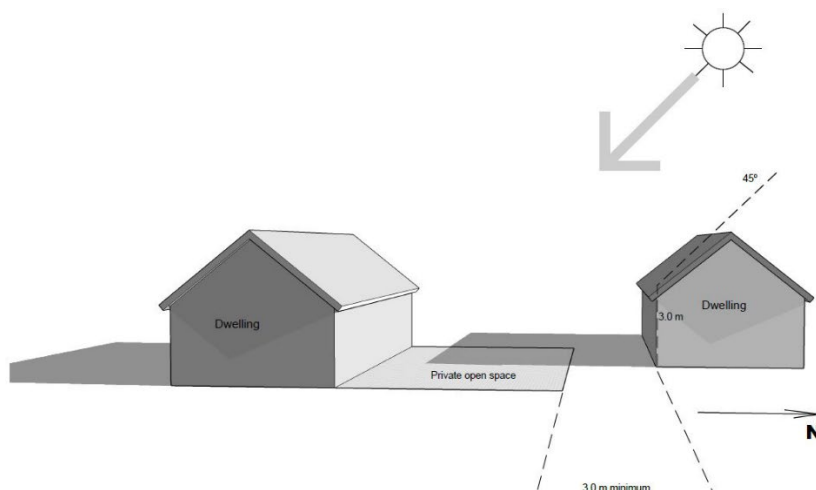
#### 10.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: (g) for outdoor recreation and the operational needs of the residents; (h) opportunities for the planting of gardens and landscaping; and (i) private open space that is conveniently located and has access to sunlight.
Acceptable Solutions	Performance Criteria
<b>A1</b> Dwellings must have: (g) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (h) for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).	<b>P1</b> Dwellings must have: (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (i) reasonable space for the planting of gardens and landscaping.
<b>Comment:</b> Complies. The site has an area of 8372m <sup>2</sup> . Site coverage is proposed to be 531.4m <sup>2</sup> (6.3%).	<b>Comment:</b> Not applicable.
<b>A2</b> A dwelling must have private open space that:	<b>P2</b>

<p>(a) is in one location and is not less than:</p> <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> <p>(b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> <li>(e) conveniently located in relation to a living area of the dwelling; and</li> <li>(f) orientated to take advantage of sunlight.</li> </ul>
<b>Comment:</b> Complies.	<b>Comment:</b> Not applicable.

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

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> <li>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4): <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</li> </ul> </li> <li>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</li> <li>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.</p>
<b>Comment:</b> Not applicable. The proposal is not for multiple dwellings.	<b>Comment:</b> Not applicable.



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

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

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.
Acceptable Solutions	Performance Criteria
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.
<b>Comment:</b> Complies. The garage is proposed to be more than 12m of a primary frontage.	<b>Comment:</b> Not applicable.

#### 10.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.
Acceptable Solutions	Performance Criteria
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: <ul style="list-style-type: none"> <li>(d) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(e) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(f) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul> </li> </ul>	<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: <ul style="list-style-type: none"> <li>(c) a dwelling on an adjoining property or its private open space; or</li> <li>(d) another dwelling on the same site or its private open space.</li> </ul>
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.
<b>A2</b> A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): <ul style="list-style-type: none"> <li>(b) the window or glazed door: <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> </li> <li>(b) the window or glazed door: <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> </ul> </li> </ul>	<b>P2</b> A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to: <ul style="list-style-type: none"> <li>(c) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(d) the private open space of another dwelling.</li> </ul>

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

<p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<b>Comment:</b> Complies. Windows to habitable rooms that have a floor level more than 1m above existing ground level are proposed to be more than 3m from a side boundary and more than 4m from the rear boundary.	<b>Comment:</b> Not applicable.
<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(c) 2.5m; or</p> <p>(d) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p><b>P3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<b>Comment:</b> Not applicable.	<b>Comment:</b> Not applicable.

#### 10.4.7 Frontage fences for all dwellings

Objective:	<p>The height and transparency of frontage fences:</p> <p>(d) provides adequate privacy and security for residents;</p> <p>(e) allows the potential for mutual passive surveillance between the road and the dwelling; and</p> <p>(f) is reasonably consistent with that on adjoining properties.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(c) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(d) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>
<b>Comment:</b> Not applicable. The application does not propose a frontage fence.	<b>Comment:</b> Not applicable. The application does not propose a frontage fence.

#### 10.4.8 Waste storage for multiple dwellings

**Comment:** Not applicable. The proposal is not for multiple dwellings.

#### 10.4.9 Storage for multiple dwellings

**Comment:** Not applicable. The proposal is not for multiple dwellings.

#### 10.4.10 Common Property for multiple dwellings

**Comment:** Not applicable. The proposal is not for multiple dwellings.

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

**Comment:** Not applicable. The proposal is for a single dwelling.

#### 10.4.12 Site services for multiple dwellings

**Comment:** Not applicable. The proposal is for a single dwelling.

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

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

**Comment: Not applicable. The proposal is for a dwelling.**

#### 10.4.14 Non Residential Development

**Comment: Not applicable. The proposal is for residential development.**

#### 10.4.15 Subdivision

**Comment: Not applicable. The proposal is not for subdivision.**

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	Not applicable.
E2.0	POTENTIALLY CONTAMINATED LAND	Not applicable.
E3.0	LANDSLIP CODE	Not applicable.
E4.0	ROAD AND RAILWAY ASSETS CODE	Not applicable.
E.5.0	FLOOD PRONE AREAS CODE	Not applicable.
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies. See code assessment below
E7.0	SCENIC MANAGEMENT CODE	Not applicable.
E8.0	BIODIVERSITY CODE	Not applicable.
E9.0	WATER QUALITY CODE	Not applicable.
E10.0	RECREATION AND OPEN SPACE CODE	Not applicable.
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	Complies. See code assessment below
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	Not applicable.
E13.0	LOCAL HISTORIC HERITAGE CODE	Not applicable.
E14.0	COASTAL CODE	Not applicable.
E15.0	SIGNS CODE	Not applicable.

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

#### E6.6 Use Standards

##### E6.6.1 Car Parking Numbers

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



<b>Comment:</b> Complies. The proposal for a four bedroom dwelling requires two car parking spaces. A four car garage is proposed.	<b>Comment:</b> Not applicable.
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**Table E6.1: Parking Space Requirements**

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

#### E6.6.2 Bicycle Parking Numbers

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

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

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

Objective: To ensure that taxis can adequately access developments.

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1	No performance criteria.
<b>Comment:</b> Not applicable.		<b>Comment:</b> Not applicable.	

#### E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1	No performance criteria.
<b>Comment:</b> Not applicable.		<b>Comment:</b> Not applicable.	

#### E6.7 Development Standards

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

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

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	All car parking, access strips manoeuvring and circulation spaces must be:	P1	All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
a)	formed to an adequate level and drained; and		
b)	except for a single dwelling, provided with an impervious all weather seal; and		
c)	except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.		
<b>Comment:</b> The proposal does not indicate the proposed parking and access surface. Must be considered against the performance criteria.		<b>Comment:</b> A condition is required on the permit.	

##### 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.

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Acceptable Solutions		Performance Criteria	
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1	The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	a)	the layout of the site and the location of existing buildings; and
		b)	views into the site from the road and adjoining public spaces; and
		c)	the ability to access the site and the rear of buildings; and
		d)	the layout of car parking in the vicinity; and
		e)	the level of landscaping proposed for the car parking.
<b>Comment:</b> Complies.		<b>Comment:</b> Not applicable.	
A2.1	Car parking and manoeuvring space must:	P2	Car parking and manoeuvring space must:
a)	have a gradient of 10% or less; and	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)	where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; 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.
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> .		
<b>Comment:</b> Complies.		<b>Comment:</b> Not applicable.	

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

Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
1 to 5	3.0m	Every 30m

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

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

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

Objective: To ensure adequate parking for persons with a disability.			
Acceptable Solutions		Performance Criteria	
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1	The location and design of parking spaces considers the needs of disabled persons, having regard to:
		i)	the topography of the site;
		j)	the location and type of relevant facilities on the site or in the vicinity;
		k)	the suitability of access pathways from parking spaces, and
		l)	applicable Australian Standards.
<b>Comment:</b> Not applicable. Being for a dwelling, the proposal does not require, and does not propose, parking for persons with a disability.		<b>Comment:</b> Not applicable.	

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

A2	Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2	No performance criteria.
<b>Comment:</b> Not applicable.		<b>Comment:</b> Not applicable.	

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

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

Acceptable Solutions		Performance Criteria	
A1	For retail, commercial, industrial, service industry or warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.	P1	For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
<b>Comment:</b> Not applicable.		<b>Comment:</b> Not applicable.	

#### E6.8 Provisions for Sustainable Transport

##### E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

##### E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.			
Acceptable Solutions		Performance Criteria	
A1.1	Bicycle parking spaces for customers and visitors must: a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i> ; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and A1.2	P1	Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
<b>Comment:</b> Does not comply. Must address the performance criteria.		<b>Comment:</b> The dwelling would have an outbuilding that would provide for safe, secure and convenient bicycle parking.	
A2	Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.	P2	Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
<b>Comment:</b> Does not comply. Must address the performance criteria.		<b>Comment:</b> The dwelling would have an outbuilding that would provide for bicycle parking spaces and access of dimensions that provide for their safe, secure and convenient use.	

##### E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

A1	Pedestrian access must be provided for in accordance with Table E6.5.	P1	Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
<b>Comment:</b> Complies. The application requires 2 car parking spaces. No separate pedestrian access is required.		<b>Comment:</b> Not applicable.	

**Table E6.5: Pedestrian Access**

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

**Notes**

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

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

**E11.1 Purpose of the Code**

**E11.1.1** The purpose of this provision is to:

- a) ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of new sensitive uses; or
- b) ensure the environmental impacts of new development are considered to eliminate, reduce or mitigate potential for environmental harm or environmental nuisance.

**Comment:** The site specific study has found that under normal operating conditions the modelling results indicate that environmental harm within the land parcels from odour emission from the Evandale Sewage Treatment Plant is unlikely. It is therefore considered that the proposal complies with the purpose of the code.

**E11.2 Application of the Code**

**E11.2.1** The code applies to use or development of land for:

- a) sensitive use located within the attenuation distance of existing or approved uses with the potential to create environmental harm and environmental nuisance or within a buffer area shown on the planning scheme map; and
- b) uses listed in Table E11.1 or E11.2.

**E11.3 Definitions**

**Site specific study** means an environmental impact assessment carried out by a suitably qualified person in accordance with s.74 Environmental Management and Pollution Control Act 1994.

**Attenuation distance** means the distance listed in Tables E11.1 and E11.2.

**E11.4 Use or Development Exempt from this Code**

**E11.4.1** The following use or development is exempt from this code:

- a) Level 2 activities assessed by the Environment Protection Authority.

**E11.5 Required Application Information**

In addition to the requirements of Clause 8.1, all applications for uses listed in Tables E11.1 and E11.2 must provide the following:

A locality plan showing:

- a) the boundaries of the property; and
- b) routes used for transport of goods and materials into and out of the site; and
- c) the locations of any sensitive uses within the relevant attenuation distance as set out in Tables E11.1 and E11.2; and
- d) any watercourses within the relevant attenuation distance as set out in Tables E11.1 and E11.2; and

A site plan showing:

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

- a) areas for storage internally or externally of materials, waste or finished products; and
  - b) location of equipment that may produce noise, smoke or odour; and
  - c) the location of any equipment for containing, treating or disposing of liquid wastes; and
  - d) the location of any points of emissions from the site, e.g. chimneys, exhaust points, storm water drains; and
- Description of the development including:
- a) types and quantities of raw materials of the raw materials and the quantities of finished products; and
  - b) the stages of development; and
  - c) the type and processes of any machinery used as part of the production process; and
  - d) the hours of operation; and
  - e) the number and frequency of vehicle movements; and
  - f) the type and quantities of any hazardous or flammable materials; and
  - g) details of process that may give rise to emissions to air, ground and water and details of how these emissions are to be dealt with; and
  - h) details of any solid waste created and details of how this is proposed to be dealt with; and
  - i) the plans or measures to deal with any accidental spills.

**Comment:** Not applicable. The proposal is not for a use listed in Tables E11.1 and E11.2.

#### E11.6 Use Standards

##### E11.6.1 Attenuation Distances

Objective To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the:</p> <ul style="list-style-type: none"> <li>a) degree of encroachment; and</li> <li>b) nature of the emitting operation being protected by the attenuation area; and</li> <li>c) degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</li> </ul>
<p><b>Comment:</b> The application provided a site specific study title 'Evandale Sewerage Treatment Plant Odour Emissions Modelling' (Tarkarri Engineering Pty Ltd, April 2018) which finds that:</p> <p><i>While the results under maximum emission rates show an exceedance of the criterion within the land parcels during desludging, such activity at the plant is likely to be infrequent, the potential for environmental harm is considered low.</i></p> <p><i>Under normal operating conditions the modelling results indicate that environmental harm within the land parcels from odour emission from the Evandale STP is unlikely.</i></p>	
A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Village, Local Business, General Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	<p>P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to:</p> <ul style="list-style-type: none"> <li>a) the degree of encroachment; and</li> <li>b) the nature of the emitting operation being protected by the attenuation area; and</li> <li>c) the degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i>.</li> </ul>
<b>Comment:</b> Not applicable. The proposal is not for a use listed in Tables E11.1 and E11.2.	<b>Comment:</b> Not applicable.

# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

SPECIFIC AREA PLANS		
F1.0	TRANSLINK SPECIFIC AREA PLAN	Not applicable.
F2.0	HERITAGE PRECINCTS SPECIFIC AREA PLAN	Not applicable.

SPECIAL PROVISIONS		
9.1	Changes to an Existing Non-conforming Use	Not applicable.
9.2	Development for Existing Discretionary Uses	Not applicable.
9.3	Adjustment of a Boundary	Not applicable.
9.4	Demolition	Not applicable.
9.5	Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	Not applicable.
9.6	Change of Use	Not applicable.
9.7	Access and Provision of Infrastructure Across Land in Another Zone	See assessment below.
9.8	Buildings Projecting onto Land in a Different Zone	Not applicable.

## **Access and Provision of Infrastructure Across Land in Another Zone**

9.7.1 *If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:*

*whether there is no practical and reasonable alternative for providing the access or infrastructure to the site.*

**Comment: The aerial photograph shows that there is no practical and reasonable alternative for providing access to the site.**

*the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur.*

**Comment: The purpose of the Rural Resource zone is:**

- *To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*
- *To provide for other use or development that does not constrain or conflict with resource development uses.*
- *To provide for economic development that is compatible with primary industry, environmental and landscape values.*
- *To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.*

*The use of the rural resource zoned land for access to the site does not conflict with the purpose of the Rural Resource zone.*

The provisions of the Rural Resource zone state:

*A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles (clause 26.3.2 P1.3).*

The proposal does not conflict with this provision. There needs to be a condition requiring a Right of Carriageway over 18 Logan Road.

*the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.*

**Comment: The aerial photograph shows that the location of the access in the Rural Resource zone is such that it does not have the potential for land use conflict with the use or development permissible on the adjoining properties.**

STATE POLICIES
The proposal is consistent with all State Policies.

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



STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

**Strategic Plan 2017-2027**

- Statutory Planning

**5 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:

- Sensitive use within attenuation distance of Evandale Sewage Treatment Plant (clause E11.6.1).
- Unsealed parking and access (clause E6.7.1).
- Access across land in another zone (Rural Resource zone, Evandale Market carpark) (clause 9.7.1).

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

The application complies with the provisions of the planning scheme as discussed in this report. It is recommended it be approved with the conditions below.

**8 ATTACHMENTS**

- Application & plans
- Representation

**RECOMMENDATION**

That land at 35 Collins Street (access over 18 Logan Road), Evandale be approved to be developed and used for a dwelling, garage and shed (within attenuation distance of Evandale Sewage Treatment Plant, removal of vegetation) in accordance with application PLN-21-0071, and subject to the following conditions:

**1 Layout not altered**

The use and development must be in accordance with the endorsed documents **P1 – P8** (MV Consulting Pty Ltd drawings W000718 Sheets 1 – 7, Dated 19/7/2018).

**2 Right of Carriageway**

Before the building application is lodged, a Right of Carriageway in favour of CT 141412/1 (35 Collins Street, Evandale) must be created over 18 Logan Road, Evandale.

**3 Carparking**

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.

**DECISION**

Cr Davis/Cr Goninon

That land at 35 Collins Street (access over 18 Logan Road), Evandale be approved to be developed and used for a dwelling, garage and shed (within attenuation distance of Evandale Sewage Treatment Plant, removal of vegetation) in accordance with application PLN-21-0071, and subject to the following conditions:

**1 Layout not altered**

The use and development must be in accordance with the endorsed documents **P1 – P8** (MV Consulting Pty Ltd drawings W000718 Sheets 1 – 7, Dated 19/7/2018).

**2 Right of Carriageway**

Before the building application is lodged, a Right of Carriageway in favour of CT 141412/1 (35 Collins Street, Evandale) must be created over 18 Logan Road, Evandale.

**3 Carparking**

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.

**4 Agreement under Part 5 of Land Use Planning Approval Act 1993**

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

*The owner of CT 141412/1 agrees that the property is adjacent to the Evandale sewage treatment plant and that such plant will from time to time emit odours and that the owner will not at any time make any complaint or take other action in relation to such odours.*

This agreement must 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).

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 228/21 DRAFT AMENDMENT 04/2020: LOW DENSITY RESIDENTIAL LAND SOUTH OF LONGFORD

File: PLN-20-0230  
Responsible Officer: Erin Miles, Development Supervisor  
Report prepared by: Paul Godier, Senior Planner

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to provide a response to the Tasmanian Planning Commission's request:

*To gain a clearer understanding of the purpose and intent of the draft amendment the Commission invites the planning authority to review the planning scheme provisions relating to the equine activities for the land adjoining the Longford Racecourse.*

### 2 INTRODUCTION/BACKGROUND

On 21 September 2021, the Northern Midlands Council initiated a draft amendment to the Northern Midlands Interim Planning Scheme 2013 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 publicly exhibited, and one representation was received.

The Tasmanian Planning Commission held a hearing into the draft amendment on 20 May 2021. Following the hearing the Commission sent a letter advising:

*During the hearing, the intent of the draft amendment was discussed to determine the purpose for the additional land uses proposed in the southern Longford area adjoining the Longford Racecourse. The submissions received contended that the racecourse represents important infrastructure for the Tasmanian thoroughbred racing industry and that the draft amendment, that intended to reinstate the provisions of the Particular Purpose (Horse Training and Stables) Zone of the Northern Midlands Planning Scheme 2015, would not achieve the intended purpose.*

*To gain a clearer understanding of the purpose and intent of the draft amendment the Commission invites the planning authority to review the planning scheme provisions relating to the equine activities for the land adjoining the Longford Racecourse.*

### 3 STRATEGIC PLAN 2017-2027

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

- Lead –
  - Leaders with Impact
  - Core Strategies:
    - ♦ Communicate – Connect with the community
    - ♦ Lead – Councillors represent honestly with integrity
    - ♦ Manage – Management is efficient and responsive
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
  - Core Strategies:
    - ♦ Strategic, sustainable, infrastructure is progressive
    - ♦ Proactive engagement drives new enterprise
    - ♦ Collaborative partnerships attract key industries
    - ♦ Attract healthy, wealth-producing business & industry
  - Economic Development – Supporting Growth & Changes
    - ♦ Towns are enviable places to visit, live & work
- People –

- Sense of Place – Sustain, Protect, Progress  
Core Strategies:
  - ♦ Planning benchmarks achieve desirable development
  - ♦ 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
  - ♦ Connect – Improve sense of community ownership
- Place –
  - History – Preserve & Protect our Built Heritage for Tomorrow  
Core Strategies:
    - ♦ Our heritage villages and towns are high value assets

#### 4 POLICY IMPLICATIONS

There are no policy implications.

#### 5 STATUTORY REQUIREMENTS

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

*40(1) As soon as practicable after receipt by it of a report under section 39 (2), the Commission must consider the draft amendment and the representations, statements and recommendations contained in the report.*

*40(2) For the purposes of its consideration under subsection (1), the Commission must hold a hearing in relation to each representation contained in the report.*

#### 6 FINANCIAL IMPLICATIONS

There are no financial implications to Council.

#### 7 RISK ISSUES

No risk issues are identified.

#### 8 CONSULTATION WITH STATE GOVERNMENT

The Tasmanian Planning Commission has invited the planning authority to review the planning scheme provisions relating to the equine activities for the land adjoining the Longford Racecourse.

#### 9 COMMUNITY CONSULTATION

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

#### 10 OPTIONS FOR COUNCIL TO CONSIDER

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

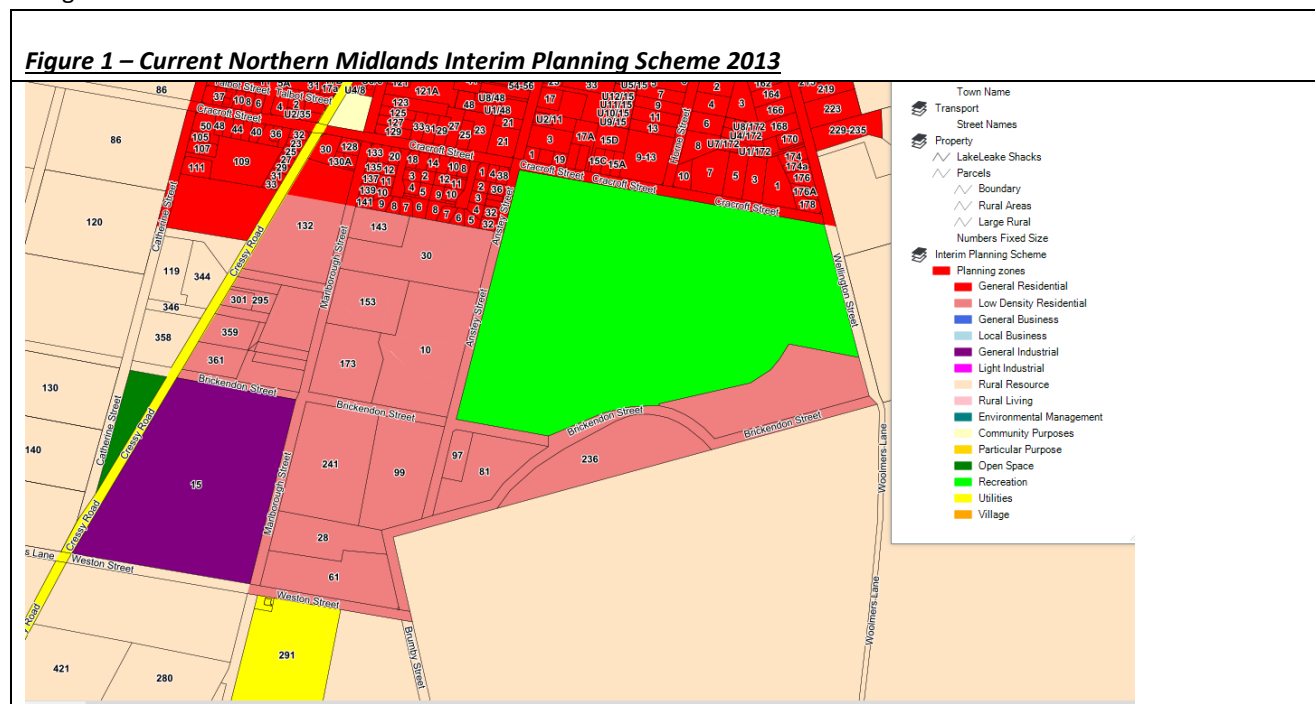
#### 11 OFFICER'S COMMENTS/CONCLUSION

The draft amendment was the result of research into an enquiry as to whether a veterinary centre could be located on 361 Cressy Road, Longford (see attached letter for further details).

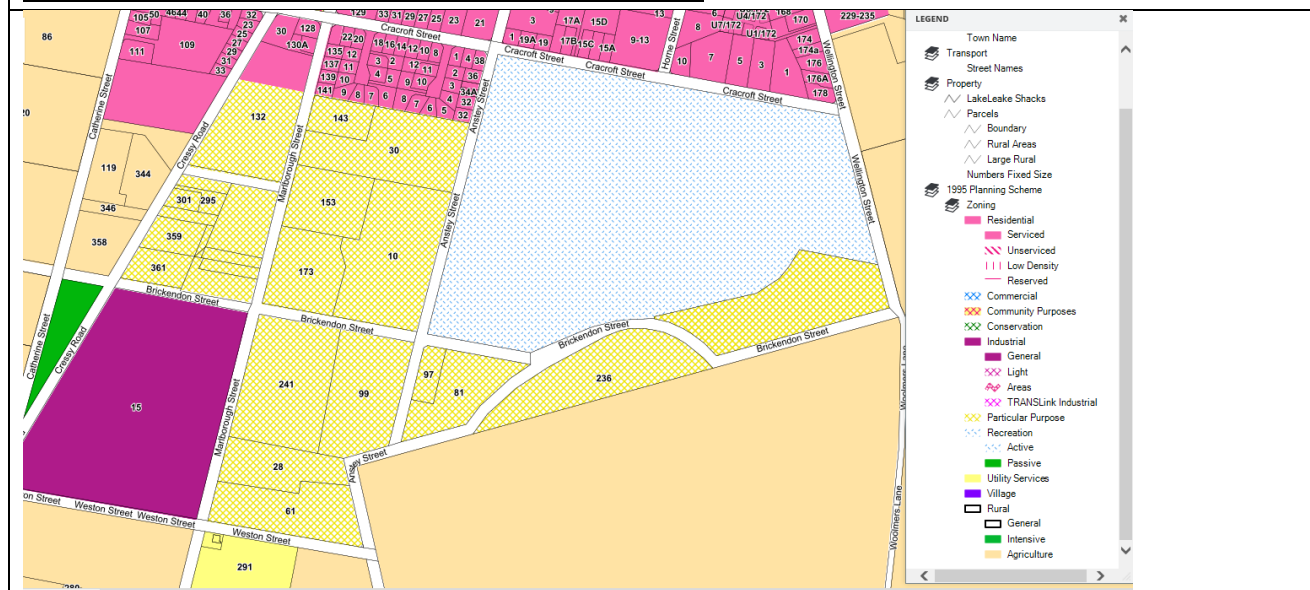
It was found that:

- The Low Density Residential zone in southern Longford was zoned Particular Purpose (Horse Training and Stables) under the previous Northern Midlands Planning Scheme 1995.
- The Particular Purpose zone allowed Equestrian Facility (stabling, exhibiting, or riding of horses) and Veterinary Centre as permitted uses.
- A report from Council's former strategic planner on preparing the current interim scheme advised that the Particular Purpose zone contained fundamentally residential uses within the scope of the Residential use class with an associated subordinate use and was compatible with the Low Density Residential zone.
- The land was therefore zoned Low Density Residential, allowing Horse Training and Veterinary Establishment within the Sports and Recreation use class.
- This means that new uses for stabling, exhibiting, or riding of horses or for a veterinary establishment must be directly associated with and a subservient part of sports and recreation. That is, they must be associated with horse racing.
- The current scheme does not allow for new horse stabling, exhibiting or riding not related to horse racing, or for a new general veterinary establishment, which the previous planning scheme did.

The representation and submissions at the hearing have brought out issues of protecting the Longford Racecourse, which was not the original reason for the draft amendment. The reason was reintroducing uses that were removed in the change from the 1995 scheme to the 2013 scheme.



**Figure 2 – Previous Northern Midlands Planning Scheme 1995**



## 12 ATTACHMENTS

- Letter from Tasmanian Planning Commission, 27 May 2021
- Low Density Residential zone provisions – Northern Midlands Interim Planning Scheme 2013
- Particular Purpose (Horse Training and Stables) zone provisions – Northern Midlands Planning Scheme 1995.
- Representation to the draft amendment.
- Letter from the Directors of the Longford and Northern Midlands Veterinary Services Pty Ltd

## RECOMMENDATION

**That Council advise the Tasmanian Planning Commission:**

1. The primary purpose of the draft amendment is to make 'veterinary centre' a permitted (with permit) use and development in the Low Density Residential zone in southern Longford, thereby reintroducing a use that was lost with the introduction of the 2013 scheme.
2. A secondary purpose of the draft amendment is to allow for new horse training and stabling use and development in the Low Density Residential zone in southern Longford, thereby reintroducing a use that was lost with the introduction of the 2013 scheme.

## DECISION

Cr Davis/Cr Adams

**That Council advise the Tasmanian Planning Commission:**

1. The primary purpose of the draft amendment is to make 'veterinary centre' a permitted (with permit) use and development in the Low Density Residential zone in southern Longford, thereby reintroducing a use that was lost with the introduction of the 2013 scheme.
2. A secondary purpose of the draft amendment is to allow for new horse training, stabling and other equine related activities/ uses and development in the Low Density Residential zone in southern Longford, thereby reintroducing a use that was lost with the introduction of the 2013 scheme.

Carried unanimously





# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 229/21 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 Adams/Cr Davis

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 210/21 LOCAL DISTRICT COMMITTEES: MEMORANDUM OF UNDERSTANDING

Pending further information, a decision on this matter was deferred from earlier in the meeting.

### DECISION

Cr Davis/Cr Goss

That Council receive the additional comment from the Local District Committees relating to the endorsed Memorandum of Understanding, endorse the inclusion of the following:

*The Mayor is the official spokesperson of Council, any media or comment sought from the Committee must be referred to Council. Approval of any correspondence to be sent by the ... Local District Committee is to be sought from Council's General Manager.*

Carried unanimously



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

*Mr Jennings declared an interest in item GOV 14, signed the register and left the meeting at 7.31pm*

## **230/21 KENNEL LICENCE APPLICATION FOR 8 DOGS AT 49 PHILLIP STREET PERTH**

*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 assess and consider a kennel licence to house 8 medium sized Labradoodles at 49 Phillip Street Perth.

### **2 INTRODUCTION/BACKGROUND**

Lisa Bartlett is the owner of Tassie Devil Labradoodles which is a small breeding kennel that is run on a 1,318m<sup>2</sup> property at 49 Phillip Street Perth.

She is currently housing 3 adult labradoodles and 3 puppies that were purchased in January and March 2021.

Ms Bartlett has held a kennel licence to house 3 Labradoodles since 2013.

In accordance with Section 51 of the *Dog Control Act 2000*, Lisa Bartlett applied to increase her kennel licence at 49 Phillip Street Perth from 3 Labradoodles to 8 Labradoodles. The application was advertised in The Examiner on 31 March 2021.

Letters were sent to neighbouring property owners within 200 metres of the property, advising of the proposed kennel licence and inviting objections. 2 objections were received from neighbours within 200 metres.

Council also received 5 supporting letters from neighbours within 200 metres of the site, 7 references from others, and the applicant provided comments from 50 residents from the door knocked she conducted within 200 metres of the proposed site.

Council have received complaints about the dogs barking, but no official nuisance complaints have been received in accordance with section 47 of the *Dog Control Act 2000*.

Letters and information sheets were sent to Ms Bartlett and no further action was taken. Since the complaints Ms Bartlett ensures the dogs wear barking collars and has installed surveillance cameras and she is now working from home.

This matter was previously considered at the 17 May 2021 Council meeting, minute reference 189/21, at which time the following was the decision of Council:

#### AMENDMENT (2)

*Cr Polley/Cr Goninon*

*That further information be provided and the matter be deferred to the next meeting.*

*Carried unanimously*

*The Amendment (2) became the motion and was put and  
Carried unanimously*

In accordance with Council's decision, the matter has been investigated further and the following additional information is provided:

No licences have been issued for 8 dogs, however, the following kennel licences have been issued in residential zones:

- twenty-three kennel licences for more than 3 dogs, three of which are in Perth.
- one kennel licence for 7 dogs and
- five kennel licences for 6 dogs.

Council Officers conduct annual inspections of each property, additional inspections are also conducted on an as needs basis.

It should be noted that the *Dog Control Act 2000* provides for the cancellation of a kennel licence as follows:

**58. Cancellation of licence**

- (1) A general manager may cancel a licence if satisfied that –
- (a) the provisions of this Act or any other relevant Act are not being complied with; or
  - (b) any condition of the licence is not being complied with; or
  - (c) the situation or condition of the premises is creating a nuisance; or
  - (d) it is in the public interest that the licence be cancelled.
- ....

Further the following legislation is in effect in relation to the renewal of licences:

**57. Renewal of licence**

- (1) A licence is renewable on payment of the appropriate fee.
- (2) A general manager may refuse to renew a licence if of the opinion that –
- (a) the provisions of this Act or any other relevant Act are not being complied with; or
  - (b) the situation or condition of the premises is creating a nuisance; or
  - (c) it is in the public interest that the licence not be renewed.

Ms Bartlett has advised that she will be looking to purchase rural land to live on in the next 2-3 years.

Licences expire each year on the 30 June and are renewed on payment of the appropriate fee.

### 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:
  - ♦ Caring, Healthy, Safe Communities – Awareness, education & service

### 4 POLICY IMPLICATIONS

Council has in place its Dog Management Policy, which is a legislative requirement in accordance with section 7 of the *Dog Control Act 2000*.

### 5 STATUTORY REQUIREMENTS

The *Dog Control Act 2000* is the legislation relevant to this application, the following sections should be noted:

**50. Keeping several dogs**

- (1) A person, without a licence, must not keep or allow to be kept, for any period of time, on any premises –
- (a) more than 2 dogs, other than working dogs, over the age of 6 months; or

*(b) more than 4 working dogs over the age of 6 months.*

*Penalty: Fine not exceeding 5 penalty units.*

*(2) Subsection (1) does not apply to any dog in excess of the number of dogs specified in subsection (1) if –*

*(a) the dog is owned by a person who does not usually reside at the premises; and*

*(b) the dog is being kept at the premises for a limited, or temporary, period that is agreed upon, by both the owner of the dog and the person with responsibility for the premises, before the dog is left at the premises; and*

*(c) no consideration has been or is to be paid, in respect of the dog staying at the premises, to the person keeping dogs on the premises.*

*(3) In this section –*

*consideration includes monetary or non-monetary consideration;*

*owner in relation to a dog, means the person who apparently has control of the dog at the relevant time.*

#### **55. Granting application**

*(1) A general manager may grant an application for a licence if satisfied that –*

*(a) adequate provisions for the health, welfare and adequate control of all dogs on the premises are provided or are likely to be provided; and*

*(b) nuisance to any other persons is unlikely to occur; and*

*(c) requirements under laws relating to public health and environmental protection are likely to be satisfied.*

*(2) A general manager is to issue a licence specifying –*

*(a) the maximum number of dogs that may be kept on the premises; and*

*(b) . . . . .*

*(c) any conditions as the general manager may determine; and*

*(d) the expiry date of the licence.*

*(3) If a condition of the licence relates to the breed or kind of dog to be kept under the licence, a person must not keep or permit to be kept any dog over the age of 6 months of a breed or kind to which a licence applies otherwise than in accordance with the licence.*

*Penalty: Fine not exceeding 5 penalty units.*

*(4) A person must not keep more than the maximum number of dogs specified in the licence.*

*Penalty: Fine not exceeding 5 penalty units.*

#### **57. Renewal of licence**

*(1) A licence is renewable on payment of the appropriate fee.*

*(2) A general manager may refuse to renew a licence if of the opinion that –*

*(a) the provisions of this Act or any other relevant Act are not being complied with; or*

*(b) the situation or condition of the premises is creating a nuisance; or*

*(c) it is in the public interest that the licence not be renewed.*

#### **58. Cancellation of licence**

*(1) A general manager may cancel a licence if satisfied that –*

*(a) the provisions of this Act or any other relevant Act are not being complied with; or*

*(b) any condition of the licence is not being complied with; or*

*(c) the situation or condition of the premises is creating a nuisance; or*

*(d) it is in the public interest that the licence be cancelled.*

*(2) Before cancelling a licence, the general manager is to –*

*(a) give to the holder of the licence one month's notice in writing to show cause why the licence should not be cancelled; and*

*(b) give consideration to any representations which the holder may make in that respect.*

*(3) The cancellation of a licence is to be effected by the service of a notice on the holder of the licence notifying that the licence expires at the end of a period, not less than one month, specified in the notice, unless the normal expiry is first reached.*

## **6 FINANCIAL IMPLICATIONS**

N/A

## **7 RISK ISSUES**

The following risk issues have been identified:

- if the licence is rejected that Council will be seen as being unfair in their decisions, as there are currently 23 approved kennel licences for more than 3 dogs in residential zones within the Northern Midlands Municipal area;
- if the kennel licence is approved objectors are going to feel that council have not considered their concerns raised in the objections.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/A

## **9 COMMUNITY CONSULTATION**

The application was advertised in The Examiner on 31 March 2021 and letters were sent to neighbouring property owners within 200 metres of the property.

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

There are four options for Council to consider:

- Approve a kennel licence to house 8 dogs at the property; or
- Approve a kennel licence to house 8 dogs at the property with specific conditions attached to the kennel licence, or
- Approve a kennel licence for a smaller number of dogs than has been applied for on the application, or
- Do not approve a new kennel licence and renew the existing kennel licence for 3 dogs.

## **11 OFFICER'S COMMENTS**

The following officer's comments were provided in the May report:

A property inspection was conducted at 49 Phillip St Perth at 2.30pm on 19 April 2021.

The property was immaculate, and dogs were all cheerful and of a happy nature, and very well groomed.

There were 8-Week-old puppies in an outdoor play pen which Lisa explained that they spend the day outside and are then taken inside at night and crated.

The adult dogs were outside in a yard, and they are crated in the garage at night in large crates.

The yards were clean and there was no odour.

The crates in the house and garage had clean bedding in them and were a sufficient size for the dogs.

The dogs that have been identified as the ones that bark, were wearing barking collars and the dogs are being monitored on a security camera that is facing the dog run.

Ms Bartlett started working from home in March 2021 so is able to monitor the dogs and can check the dogs when away from home by opening up the app on her phone that is connected to the security camera.

Ms Bartlett is a very knowledgeable dog owner, and her dogs are a great example of the Labradoodle breed.

The following additional comments are now provided:

Since the May Council meeting, it is understood that Councillors have visited Ms Bartlett's property and have been invited into Ms Bartlett's home to meet the dogs and to see how the dogs are housed.

Officers have had further discussions with Ms Bartlett, and she is happy to abide with any conditions that Council places upon the licence.

Should a kennel licence be granted, a review of the licence and conditions will be conducted annually. If any issues



occur, and can not be resolved, Ms Bartlett understands that the cancellation of the kennel licence could occur. Ms Bartlett also understands fully the implications should the kennel licence be cancelled.

## 12 CONCLUSION

Council Officers have conducted an inspection of Ms Bartlett's property, completed a report, photographed the property, assessed the condition of the dogs and the conditions in which they are housed.

A holistic approach needs to be adopted when considering the granting or refusal of a kennel licence. Different breeds have different needs, some properties have kennel facilities and others the dogs live with the family in the house. Applications therefore need to be assessed independently rather than being based on the number of dogs that are kept.

In the event that the kennel licence is issued for the increase in the number of dogs to 8 and the conditions of the Dog Control Act are not upheld by the licensee, Council has considerable recourse, including the ability to cancel the licence in accordance with Section 58 of the Act.

It is the Council Officer's recommendation that the application to increase the number of dogs (Labradoodles) permitted to be kept at 49 Philip Street Perth be increased to 8 for the following reasons:

- Ms Bartlett's dogs are a great example of the Labradoodle breed
- Ms Bartlett is a very capable and knowledgeable dog owner
- Ms Bartlett works from home and is able to monitor their behaviour, she is also able to monitor the dogs when away from home by way of a phone app
- Ms Bartlett is happy to abide by any conditions that Council places upon the licence.
- On inspection,
  - The yards are clean and no odours were detected when the premises was inspected
  - The crates in the house and garage had clean bedding in them and were a sufficient size for the dogs.
  - The property was immaculate
  - Dogs were all cheerful, of a happy nature and very well groomed
- Review of the licence and conditions will be conducted annually. If any issues occur, and can not be resolved, Ms Bartlett understands that the cancellation of the kennel licence could occur.

## 12 ATTACHMENTS

Additional information provided which is of a confidential nature (separate closed council attachment)

## RECOMMENDATION

That Council

- i) issue a kennel licence for housing 8 Medium Labradoodles at 49 Phillip Street Perth;
- And
- ii) place an expiry date of 30 June 2022 upon the licence with the following specific conditions:
    - That the shed/kennel is moved 1 metre away from the boundary fence
    - Every kennel & associated exercise area must be maintained in a clean and sanitary condition at all times to the satisfaction of the Animal Control Officer
    - Animal waste must be disposed of to the satisfaction of the Animal Control Officer and no faecal matter or other offensive or putrescible matter must enter any watercourse
    - Wash-down water, wastewater or water which has been in contact with faecal or putrescible matter must not directly or indirectly enter any watercourse and must receive treatment to the satisfaction of the Animal Control Officer/Environmental Health Officer adequate for the method of effluent disposal used. Where treatment is by land absorption or transpiration bed, sufficient land must be set aside and kept available for that purpose. The standard of waste water treatment must be maintained to the satisfaction of the Animal Control Officer/Environmental Health Officer.

- All available means must be used to prevent the barking of dogs so as to avoid the keeping of dogs becoming a nuisance to nearby residents by reason of the emission of noise.

And

iii) place the following additional conditions on the kennel licence:

- No more than 2 litters of puppies are to be kept at the property at any one time.
- In the first 12 months of the issue of the kennel licence, Council Officers conduct quarterly inspections.

#### DECISION

Cr Polley/Cr Goninon

That Council

i) issue a kennel licence for housing 8 Medium Labradoodles at 49 Phillip Street Perth;

And

ii) place an expiry date of 30 June 2022 upon the licence with the following specific conditions:

- That the shed/kennel is moved 1 metre away from the boundary fence
- Every kennel & associated exercise area must be maintained in a clean and sanitary condition at all times to the satisfaction of the Animal Control Officer
- Animal waste must be disposed of to the satisfaction of the Animal Control Officer and no faecal matter or other offensive or putrescible matter must enter any watercourse
- Wash-down water, wastewater or water which has been in contact with faecal or putrescible matter must not directly or indirectly enter any watercourse and must receive treatment to the satisfaction of the Animal Control Officer/Environmental Health Officer adequate for the method of effluent disposal used. Where treatment is by land absorption or transpiration bed, sufficient land must be set aside and kept available for that purpose. The standard of waste water treatment must be maintained to the satisfaction of the Animal Control Officer/Environmental Health Officer.
- All available means must be used to prevent the barking of dogs so as to avoid the keeping of dogs becoming a nuisance to nearby residents by reason of the emission of noise.

And

iii) place the following additional conditions on the kennel licence:

- No more than 1 litter of puppies are to be kept at the property at any one time.
- In the first 12 months of the issue of the kennel licence, Council Officers conduct quarterly inspections.
- A plan for the disposal of waste water to be provided.

#### FORESHADOWED AMENDMENT

Cr Davis/Cr Adams

That Council issue a kennel licence for housing 6 Medium Labradoodles at 49 Phillip Street Perth, with no breeding of puppies permitted.

Lost

Voting for the amendment:

Cr Adams, Cr Davis, Cr Goninon, Cr Goss

Voting against the amendment:

Mayor Knowles, Cr Brooks, Cr Lambert, Cr Polley

The MOTION was then  
Put and  
Carried

Voting for the motion:

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

Voting against the motion:

Cr Davis

*Mr Jennings returned to the meeting at 7.49pm.*



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## 231/21 ITEMS FOR THE CLOSED MEETING

### DECISION

Cr Goninon/Cr Lambert

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

### 232/21 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Table of Contents*

### 233/21 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*.

### 234/21 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE

As per provisions of Section 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*.

### 235/21(1) PERSONNEL MATTERS

As per provisions of Section 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*.

### 235/21(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*

### 235/21(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*

### 235/21(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*



NORTHERN MIDLANDS COUNCIL  
MINUTES – ORDINARY MEETING  
28 JUNE 2021

**235/21(5) 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*

**235/21(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*.

*Bursary program*

**235/21(7) 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*.

*Additional Information - Kennel Licence Application*

**235/21(8) 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*.

*Compliance matter*

**235/21(9) 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*.

*Rates matter*

**236/21 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*

**237/21 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*

**238/21 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*.

*Licence Agreement*



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

## **239/21 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.

*Lease Agreement*

## **240/21 CONSTRUCTION OF NEW DETENTION BASIN, GATTY STREET, WESTERN JUNCTION**

As per provisions of Section 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Davis/Cr Goninon

That Council

- A) accept the tender provided by The Baker Group to Construct the Gatty Street Detention Basin
- 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

## **241/21 RELEASE OF LONGFORD STORMWATER SYSTEM FLOOD AND RISK REPORT**

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Davis/Cr Polley

That Council:

- A)
  - i) adopt; and
  - ii) release the Longford Stormwater System Flood & Risk Studies, Hydrodynamica, September 2020.
- B) in relation to this matter:
  - i) considered whether any discussion, decision, report or document is kept confidential or released to the public; and
  - ii) determined to **release** the decision (and the document referred to in the decision) to the public.

Carried unanimously

## **242/21 LOCAL DISTRICT COMMITTEE MEMBERSHIP**

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Polley/Cr Brooks

- A) That Council appoint the following as members (a maximum of 10 members) - Avoca, Royal George & Rossarden Local District Committee:
  - 1. Lesley Collins
  - 2. Carolyn Wearing
  - 3. Riccardo De Angelis
  - 4. Helen Reynolds
  - 5. Shirley Freeman
  - 6. Fiona Kozob
  - 7. Helen Richardson
  - 8. Jane Mitchell
  - 9. Vicki Burn
  - 10. Leesa Rundell

Carried unanimously

# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Cr Polley/Cr Davis

B) That Council appoint the following as members (a maximum of 10 members) - Campbell Town District Forum:

1. Fiona Oates
2. Jillian Clarke
3. Owen Diefenbach
4. Danny Saunders
5. Sarah Annesley
6. Sally Hills
7. Jill Davis
8. Tracey Spencer-Lloyd
9. Jo Taylor
10. Judith (Poppy) Lyne

Carried unanimously

*Cr Goss declared an interest and left the meeting at 8.44pm*

Cr Davis/Cr Polley

C) That Council appoint the following as members (a maximum of 10 members) - Cressy Local District Committee:

1. Helen Williams
2. Andrew Byard
3. Helen Howard
4. Angela Jenkins
5. Ann Green
6. Daniel Rowbottom
7. Anita Leighton
8. Peter Goss
9. Maurita Taylor
10. Katie Lamprey

Carried unanimously

*Cr Goss returned to the meeting at 8.46pm*

Cr Polley/Cr Goninon

D) That Council appoint the following as members (a maximum of 10 members) - Evandale Advisory Committee:

1. Annie Harvey
2. John Lewis
3. Carol Brown
4. Stephanie Kensitt
5. Barry Lawson
6. Ernie Lang
7. Henrietta Houghton

Carried unanimously

*Cr Adams declared an interest and left the meeting at 8.48pm*

Cr Davis/Cr Goninon

E) That Council appoint the following as members (a maximum of 10 members) - Longford Local District Committee:

1. Megan Mackinnon
2. Neil Tubb
3. Bron Baker
4. Dennis Pettyfor
5. Timothy Flanagan
6. Doug Bester
7. Vivien Vaca
8. Bruce Lindsay
9. Simon Bower
10. Joanne Clarke

Carried unanimously

*Cr Adams returned to the meeting at 8.52pm*



# NORTHERN MIDLANDS COUNCIL

## MINUTES – ORDINARY MEETING

### 28 JUNE 2021

Cr Davis/Cr Goninon

F) That Council appoint the following as members (a maximum of 10 members) - Perth Local District Committee:

1. Russel MacKenzie
2. John Stagg
3. Michelle Elgersma
4. Don Smith
5. Shan White
6. Tony Purse
7. Jo Saunderson

Carried unanimously

Cr Goninon/Cr Brooks

G) That Council appoint the following as members (a maximum of 10 members) - Ross Local District Committee

1. Grant Larkman
2. Candyce Hurren
3. Marcus Rodrigues
4. Herbert Johnson
5. Jill Bennett
6. Christine Robinson
7. Helen Davies
8. Arthur Thorpe
9. Allan Cameron

Carried unanimously

Cr Goninon/Cr Davis

H) That Council in relation to this matter:

- i) considered whether any discussion, decision, report or document is kept confidential or released to the public;
- ii) determined to release the decisions A to G only to the public.

Carried unanimously

## 243/21 BIENNIAL TENDERS: 2021/2022 TO 2022/2023

As per provisions of Section 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.

*Biennial tenders*

### DECISION

Cr Goss/Cr Davis

That Council,

A) for the 2021/2022 and 2022/2023 financial years:

- i) accept the tender received from Crossroads Civil Contracting for Bituminous Resealing of Roads (Contract No. 21/03).
- ii) accept tender prices received from both BINC (Elite Concrete) and Crossroads Civil Contracting for the Construction of Concrete footpaths and further advise that Council will engage whichever contractor is available to undertake the work in a timely manner (Contract No. 21/04).
- iii) accept the tender prices received from Crossroads Civil Contracting Pty Ltd and PJ Contracting for the Construction of Concrete Kerb & Gutter and Crossovers; and further advise that Council will engage whichever contractor is available to undertake the work in a timely manner (Contract No. 21/05).
- iv) accept the tender received from North Seal Pty Ltd for the Dig Outs & Repairs to sealed roads (Contract No. 21/06).
- v) accept the tender price received from Spider Pest and Weed Control (Mr Robert Wadley) for Spraying of Roadsides, Parks and Reserves (Contract No. 21/07).
- vi) accept the tender price received from Gradco, Boral and BIS Quarries for major Road Construction Gravel (Contract No. 21/08); and advise all parties that Council reserves the right to purchase resheeting gravel from BIS Industries and Gradco, subject to the quality of gravel supplied and delivered.

B) in relation to this matter:

- i) considered whether any discussion, decision, report or document is kept confidential or released to the public; and



# NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 28 JUNE 2021

- ii) determined to release the decision only to the public.

Carried unanimously

## 244/21 PUBLIC RELATIONS CONSULTANCY: ENGAGEMENT

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Brooks/Cr Goss

That Council

- A) maintain a budget for public relations consultancy on a flat rate annual retainer fee and hourly charge basis from Mike Lester; 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, to the public.

Carried

Voting for the motion:

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

Voting against the motion:

Cr Davis

## 245/21 INTEGRATED PRIORITY PROJECTS PLAN

As per provisions of Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Davis/Cr Goss

That Council:

- A)
  - i) receive and accept the Integrated Priority Projects Plan
  - ii) release of the Integrated Priority Projects Plan to the public;
- 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 (and the document referred to in the decision) to the public.

Carried unanimously

## 246/21 PROPERTY REVIEW: 24 KING STREET, CAMPBELL TOWN

As per provisions of Section 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015.

### DECISION

Cr Davis/Cr Goninon

- A) That Council allocate \$15,000 in its 2021/22 budget to fund the preparation of a master plan and business case to convert 24 King Street, Campbell Town into a commercial cabin/ caravan/ short-term accommodation facility.
- 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

## 247/21 PROPOSALS FOR THE COUNCIL TO ACQUIRE LAND OR AN INTEREST IN LAND OR FOR THE DISPOSAL OF LAND

As per provisions of Section 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015.

*Property review*



NORTHERN MIDLANDS COUNCIL  
MINUTES – ORDINARY MEETING  
28 JUNE 2021

**248/21 PERSONNEL MATTERS, INCLUDING COMPLAINTS AGAINST AN EMPLOYEE OF  
THE COUNCIL AND INDUSTRIAL RELATIONS MATTERS**

As per provisions of Section 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION

Cr Adams/Cr Davis

That Council move out of the closed meeting.

Carried unanimously

*Mayor Knowles closed the meeting at 9.35pm.*

MAYOR \_\_\_\_\_

DATE \_\_\_\_\_