



**NORTHERN
MIDLANDS
COUNCIL**

MINUTES

ORDINARY MEETING OF COUNCIL

MONDAY, 21 AUGUST 2023



MINUTES of the Ordinary Meeting of the Northern Midlands Council held on 21 August 2023 at 5.00pm in person at the Council Chambers, 13 Smith Street, Longford

1 ATTENDANCE

PRESENT

Mayor Mary Knowles OAM, Deputy Mayor Janet Lambert, Cr Dick Adams OAM, Cr Alison Andrews AM, Cr Richard Archer, Cr Matthew Brooks, Cr Richard Goss, Cr Andrew McCullagh, Cr Paul Terrett

In Attendance

Miss Maree Bricknell - Acting General Manager / Corporate Services Manager, Mr Trent Atkinson - Project Manager, Mr Paul Godier - Senior Planner (to 7.34pm), Mrs Erin Miles (to 6.59pm), Ms Victoria Veldhuizen - Executive Officer, Mrs Gail Eacher - Executive Assistant

APOLOGIES

Mr Des Jennings - General Manager, Mr Leigh McCullagh - Works Manager



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MINUTE NO. 23/0253

DECISION

Cr Terrett/Cr McCullagh

That Council agree to the inclusion in the Agenda and Table of Contents of late item 13.8 Appointment of Acting General Manager.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil



3 ACKNOWLEDGEMENT OF COUNTRY

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

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

MINUTE NO. 23/0254

DECISION

Cr Terrett/Cr Andrews

Council resolved to accept the following Declarations of Interest:

- Mayor Mary Knowles - Closed Council Item 3.3
- Councillor Andrew McCullagh - Closed Council Item 3.3 and 4.1

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

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

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



5 PROCEDURAL

5.1 CONFIRMATION OF COUNCIL MEETING MINUTES

5.1.1 Confirmation Of Minutes: Ordinary Council Meeting

MINUTE NO. 23/0255

DECISION

Cr Terrett/Cr Adams

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 17 July 2023, be confirmed as a true record of proceedings.

Carried Unanimously

RECOMMENDATION

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 17 July 2023, be confirmed as a true record of proceedings.

5.1.2 Confirmation Of Minutes: Special Council Meeting

MINUTE NO. 23/0256

DECISION

Cr Adams/Cr Terrett

That the Open Council Minutes of the Special Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 31 July 2023, be confirmed as a true record of proceedings.

Carried Unanimously

RECOMMENDATION

That the Open Council Minutes of the Special Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 31 July 2023, be confirmed as a true record of proceedings.

5.2 DATE OF NEXT COUNCIL MEETING

Mayor Knowles advised that the next Ordinary Council Meeting of the Northern Midlands Council would be held at 5.00pm on Monday, 18 September 2023, in person only.



5.3 MOTIONS ON NOTICE

The following notice of Motion has been received.

5.3.1 Notice Of Motion: Procedural Agenda Item - Councillor Questions Without Notice

Responsible Officer: Maree Bricknell, Acting General Manager

MINUTE NO. 23/0257

DECISION

Cr Terrett/Cr Brooks

That in accordance with clause 29 of the *Local Government (Meeting Procedures) Regulations* Council includes on the Agenda as a standing item – Councillor Questions Without Notice.

Lost

Voting for the Motion:

Cr Andrews, Cr Brooks, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Archer and Cr Goss

RECOMMENDATION

That in accordance with clause 29 of the *Local Government (Meeting Procedures) Regulations* Council includes on the Agenda as a standing item – Councillor Questions Without Notice.

Councillor Terrett has requested the below Notice of Motion be tabled at the 21 August 2023 Council Meeting.

NOTICE OF MOTION

That in accordance with clause 29 of the *Local Government (Meeting Procedures) Regulations* that Council includes on the Agenda – Councillor Questions without Notice.

BACKGROUND

Currently most councils in Tasmania include on their Meeting Agendas an item for Councillor Questions without Notice, this includes all our surrounding councils of Meander Valley, Launceston, Southern Midlands, Launceston City, and Break O'Day Councils.

The purpose of this is to allow Councillors to ask questions and seek information on matters that arise in the community. While a Councillor may ask a question at any time, asking questions not related to items on the Agenda may be ruled out of order.

The Northern Midlands Council's agenda does not have a formal agenda item to allow questions of any nature to be asked. The benefit of Councillor Questions without Notice is to open communication and to raise matters of public interest.

Clause 29 of the Local Government (Meeting Procedures) Regulation 2015 states:

29. Questions without notice

(1) A councillor at a meeting may ask a question without notice –

(a) of the chairperson; or

(b) through the chairperson, of –



- (i) another councillor; or*
 - (ii) the general manager.*
- (2) In putting a question without notice at a meeting, a councillor must not –*
 - (a) offer an argument or opinion; or*
 - (b) draw any inferences or make any imputations –*
 - except so far as may be necessary to explain the question.*
- (3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.*
- (4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*
- (5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*
- (7) The chairperson of a meeting may require a councillor to put a question without notice in writing.*

OFFICER'S RECOMMENDATION

Regulation 29 does not require Councillor's Questions Without Notice to be a standing agenda item.

Council's practice has been that Councillor Questions are not a standing agenda item, rather raised during Information Items section on the Agenda.

In the governance framework, questions are much better asked outside the Chamber because Council meetings should be dealing with macro issues, rather than micro issues of asking questions and seeking information on matters which arise in the community, or are operational in nature. While it is correct that open communication is of benefit to the community and raising matters of public interest, should the questions descend into the minutiae these would be better dealt with outside of the Council chamber through the General Manager.

ATTACHMENTS

Nil



5.4 COUNCILLOR QUESTIONS

5.4.1 Questions On Notice: Cr Andrew McCullagh

MINUTE NO. 23/0258

DECISION

Cr Adams/Cr Brooks

That Council receive the Questions on Notice and note the answers provided.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council receive the Questions on Notice and note the answers provided.

Councillor McCullagh has submitted the following question on notice to the Acting General Manager.

1. *How much has the Northern Midlands Council paid the Northern Midlands Business Association for the last three years, and what, if anything, do we receive in return for this fee?*
\$39,890 2020/21; \$78,616 2021/22; \$104,356.04 2022-23; (\$ amounts are GST exclusive)
A copy of NMBA update on programs and the continuation of those programs for 2023/24 has been circulated to Councillors
2. *Does a representative of Council sit on the Board of the Northern Midlands Business Association?*
No
3. *At the last meeting I was advised that the costs in relation to the "Council Arms/Logo Court Case - NMC v McCullagh" matter had not been finalised. It has been noted however this was an interim figure, as requested by Councillor Terrett, which was at \$25,962.50. Can you please state whether the final figure is now in, and if so please provide the final total associated with this matter.*
There are no further costs to date.
4. *Can you please provide how much money was recovered from this action?*
Nil
5. *Can you please provide who was the "Responsible Officer" for the LOGO matter.*
Decision of Council 15 November 2021
6. *Can you please provide the current expenditure for the Launceston Airport Rates matter?*
\$347,023 over 5 years - average \$69,405 per annum
7. *Can you please disclose how much is recovered in this matter to date?*
Nil
8. *Can you please provide the "Responsible Officer" for this matter?*
Decision of Council 15 May 2017
9. *At the June meeting Councillors agreed to increase the Annual Rates by 5.9%. How much would the rate decrease by if \$100,000, \$200,000 and \$300,000 respectively was deducted from the required budgetary amount?*
These amounts represent 0.78%, 1.55%, and 2.33% respectively.

Response to the questions posed provided at the Council meeting.



6 COUNCIL COMMITTEES - CONFIRMATION OF MINUTES

MINUTE NO. 23/0259

DECISION

Cr Adams/Deputy Mayor Lambert

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

Carried Unanimously

Minutes of meetings of the following Committees are attached:

Date	Committee	Meeting
6 June 2023	Perth Community Centre Management Committee	Ordinary
6 July 2023	Youth Advisory Group	Ordinary
11 July 2023	Perth Local District Committee	Ordinary
12 July 2023	Ross Community Sports Club Inc Management Committee	Ordinary
26 July 2023	Cressy Local District Committee	Ordinary
27 July 2023	Bicycle Advisory Committee	Ordinary
1 August 2023	Campbell Town District Forum	Ordinary
1 August 2023	Ross Local District Committee	Ordinary
1 August 2023	Evandale Advisory Committee	Ordinary
2 August 2023	Longford Local District Committee	Ordinary
8 August 2023	Northern Midlands Local Recycling Committee	Ordinary

Matters already considered by Council at previous meetings have been incorporated into **Information Item: Officer's Actions**.

In the attached minutes of Council Committees, recommendations of Committees are listed for Council's consideration in the Agenda Item 7 below.



7 COUNCIL COMMITTEES - RECOMMENDATIONS

7.1 CAMPBELL TOWN DISTRICT FORUM

At the ordinary meeting of the Campbell Town District Forum held on 1 August 2023 the following motion/s were recorded for Council's consideration:

COMMUNITY NOTICEBOARD:

MINUTE NO. 23/0260

DECISION

Deputy Mayor Lambert/Cr Terrett

That Council investigate options and costs of the construction and installation of a community notice board at Valentines Park, in Campbell Town.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council investigate options and costs of the construction and installation of a community notice board at Valentines Park, in Campbell Town.

Committee Recommendation:

That Council consider the construction of a community notice board, in a central location that is accessible to the public.

Officer Comment:

Currently the only community noticeboard in Campbell Town is located inside the IGA and not accessible to the public outside of retail hours.

Forum members would like to improve communications with community members and it was suggested that the construction/installation of a notice board in a central location such as Valentines Park, would provide the opportunity for community members to be better informed by placing a copy of the District Committee minutes on the notice board located in a public area and available out of hours such as for early morning or evening walkers.



7.2 CRESSY LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Cressy Local District Committee held 26 July 2023 the following motion/s were recorded for Council's consideration:

UPGRADE TO PLAY EQUIPMENT AT BARTHOLOMEW PARK:

MINUTE NO. 23/0261

DECISION

Cr Goss/Cr McCullagh

That Council note the request from the Cressy Local District Committee to discuss what play equipment will be installed at Bartholomew Park.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council note the request from the Cressy Local District Committee to discuss what play equipment will be installed at Bartholomew Park.

Committee Recommendation:

That play equipment be the priority and Committee would like to discuss with council on what will be installed.

Officer Comment:

It has been some time since Cressy has received anything new. Cressy Local District Committee (CLDC) have been advised that Council has made a budget allocation of \$100,000 to upgrade the play equipment and shelter at Bartholomew Park in Cressy.

CLDC has requested to provide input about the project, particularly in relation to the play equipment to be installed. This is an operational matter and further information will be provided to the CLDC by the Works Department before upgrades take place.



7.3 EVANDALE ADVISORY COMMITTEE

At the ordinary meeting of the Evandale Advisory Committee held on 1 August 2023 the following motion/s were recorded for Council's consideration:

SPEED ZONES AROUND THE LEIGHLANDS ROAD AND HIGH STREET INTERSECTION:

MINUTE NO. 23/0262

DECISION

Cr Terrett/Cr Adams

That Council notes the concerns of the Evandale Advisory Committee and writes to the Department of State Growth in support of the speed zone changes requested.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council notes the concerns of the Evandale Advisory Committee and writes to the Department of State Growth in support of the speed zone changes requested.

Committee Recommendation:

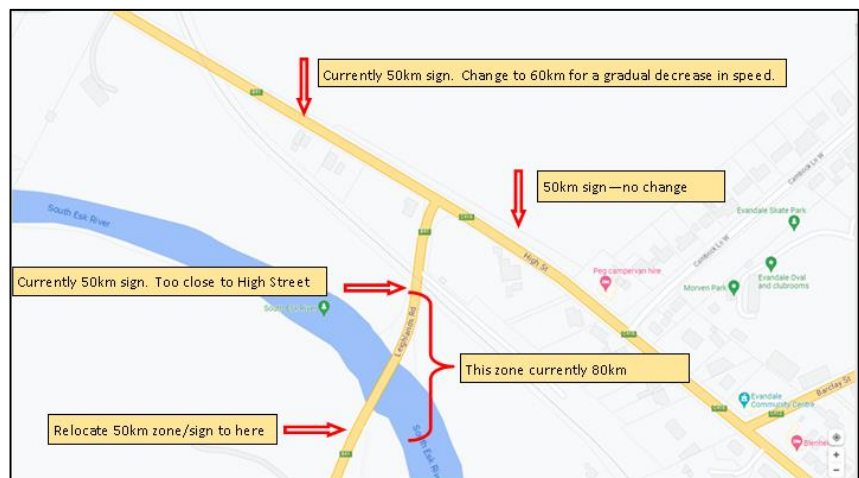
That Council approach State Growth to

- A) relocate the 50m sign on Leighlands Road to before the bridge and
- B) the 50km sign Evandale main road over the railway crossing be changed to 60km when coming up the hill.

Officer Comment:

The speed limit when travelling east along High Street when entering the Evandale boundary changes from 80km/h to 50km/h after the Leighlands Road intersection. EAC members advise that this requires a sharp decrease in speed rather than a gradual one and are requesting that Council approach the Department of state Grow to change the first 50km/h speed limit to 60km/h.

On Leighlands Road, the 50km/h speed decrease occurs after the bridge and rail crossing, and closer to the intersection of High Street and Leighlands Road. Honeysuckle Banks is an area which is used for overnight camping and is the preferred location for the installation of a dump point and public toilet facility. The Evandale Advisory Committee are requesting that the 50km/h zone be moved to before the bridge for safety reasons, as there is the potential for a lot of vehicle activity occurring within a short stretch of road. Alternatively, that a gradual decrease in speed occurs commencing before the bridge and decreasing to 50km/h as currently signed.





7.4 LONGFORD LOCAL DISTRICT COMMITTEE

At the ordinary meetings of the Longford Local District Committee held on 5 July and 2 August 2023, the following motion/s were recorded for Council's consideration:

LOCAL DISTRICT COMMITTEE MEMORANDUM OF UNDERSTANDING:

MINUTE NO. 23/0263

DECISION

Cr Adams/Cr Andrews

That Council notes the information provided about Complaints Management and that this information is provided to the Longford Local District Committee.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council notes the information provided about Complaints Management and that this information is provided to the Longford Local District Committee.

Committee Recommendation:

Regarding the NMC District Committees Memorandum of Understanding:

- (1) The District Committee MOU states "Complaints should be directed to the Council"
- (2) The LLDC request clarification of a complaint.
- (3) The LLDC requests Council puts in place a procedure to handle complaints or
- (4) report an issue, including acknowledgement of receipt of the complaint/issue and a reference number allocated.
- (5) The LLDC requests that the Homepage of the NMC website include a clear link for "Report an Issue or make a complaint". Please see attached example.

Officer Comment:

With reference to the Local District Committee Memorandum of Understanding (MOU), complaint management is an operational matter that is outlined in the Customer Service Charter. For context, the definition of a complaint outlined is, being dissatisfied with a decision of Council, level or quality of service, or behaviour of an employee or agent.

In accordance with Council's Customer Service Charter, complaints are managed as follows:

MAKING A COMPLAINT

If you are dissatisfied with a decision of Council, level or quality of service, or behaviour of an employee or agent, you are entitled to make a complaint to the Council.

Complaints should be made directly to the Manager of the Department relevant to the complaint. Please ensure your complaint identifies as simply as possible your issue, providing enough information for Council to investigate the complaint.

In Writing:

Via post: PO Box 156, Longford, Tasmania 7301

Via email: council@nmc.tas.gov.au

Fax: 6397 7331

In Person:

Municipal Office: 13 Smith Street, Longford

(open from 8.45 am to 4.30pm)

(if you wish to speak to a specific Council officer an appointment is required)

Phone

Council Office -telephone number: 6397 7303



RESPONDING TO A COMPLAINT

The relevant Department Manager will provide a response to your complaint:

- i. in writing, if you have lodged a written complaint; or*
- ii. verbally, if your complaint was given in person or over the telephone.*

Council will endeavour to respond to your complaint within twenty (20) working days. If a Councillor has submitted a complaint on your behalf we will also endeavour to respond to the Councillor within twenty (20) working days.

Sometimes it is not possible to meet this deadline, e.g., where a complaint is a complex one and Councillors are to be briefed on the outcome of the investigations. In these cases, we will endeavour to keep the customer informed of progress.

REVIEW OF THE OUTCOME OF YOUR COMPLAINT

Experience has shown that the majority of complaints will be satisfactorily resolved by the relevant Manager. However, if you are not satisfied with the outcome of your complaint you may request a review of the complaint by Council's General Manager.

A request for a review of the complaint to the General Manager is to be in writing.

The General Manager will inform the customer of the findings on completion of an investigation.

If appropriate the relevant Manager or the General Manager may request to meet with you with a view to resolving the complaint.

- *The Ombudsman located at NAB House, Level 6, 86 Collins Street, Hobart 7000.*
- *Phone: Free call from landlines in nationally 1800 001 170*
- *Email: ombudsman@ombudsman.tas.gov.au ; or*
- *Write to: Ombudsman Tasmania, GPO Box 960, Hobart TAS 7001*
Local Government Division, located at Executive Building, Level 5, 15 Murray Street, Hobart
- *Phone: (03) 6232 7022*
- *Email: lga@dpac.tas.gov.au*
- *Write to: Local Government Division, GPO Box 123, Hobart, 7001*

While you are entitled to refer a complaint directly to these bodies at any time, we encourage you to allow the Council to investigate the complaint first.

A complaint can also be made online via the website using the "Report and Issue" icon on the home page under the "Quick links." Using this method, an automatic response is generated and a reference number to the complainant, however, an email address must be provided for this to occur. Refer to the following example.

*Thankyou for your submission. It has been received and allocated request number **120111**.*

A copy of the details you submitted is below.

First Name	<i>Jimmy</i>
Last Name	<i>Jumper</i>
Telephone Number	<i>+6136397XXXX</i>
Email	<i>somewhereintas@gmail.com</i>
Comment	<i>testing</i>

If an email address is not provided in the submission, no response can be generated.

Council consistently reviews its policies and procedures and considers all feedback provided.



MILL DAM:

MINUTE NO. 23/0264

DECISION

Cr Adams/Cr Goss

That Council note the feedback provided by Longford Local District Committee and that as this is an operational matter, to be referred to the relevant department.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

MINUTE NO. 23/0265

FORESHADOWED

Cr Goss/Cr Brooks

That Council receive a report regarding the Mill Dam reserve area and future ownership thereof.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council note the feedback provided by Longford Local District Committee and that as this is an operational matter, to be referred to the relevant department.

Committee Recommendation:

In regard to Mill Dam, LLDC request clarification of the following:

- (1) Ownership of Mill Dam site? – No
- (2) Does the Mill Dam Committee still exist? - no

What is the council's level of commitment regarding maintenance of the Mill Dam site?

AND:

Motion: "Following an on-site visit to Mill Dam the LLDC request that Council

- (1) Prioritise slashing and spraying of invasive weeds – particularly Sedge, Gorse and Dock.
- (2) Contract an arborist to provide a health assessment of the prominent trees and provide remedial works as required.
- (3) Paint toilets and change rooms and replace toilet pans and fixtures as necessary.
- (4) Install bench seats on the walk to the dam and within the dam area.
- (5) Consider a surveillance camera at the road entrance gate to the Mill Dam Reserve.
- (6) Consider allowing sheep to run on the reserve to assist with weed control (as in the past)".

Officer Comment:

Mill Dam reserve is not owned by Northern Midlands Council however, Council does maintain areas of the reserve for public access and use, when conditions allow.



LONGFORD RACECOURSE MASTER PLAN:

MINUTE NO. 23/0266

DECISION

Cr Adams/Cr Brooks

That Council notes the requests of the Longford Local District Committee regarding the status of the Longford Racecourse masterplan and that an update be provided to the committee in due course.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council notes the requests of the Longford Local District Committee regarding the status of the Longford Racecourse masterplan and that an update be provided to the committee in due course.

Committee Recommendation:

The LLDC request that Council provide an update on the status of the Longford Racecourse Masterplan

Officer Comment:

The Longford Races have been held continuously since 1845 and Longford is still home to many horse-training facilities. A preliminary Master Plan for the Longford Racecourse precinct was developed in partnership with Tasracing as the owners, recognising the historical and recreational importance of the Longford racecourse and its surrounds.

The preliminary Master Plan includes improvements to existing infrastructure, such as the amenities, creation of a public park and interpretation facilities as well as increased and improved upgrades to current parking and potentially even increased car parking opportunities.

The Acting General manager will be progressing this further at a meeting to be held on 7 September 2023.

MOTOR RACING THEMED STREET SIGNS:

MINUTE NO. 23/0267

DECISION

Deputy Mayor Lambert/Cr Andrews

That Council note the request of the Longford Local District Committee for an update of the purchase and installation of themed street signs along the main street of Longford and that information be provided when it is available.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council note the request of the Longford Local District Committee for an update of the purchase and installation of themed street signs along the main street of Longford and that information be provided when it is available.



Committee Recommendation:

LLDC request NMC provide a timeline for the Longford motor racing themed street signs as per the LLDC motion 01 February 2023.

Officer Comment:

At the Council meeting held 20 February 2023, Council agreed to investigate the purchase and installation of themed street signs along the main street of Longford.

MINUTE NO. 23/052

DECISION

Deputy Mayor Lambert/Cr McCullagh

That Council investigate the purchase and installation of themed street signs along the main street of Longford.

Carried Unanimously

Consultation with Works and Infrastructure officers at the time advised that 25 blades would be required at a cost of between \$50 to \$120 per blade dependent on size (\$1,200 to \$3,000). Installation costs would be in the order of \$100 per blade with 2 Officers required with a traffic management plan (\$2,500). Other overheads to consider include officer time required to complete a traffic management plan for the installation and State Growth permits. The total costs associated with purchasing and installing the street signs would be more than \$5,500.

Full costs have not been sourced although it is understood that it would be appropriate to install new blades when the main street upgrades occur. Community consultation is required regarding design options.



7.5 OTHER COMMITTEE RECOMMENDATIONS

7.5.1 Local Recycling Committee

MEMORANDUM OF UNDERSTANDING

MINUTE NO. 23/0268

DECISION

Cr Terrett/Deputy Mayor Lambert

That Council extend the membership term of Local Recycling Committee to 31 December 2023 to be concurrent with the extension of the Local District Committee membership term.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council extend the membership term of Local Recycling Committee to 31 December 2023 to be concurrent with the extension of the Local District Committee membership term.

Officer Comment:

For some time it has been Council's practice to coordinate the advertising and appointment of members to Council's special committees so that the membership terms are concurrent, it is therefore appropriate that the Local Recycling Committee membership term be extended to December 2023, and be subject to the review of the Memorandum of Understanding for all special committees.



8 INFORMATION ITEMS

MINUTE NO. 23/0269

DECISION

Deputy Mayor Lambert/Cr Andrews

That the Information Items be received.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

8.1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING

Responsible Officer: Des Jennings, General Manager

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

Date Held	Purpose of Workshop
31 July 2023	Special Council Meeting
7 August 2023	Council Workshop Presentations <ul style="list-style-type: none">Hydrogen FacilityPalmerston Battery Energy Storage System (BESS)Perth: Youth FacilitiesCampbell Town Hall Sale Discussion included: <ul style="list-style-type: none">Planning MatterMorven Park Hedge RehabilitationOpen Spaces Grant FundingConara Park
21 August 2023	Council Workshop Discussion: <ul style="list-style-type: none">Council Meeting Agenda items
	Council Meeting

8.2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended for the period 12 July 2023 to 11 August 2023 are as follows:

Date	Activity
12 July 2023	Meeting with Rebecca White – Discussed options for improving health services, Toosey
13 July 2023	Attended local resident's Book launch, Launceston
14 July 2023	Attended Brighton Hub tour
17 July 2023	Attended Council Workshop and Meeting, Longford
18 July 2023	Attended Red Cross Workshop, Longford
19 July 2023	Attended tour of Perth Early Learning Centre with Senator Wendy Askew, Queensland Minister Angie Bell, and political staffers.
19 July 2023	Attended meeting with Poatina resident, Perth
21 July 2023	Attended Teams meeting with consultant re: General Manager Review, Gipps Creek



Date	Activity
22 July 2023	Attended Examiner interview, Gipps Creek
22 July 2023	Attended ABC Drive radio interview, Gipps Creek
26 July 2023	Attended Local Government Association Tasmania General Management Committee meeting - Hobart
27 July 2023	Attended Local Government Association Tasmania Premier's Local Government Council meeting – Hobart
28 July 2023	Officiated the opening of the 'Contemporary Landscapes' art exhibition at the Longford Town Hall
31 July 2023	Attended meeting with resident, Longford
31 July 2023	Attended Special Council meeting, Longford
1 August 2023	Attended Heritage Highway meeting, Campbell Town
1 August 2023	Responded to Examiner request for information, Campbell Town
2 August 2023	Attended meeting with Council Officers, Longford
3 August 2023	Attended Tamar Estuary Management Taskforce meeting online, Longford
6 August 2023	Attended online Multicultural Council of Tasmania 'Reporting Hate Crime' workshop, Gipps Creek
7 August 2023	Attended meeting with community member, Longford
7 August 2023	Attended Council Workshop, Longford
8 August 2023	Attended Evandale Community Information Centre AGM, Evandale
8 August 2023	Attended Recycling meeting, Longford
10 August 2023	Attended Future of Local Government Review Community Hearing (Council Presentation), Campbell Town

8.3 GENERAL MANAGER'S ACTIVITIES

The General Manager's and Acting General Manager's Activities attended for the period to 14 August 2023 are as follows:

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

Date	Activity
11 July 2023	Met with representative from Longford Men's Shed
14 July 2023	Attended tour of Brighton Intermodal Facility with the Office of the Coordinator General and stakeholders
17 July 2023	Attended Council Workshop and Council Meeting
20 July 2023	Attended NMC's Individual Support Planning session with the Program Manager, Northern Tasmanian Alliance for Resilient Councils
24 July 2023	Met with lessee of the Evandale Market
27 July 2023	Attended meeting re October Severe Weather Event Funding
28 July 2023	Met with lessee of the Evandale Market
31 July 2023	Met with Inspector Michael Johnston re former police station sites
31 July 2023	Attended Special Council Meeting
2 August 2023	Attended Health & Safety Committee meeting
7 August 2023	Met with the Tasmanian Audit Office
10 August 2023	Presented at the Future of Local Government Review, Community Hearing in Campbell Town

8.4 PETITIONS

PURPOSE OF REPORT

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

OFFICER'S COMMENT

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

[Section 57. Petitions](#)

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



- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains –
- (a) a clear and concise statement identifying the subject matter and the action requested; and
 - (b) in the case of a paper petition, a heading on each page indicating the subject matter; and
 - (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
 - (d) a statement specifying the number of signatories; and
 - (e) at the end of the petition –
 - (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
 - (ii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.
- (3) In this section –
- electronic petition** means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;
- paper petition** means a petition where the petition is created on paper which is then circulated and to which the signatories have added their details directly onto the paper;
- petition** means a paper petition or electronic petition;
- signatory** means –
- (a) in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and
 - (b) in the case of an electronic petition, a person who has added his or her details to the electronic petition.
- 58. Tabling petition**
- (1) A councillor who has been presented with a petition is to –
- (a)
 - (b) forward it to the general manager within 7 days after receiving it.
- (2) A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.
- (3) A petition is not to be tabled if –
- (a) it does not comply with section 57; or
 - (b) it is defamatory; or
 - (c) any action it proposes is unlawful.
- (4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgement.

PETITIONS

No petitions received.

ATTACHMENTS

Nil

8.5 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES

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

8.6 132 & 337 CERTIFICATES ISSUED

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

S132. Certificate of liabilities

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

S337. Council land information certificate

- (1) A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.
- (2) The general manager, on receipt of an application made in accordance with [subsection \(1\)](#), is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate.
- (3) A certificate under [subsection \(2\)](#) relates only to information that the council has on record as at the date of issue of the certificate.
- (4) A prescribed fee is payable in respect of the issue of a certificate.
- (5) The general manager, on request, may provide in or with the certificate any other information or document relating to the land that the general manager considers relevant.



- (6) A council does not incur any liability in respect of any information provided in good faith from sources external to the council.
- (7) A person, with the consent of the occupier or owner of specified land, may request in writing to the general manager that an inspection be carried out of that land to obtain supplementary information relevant to that land.
- (8) If the general manager agrees to a request under [subsection \(5\)](#) or [\(7\)](#), the general manager may impose any reasonable charges and costs incurred.
- (9) In this section –
land includes –
 (a) any buildings and other structures permanently fixed to land; and
 (b) land covered with water; and
 (c) water covering land; and
 (d) any estate, interest, easement, privilege or right in or over land.

No. of Certificates Issued 2023/2024 year													Total 2023/2024 YTD	Total 2023/2024	Total 2022/2023
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June			
132	88													88	763
337	23													23	391

8.7 ANIMAL CONTROL

Prepared by: Maree Bricknell, Corporate Services Manager

Item	Income/Issues 2022/2023		Income/Issues for July 2023		Income/Issues year to date 2023/2024	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,229	108,313	246	6,573	246	6,573
Dogs Impounded	44	3,545	1	23	1	23
Euthanised	2					
Re-claimed	36		1		1	
Re-homed/Dogs Home	6					
New Kennel Applications	10	745				
Renewed Kennel Licences	83	3,818	85	3,984	85	3,984
Infringement Notices (paid in full)	53	9,465	2	362	2	362
Legal Action						
Livestock Impounded						
TOTAL		125,886		6,572		6,572

Audits:

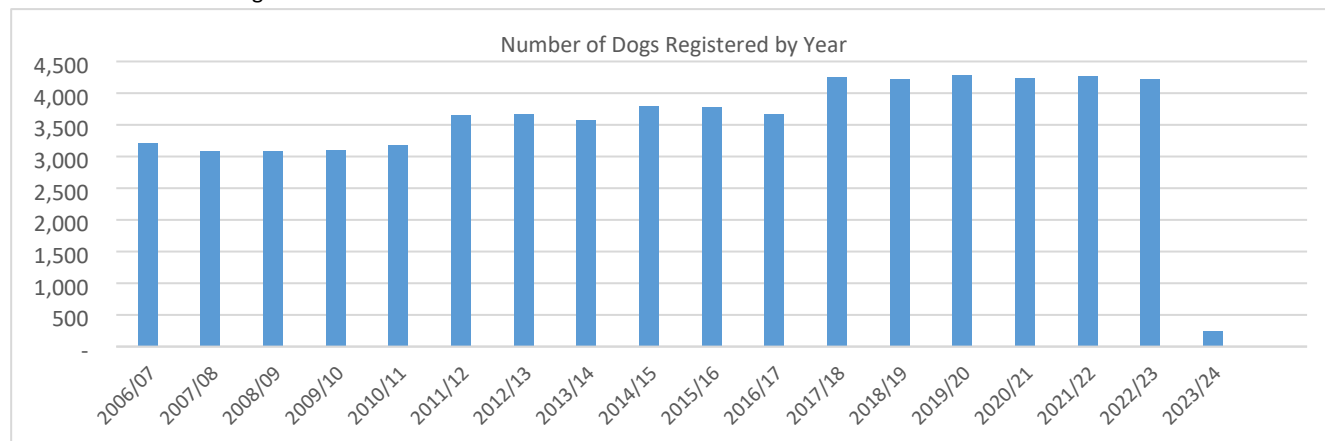
Ongoing including Dangerous Dogs, Kennel Licences, Fire Hazards.

Microchips:

0 dogs microchipped.

Attacks:

2 attack - 0 under investigation.





8.8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: Kate Clark, Environmental Health Officer

Achieve improved levels of environmental and public health by ongoing monitoring, inspection, education and, where necessary, by applying corrective measures to comply with legislation.

Ensure safe standards of food offered for sale are maintained.

Investigations/ Licences Issued	Inspections/	Prior Years		
		2020/2021	2021/2022	2022/2023
Notifiable Diseases		0	1	8
Inspection of Food Premises		67	170	133
Place of Assembly Approvals		1	14	9

Actions	2023/2024												
	YTD	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Routine Fixed Food Inspections	10 / 231	10											
Routine Mobile/Market stall Food Inspections	5	5											
Preliminary Site Visits – Licensed Premises	0	0											
On-site wastewater Assessments	4	4											
Complaints/Enquiries – All Types	67	67											
Place of Assembly approvals	0	0											
Notifiable Diseases	1	1											

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

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

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

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

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

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

The following is applicable regarding food business registrations:

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

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

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

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



8.9 CUSTOMER REQUEST RECEIPTS

Operational Area	20/21	21/22	22/23	YTD 23/24	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Animal Control	35	26	28	4	4											
Building & Planning	17	77	52	9	9											
Community Services	26	54	44	5	5											
Corporate Services	13	48	23	2	2											
Governance	6	15	21	2	2											
Waste	1	12	11	-	-											
Works	352	368	352	31	31											

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

GIFTS & DONATIONS (UNDER SECTION 77 OF THE LGA)				Amount \$
Date	Recipient	Purpose		
18-Jul-23	Danielle Smith	Representation - International Netball Festival		\$100.00
18-Jul-23	Courtney Goss	Representation - International Netball Festival		\$100.00
18-Jul-23	Hunter McGee	Representation - Tas Thunder State Touch Football Team		\$100.00
18-Jul-23	Llucy Johnston	Representation - Tas Interschools Esquestrian Team		\$100.00
			TOTAL	\$400.00

8.11 ACTION ITEMS: COUNCIL MINUTES

Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
2023-01-30 Ordinary Meeting of Council - Open Council	13.1	Live Streaming of Open Council Meetings	Completed	That Council a) provide an allocation within the 2023/2024 Draft budget to implement improvements to the Council meeting room Information Technology (IT) to allow for the live streaming of open council meetings .b) Officers prepare a Guide to the Live Streaming of Open Council Meetings for Council's consideration.	Ben Badcock, Maree Bricknell, Victoria Veldhuizen	15/02/2023 Gail Eacher Quotes being sought. 05/06/2023 Victoria Veldhuizen Report to Council being prepared and will be presented to the July 2023 meeting. 10/07/2023 Victoria Veldhuizen Report and draft Policy being prepared. Matter to be considered at a Council Workshop. 11/08/2023 Victoria Veldhuizen Report and Policy being presented at the August meeting.
2023-06-26 Ordinary Meeting of Council - Open Council	13.3	Social Recovery and Evacuation Centres	Completed	That Council workshop emergency recovery centres for the Northern Midlands.	Des Jennings, Lorraine Green	06/07/2023 Lorraine Green Matter to be workshopped 04/08/2023 Gail Eacher Council buildings identified in the Emergency Management Plan.
2023-06-26 Ordinary Meeting of Council - Open Council	13.2	Napoleon Street Park, Perth	Completed	That a report relating to detention basin fencing, stormwater management, safety, etc. be tabled at a future Council meeting.	Erin Miles	12/07/2023 Gail Eacher Report prepared.
2023-07-17 Ordinary Meeting of Council - Open Council	13.1	ALGA National Local Roads, Transport & Infrastructure Congress: Attendance	Completed	That Cr Brooks be authorised to attend the 2023 ALGA National Local Roads, Transport & Infrastructure Congress in Canberra from 6 to 7 September 2023.	Gail Eacher	21/07/2023 Gail Eacher Arrangments in progress. 04/08/2023 Gail Eacher Registrations and bookings completed.
2023-06-26 Ordinary Meeting of Council - Open Council	7 4.7	Youth Facilities	Completed	That a meeting between the Perth Local District Committee and Council's Youth Officer be progressed.	Gail Eacher	11/07/2023 Gail Eacher Perth LDC chair invited to attend a workshop. 04/08/2023 Gail Eacher PLDC chair in attendance at 7 August Council Workshop.
2022-10-24 Ordinary Meeting of Council -	7 3.4	William Street Reserve - Naming of Bridge and Installation of	Completed	That Council: 1) agree to the proposal to install a bench seat and plaque in honour of John Stagg near the William Street Reserve footbridge;	Gail Eacher, Leigh McCullagh,	22/11/2022 Gail Eacher Committee advised of Council decision. Matter to be progressed. 19/01/2023 Gail Eacher PLDC have advised that the wording for seat plaque has been



Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
Open Council		Bench		2) agree to the secretarial assistance allocation of the PLDC being contributed toward the installation of the memorial seat; and 3) on completion of the William Street Reserve bridge, invite the PLDC and the Perth community to make submissions for the naming of the bridge, prior to a report to Council.	Maree Bricknell	given to the family for consideration. PLDC Chair to liaise with Council regarding provision and placement of park bench. 19/04/2023 Gail Eachar Wording for the plaque has been provided by the PLDC. 15/06/2023 Gail Eachar Location for seat has been identified, plaque and seat are programmed to be installed. Installation subject to staff availability. 12/07/2023 Gail Eachar Installation of seat programmed for July 2023. 04/08/2023 Gail Eachar Installation complete.
2023-07-17 Ordinary Meeting of Council - Open Council	13.3	City of Gastronomy	Completed	That no extra funding be provided by Council and that funding equivalent to the 2022/2023 budget allocation of \$4,940 be provided for the UNESCO City of Gastronomy program in 2023/24.	Gail Eachar, Maree Bricknell	04/08/2023 Gail Eachar Letter sent.
2023-06-26 Ordinary Meeting of Council - Open Council	16.1	Proposed Pedestrian Rail Crossing: High Street, Ross	Completed	That Council make application to TasRail to install a new compliant crossing at High Street, Ross.	Jonathan Galbraith	12/07/2023 Gail Eachar Letter drafted & sent.
2023-06-26 Ordinary Meeting of Council - Open Council	7 3.2	LLDC Recommendation 1 - Illawarra Road - 7 June 2023	Completed	That Council writes to State Growth requesting the speed limit be reduced to 80km/hour and advises the of safety concerns of the Longford Local District Committee who are representing the Longford community.	Jonathan Galbraith, Lorraine Wyatt	12/07/2023 Gail Eachar Letter drafted & sent.
2023-07-17 Ordinary Meeting of Council - Open Council	14.2	Policy Update: Exempt Temporary Buildings or Works (including shipping containers) Policy	Completed	That Council endorse the amendments to the Exempt Temporary Buildings or Works (including shipping containers) Policy, subject to the inclusion of a provision requiring applicants to reapply for a permit every 12 months.	Erin Miles, Gail Eachar	25/07/2023 Erin Miles Modified report to be presented back to Council at 21.08.2023 meeting.
2023-06-26 Ordinary Meeting of Council - Open Council	5 3.1	Notice of Motion: Conara Park - 24 Hour Toilet	In progress	That Council write to State Growth raising concerns the current state of the parking area and about people defecating in Conara Park near the Midlands Highway; and seek consent from State Growth to allow Council to develop a concept plan for the park, including the construction of a toilet; and that a further report be brought back to Council on the Conara Park Concept Plan.	Des Jennings	12/07/2023 Gail Eachar Letter to be drafted, master plan to be workshopped. 04/08/2023 Gail Eachar Letter sent.
Ordinary Meeting of Council - Carried Over Actions (Old Resolutions Register)	1.3	16/03/2020 - Deferred Item - GOV8 Overhanging Trees/Hedges: Evandale	In progress	Deferred to provide opportunity for the community to attend.	Des Jennings, Gail Eachar	29/09/2021 No further action to be taken at this time. To be workshopped and report to be relisted. Discussion held with property owner, formal advice requested. Correspondence to be forwarded to property owner. 25/01/2022 Gail Eachar Correspondence forwarded to property owner, awaiting response. 14/02/2022 Gail Eachar Letter received from property owner. Draft response to queries raised prepared. 01/04/2022 Gail Eachar Letter sent to property owner, response awaited. 08/07/2022 Gail Eachar Further information being sought prior to workshop discussion. 13/02/2023 Gail Eachar Correspondence sent to the property owners on 27 January 2023. 27/02/2023 Gail Eachar No response to date. 09/05/2023 Gail Eachar Listed for July workshop. 04/08/2023 Gail Eachar Seeking heritage advice, prior to workshop consideration.
2022-11-28	5 3.4	Waste Dump	In	That Council Officer's prepare a report	Des	06/12/2022 Gail Eachar Investigation



Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
Ordinary Meeting of Council - Open Council		Point at Evandale	progress	on the notice of motion to be presented to a future Council Meeting. That a report be prepared for council to examine the installation of a new Recreational Vehicle waste pump point in the Evandale area. The report should include costs to install a new pump point and possible sites in the Evandale area. The report should be sent to the Evandale District Committee for comment.	Jennings, Gail Eacher	commenced. 24/03/2023 Gail Eacher Investigation currently being undertaken by engineers (plumbing & construction). Advice expected to be received by end April. 15/06/2023 Gail Eacher Further advice received, Engineering expected by end July. Once engineering advice has been received DA process will be commenced.
2023-06-26 Ordinary Meeting of Council - Open Council	13.1	Local Community Strategies Consultation Report	In progress	That Council a) accept in-principle the Local Community Strategies Consultation Report, b) not request further community consultation regarding the five community strategies, and c) request the five draft community be revised in light of the recommendations made in the Consultation Report, and the revised strategies be tabled at the August 2023 Council Meeting. d) Revise/implement recommendations as follows: communication strategy (in order of preference) 11, 8, 10, 9. and workshop the strategies.	Des Jennings, Lorraine Green	06/07/2023 Lorraine Green The strategies are being reviewed in light of the recommendations made in the Consultation Report
2023-06-26 Ordinary Meeting of Council - Open Council	13.2	Napoleon Street Park, Perth	In progress	That Council: a) accept in principle the Napoleon Street Park Landscape Concept Plan; and b) requests Council officers to identify external funding opportunities for implementation of the plan.	Des Jennings, Lorraine Green	06/07/2023 Lorraine Green Costings are being prepared for the project
2023-06-26 Ordinary Meeting of Council - Open Council	5 3.2	Notice of Motion: Infrastructure Contribution	In progress	3) That Council conduct a review of its development contribution policy to better address key infrastructure.	Erin Miles, Paul Godier	06/07/2023 Erin Miles Council officers are currently undertaking a review of the Public Open Space Contribution Policy and will present the proposed amendments to the policy for Council endorsement, at a future meeting. Council does not have any other kind of Development Contribution Policy.
2022-10-24 Ordinary Meeting of Council - Open Council	7 1.2	CTDF Recommendation 1	In progress	That the request by the Campbell Town District Forum for a community meeting to discuss community concerns about the future of the swimming pool be investigated and a report be provided to Council (the report to include additional costings).	Leslie Hall, Lorraine Wyatt, Trent Atkinson	23/11/2022 Gail Eacher Report to future Council Meeting.
2023-06-26 Ordinary Meeting of Council - Open Council	5 3.3	Notice of Motion: Difficult Customer Policy	In progress	That Council Officer's prepare a report on the following notice of motion to be presented to a future Council Meeting: That council develop a Dealing with Difficult Customer Policy together with the review of the Customer Service Charter in accordance with section 339F(4) of the Local Government Act 1993.	Leslie Hall, Maree Bricknell	11/07/2023 Gail Eacher Report to future Council meeting.
2023-04-26 Ordinary Meeting of Council - Open Council	5 3.1	Notice of Motion: Review of Local District Committee Structure.	In progress	That a report be prepared for Council reviewing the structure of the District Committees to provide greater community participation. This report should include, but not be limited to, their role and function, membership, meeting times, funding and communication with the local community.	Victoria Veldhuizen	09/05/2023 Gail Eacher Report to be prepared and presented to Council. 15/06/2023 Victoria Veldhuizen Not yet started. Report to the July Council Meeting. 06/07/2023 Victoria Veldhuizen Not yet started. 04/08/2023 Gail Eacher Report to September Council meeting.
2023-06-26 Ordinary	5 3.2	Notice of Motion: Infrastructure	In progress	1) That Council advocates for the introduction of a consistent state-wide		12/07/2023 Gail Eacher Letter to be drafted



Document	Item No.	Item	Status	Action Required	Assignees	Action Taken
Meeting of Council - Open Council		Contribution		approach to developer contribution charges to ensure that the burden of public infrastructure provision is shared equitably between the council, developers and communities. 2) That Council writes to the Minister for Planning, Shadow Minister for Planning and local members of the Parliament seeking a contemporary, best practice infrastructure contributions framework be integrated into the Land Use Planning and Approvals Act 1993.		
2023-03-20 Ordinary Meeting of Council - Open Council	16.1	Sticky Beaks Cafe Corner (cnr Wellington and Marlborough Streets): Upgrades and Safety	In progress	That the JMG report Option Two (steel bollards) be revisited and that a timeline be put in place to implement this recommendation should that be an approved solution. Further that a report be undertaken to develop a detailed analysis for the intersection and the traffic flows in the centre of Longford.	Des Jennings, Jonathan Galbraith, Leigh McCullagh	23/03/2023 Gail Eacher Meeting arranged with Garry Hills, Dept. of State Growth. 17/04/2023 Jonathan Galbraith Council officers met with Garry Hills on March 30, 2023. The Department of State Growth has agreed to do engage a consultant to carry out an independent traffic study of the intersection. Awaiting further information from the Department of State Growth. 04/05/2023 Jonathan Galbraith Garry Hills from the Department of State Growth has advised that they are in the process of organising and independent report on the safety of the intersection 15/06/2023 Gail Eacher Further contact made with DSG, requested that a timeline be provided for provision of the independent traffic study for Sticky Beaks Corner. 11/07/2023 Gail Eacher Subject to available funding, DSG have advised they have an in-principle agreement in place to review the works. 10/08/2023 Jonathan Galbraith Council officers have requested an update on when this project will commence from the Department of State Growth and are still awaiting a response

8.12 RESOURCE SHARING SUMMARY: 01 JULY 2023 TO 30 JUNE 2024

Resource Sharing Summary 1/7/23 to 30/6/24 As at 15 August 2023	Units Billed	Amount Billed GST Exclusive \$
Meander Valley Council		
Service Provided by NMC to MVC		
Street Sweeping Plant Operator Wages and Oncosts	24.00	1,486
Street Sweeper - Plant Hire Hours	24.00	2,608
Total Services Provided by NMC to Meander Valley Council		4,093
Service Provided by Meander Valley Council to NMC		
Wages and Oncosts		
No services provided	-	-
Total Service Provided by MVC to NMC		-
Net Income Flow	24	4,093
Total Net		4,093
Private Works and Council Funded Works for External Organisations		
Works Department Private Works Carried Out	Hours	Amount \$
	24.5	1,251
	24.5	1,251



8.13 VANDALISM

Prepared by: Jonathan Galbraith, Engineering Officer

Incident	Location	July 2023	Estimated Cost of Damages	
			Total 2023/24	Total 2022/23
Graffiti at Mill Dam	Longford	\$ 400		
Damaged to taps in toilet at Victoria Square	Longford	\$ 500		
Damaged to taps in toilet at Train Park	Perth	\$ 500		
TOTAL COST VANDALISM		\$ 1,400	\$ 1,400	\$ 18,600

8.14 YOUTH PROGRAM UPDATE

Prepared by: Natalie Dell, Youth Officer

PCYC Program

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

Session Venue	Date of Session	Attendance	Comment
Perth			
	6/7	6	
	25/7	10	
			No program in School Holidays

Free2B Girls Program

Free2b Girls Longford numbers have had a significant increase and currently at maximum attendance numbers. The group has received a donation for the ongoing support of a Program Facilitator for an initial period of 12 months from Longford Rotary and JBS Australia.

Free2b Girls Campbell Town will continue thanks to Thrive Womens Grants supporting the Program Facilitator.

Attendance for the month of July as follows:

Session Venue	Date of Session	Attendance	Comment
Campbell Town			
	5/7	4	
	26/7	7	
			No program in School holidays
Longford			
	4/7	13	
	25/7	14	

Meetings

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

Breakfast Club- Cressy: The Cressy Breakfast program has been further developed liaising with the School Chaplain and Youth Officer, to provide freely available Breakfast items for 30+ students. The School has identified several young people who will benefit from participating in the cooking program. The program helps address students' health, well-being, and food security. The program provides nearly double the numbers of previous years. This program is being well received by the students and School.

Quote from students:

'The best part about all of it is that I get come and help, and I get to cook with Gabi' Year 3 student

'This activity is so beneficial for the student in my class that regularly participates. She is an alternative educational program and the teaching of life skills in a calm and supportive environment is exactly what she needs and enjoy and is



directly linked to her individual educational plan goals for the year.' Teacher, CDHS

SPARK: Youth Officer approved an application from Campbell Town District High School; students project focus: support student mental/physical health and wellbeing. Their project is student led; offering a range of games for young people to participate in at lunch time- offering opportunities to foster new friendships and participate in a wide range of activities whilst encouraging leadership development opportunities.

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

Evandale Primary School have had PCYC visit to run Taiko and recreation sessions in their lunchtime, this has been met with excellent feedback. Free2b Girls will commence in Term 3 during the lunch break.

Campbell Town District High School has had cartoon artist Ben Winwood out to run cartoon drawing workshops promoting activities that support mental wellbeing- great outcomes have been produced.

Breakfast Club support: Youth Officer has been working with Salvation Army to provide further support to Evandale Primary and Campbell Town District High Schools breakfast club during Term 3, including donation of new toasters.

Leadership sessions: Youth Officer has been working with Student Leaders at Cressy District High School running workshops focusing on leadership development. Sessions will continue throughout Term 3.

Youth Advisory Group: The next meeting will be held on August 10th.

8.15 INTEGRATED PRIORITY PROJECTS & STRATEGIC PLANS UPDATE

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

CURRENT AS OF 1 AUGUST 2023

Progress Report:

Not Started (obstacles)
 On Hold
 On Track
 Completed

INTEGRATED PRIORITY PROJECTS PLAN:

Project	Status	Budget 2023-24	\$	Scheduled
1 Progress: Economic health and wealth - grow and prosper				
Foundation Projects				
4.1 Main Street Upgrades: Campbell Town, Longford & Perth	Gov	Campbell Town Business Case being prepared to secure the 2022 Election Commitment due 10/8/23	Budget allocation 2023-24 plus contribution from \$8m Federal Govt Election Commitment 2022.	2,450,000 Commence Oct 23
	Gov	Longford DA being prepared	Budget allocation 2023-24 from Federal Govt Election Commitment 2019.	1,793,628 To tender Sept 23
	C&D	Perth Business Case being prepared to secure the 2022 Election Commitment Due 10/8/23	Contribution from \$8m Federal Govt Election Commitment 2022.	1,641,000 Stormwater Commencement Aug 2023
4.1. Longford Memorial Hall Upgrade	Gov	Work underway	Federal Govt Election Commitment 2019 Local Roads and Community Infrastructure allocation TBC	3,109,479 Completion anticipated Dec 2023
4.4 TRANSLink Intermodal Facility	Gov	Included in NMC Priority Projects document. Business Case being prepared to secure the 2022 Election Commitment. Due Dec 23 Being submitted to NTDC as a Northern Tas Priority Project	Federal Election commitment of \$5m for planning stage. No Council funded Budget allocation 2023-24. Further \$30m commitment subject to planning stage.	5,000,000 Preliminary discussions underway Business Case application due by Dec 23



Project		Status	Budget 2023-24	\$	Scheduled
Enabling Projects					
5.1 <i>Perth Sports Precinct & Community Centre</i>	Gov	Concept master plan developed October 2020. Included in NMC Priority Projects document.	Valuation sought – anticipated Oct/Nov 23. No budget allocation 2023-24 staff resources only.		Not scheduled at this stage
5.1 <i>Ben Lomond Public Shelter Development</i>	Gov	Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania Included in NMC Priority Projects document. Govt has completed new public shelter. Government has committed to development of a master plan.	No allocation 2023-2024 staff resources only.		Not scheduled at this stage
5.3 <i>Campbell Town – Town Hall Sale or Lease</i>	Gov	Agent appointed – all offers to be presented to Council			Offers awaiting for Council's consideration
5.3 <i>Longford Library & exhibition Building on the Village Green</i>	Gov	Longford Motor Sport Museum Included in NMC Priority Projects document.	No budget allocation staff resources only.		Not scheduled at this stage. Trial site at Woolmers
5.3 <i>Power Undergrounding in Evandale, Longford & Perth</i>	Works	Awaiting funding streams to come available. Included in NMC Priority Projects document.	No budget allocation staff resources only.		Not scheduled at this stage
5.4 <i>Subdivisions (several – Cressy, Evandale, Longford & Perth)</i>	C&D	Council to identify opportunities to provide infrastructure and secure funding. Included in NMC Priority Projects document	Drainage easement secured at Evandale Detention basin secured at TRANSlink		Detention works not scheduled at this stage.
2 People: Cultural and society – a vibrant future that respects the past					
Enabling Projects					
5.1 <i>Recreation Ground Upgrades)</i>	Gov	Campbell Town, Evandale and Cressy I NMC Priority Projects document. Funding to be sought for oval upgrades			Not scheduled at this stage
	Gov	Cressy Recreation Ground Cricket Australia & State Govt funding secured towards the upgrade of the practice facility Car park and dump point	Budget allocation in 2023-24 Budget	115,000	Completed: acquittal being prepared
		Perth Recreation Ground Amenities, topdressing, cricket net upgrade		135,000	
		Longford Recreation Ground Irrigation system install and preparation for 2 nd ground		255,000	
5.1 <i>Swimming Pool Upgrades (several)</i>	Gov	Covering of Campbell Town & Cressy Swimming Pools Included in NMC Priority Projects document.	No allocation 2023-24 staff resources only.		- Not scheduled at this stage
	Gov	Cressy: Solar system replacement Ross: Pool operation to continue (as per the current funding model) whilst structurally/operationally safe to do so.	Allocation 2023-24 Budget allocation 2023-24 towards WHS issues.	50,000	Completion prior to season opening



Project		Status	Budget 2023-24	\$	Scheduled
5.2 <i>Shared Pathways</i>	Gov	Application submitted to Growing Regions Program. Application to be prepared to Better Active Transport Tas program Included in NMC Priority Projects document.	Funding applications underway		Design stage
4 Place: Nurture our heritage environment					
Foundation Projects					
4.2 <i>Perth South Esk River Parklands</i>	Gov	Building Better Regions Fund grant secured towards the extension of the walkway, installation of footbridge and BBQ. Included in NMC Priority Projects document.	Footbridge and pathways to and from substantially complete.		Completion Aug/Sept 23
4.3 <i>Sheepwash Creek Corridor & Open Space</i>	Gov	Grants secured for major new/improved infrastructure. Included in NMC Priority Projects document.	Commonwealth Government Disaster Ready funding successfully sought.	3,700,000	Scheduled
4.5 <i>Municipal Tree Planting Program</i>		Annual program being implemented. Included in NMC Priority Projects document.	Budget allocation 2023-2024	100,000	Ongoing
Enabling Projects					
5.1 <i>Conara Park Upgrade</i>	Gov	Concept prepared: awaiting funding opportunities. Included in NMC Priority Projects document.	No budget allocation staff resources only. Renegotiating with State Growth	-	Not scheduled at this stage
5.3 <i>Redevelop Bartholomew Park Cressy</i>	Gov	Liaising with Local District Committee to establish/prepare plans for upgrade??	Budget allocation 2023/2024.	\$100,000	During 2023/24

Other projects:

Open Space Program: pump tracks and half-basketball courts – Grant funding applications
 Laycock Street Park LRCI funding – scheduled in 2023/24 budget period
 Morven Park Miniature Railway Storage Shed: TCF application lodged
 Ross Men's Shed Extension: application lodged to secure federal election commitment
 Napoleon Street Park – awaiting subdivision works
 Longford Community/Neighbourhood House – lobbying State Government
 Longford Caravan Park Amenities – under construction
 Secombe Street Reserve Raised Pavement Platform – scheduled in 2023/24 budget period

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

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

Updated: 11th August 2023

Tourism update:

- Events:
 - Liaise with event organisers re planning and information required, assist those seeking funding and in-kind support. Provide assistance to event organisers to fulfil Council compliance requirements.
 - Keep event list updated and distribute.
 - Update NMC website calendar.
 - Event Management Guide: update progresses.
- Northern Midlands Community Expo 2023:
 - Process registrations coming in.
 - Updates on social media and website.
 - Assist organisations with enquiries.



- Event poster distribution.
 - Roadside signage permission received, plan updated, design finalised.
 - Complete Risk Assessment & Emergency Management Plan.
 - Site visit and assessment update.
 - Distribute Media Release.
 - Progress Place of Assembly application requirements.
- Northern Midlands Visitor Centres Group:
 - Provide brochure stocks.
- Choose the Scenic Route
 - Work with team to finalise content and marketing plan.
 - Updates to website tourism content in readiness for campaign landing page.
- Longford Legends
 - Progress and liaise with manufacturer of plaques.
- Liaise with local tourism operators to provide industry information.
- Longford Water Trough brass plaque replacement, completed.
- Longford Village Green Information Booth sign: begin process to update.
- Attend Visit Northern Tasmania Regional Leadership Forum.

HHTRA update:

- Facilitate and prepare for general meeting and workshop with Brand Tasmania, and follow up actions.
- Ongoing marketing activities include website blog posts and social media.
- Administrative tasks.
- Complete Quick Reference Guide update.

8.17 DRAFT TASMANIAN HOUSING STRATEGY CONSULTATION SUBMISSION

Prepared by: Erin Miles, Strategic Projects Officer

Draft Tasmanian Housing Strategy consultation submission

The exposure draft of the Tasmanian Housing Strategy was open for consultation from Tuesday, 6 June 2023 to Monday, 3 July 2023. The Local Government Association of Tasmania secured an extension to the consultation timeframe for Local Government to the 17th July 2023.

The Tasmanian Housing Strategy website provides the following overview:

The Tasmanian Government is developing Tasmania's first 20-year housing strategy. The Tasmanian Housing Strategy will build on the recent record investment made by the Tasmanian Government in the supply of social and affordable housing and homelessness initiatives.

Ongoing strategic action is needed to make comprehensive change and build a sustainable housing system for all Tasmanians. This means making the most of all the opportunities available to the State Government to influence the housing market through regulatory systems, strategic land use planning, policies, taxes, subsidies and capital investment.

A copy of the draft Tasmanian Housing Strategy is available to view at:

https://tashousingstrategy.hometasmania.com.au/download_file/view/212/552

Council's submission to the draft Tasmanian Housing Strategy is included in the attachments.

ATTACHMENTS

1. Tas Housing Strategy Exposure NMC Submission final [8.17.1 - 4 pages]
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9 PUBLIC QUESTIONS AND STATEMENTS

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 at approximately 5:30pm and is to be conducted in accordance with the following guidelines:

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

PUBLIC QUESTIONS

13.1 STATE GOVERNMENT REFORM OF ROLE OF PLANNING AUTHORITIES

Mr John Izzard, Longford

Mr Izzard noted

- that he views the proposal to remove planning from Council as a very serious matter;
- Council has the power to assist ratepayers with their planning matters and their ability to approach Council when issues on planning matters arise;
- Council must not lose that authority and give considerable thought to how the State Government's move to remove planning from councils can be defeated.



10 COUNCIL ACTING AS A PLANNING AUTHORITY

MINUTE NO. 23/0270

DECISION

Cr McCullagh/Cr Brooks

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda Items 11.1 and 11.2.

Carried Unanimously

RECOMMENDATION

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda Items 11.1 and 11.2.

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.

10.1 STATEMENTS

REPRESENTATIONS ON PLANNING ITEMS

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

Each speaker is limited to a maximum of 3 minutes.

PLAN 11.2 PLN23-0095: 23 MACQUARIE STREET EVANDALE - ALTERATIONS AND ADDITIONS TO DWELLING

Mr John Izzard, Longford

Mr Izzard noted that:

- the existing building is derelict and had been slated for demolition;
- the proponent
 - had bought the building and following consultation with Heritage Tasmania had determined not to demolish but restore the existing building;
 - has successfully restored a number of historic properties in Evandale;
 - had made a considerable financial contribution to Clarendon for furnishings and improvements.

Mr Izzard urged Council to approve the application and recognise the proponents contribution to her preservation work in Evandale.



11 PLANNING REPORTS

11.1 DRAFT AMENDMENT 09/2023 TO THE NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE: 19 JOHNS STREET, WESTERN JUNCTION

File: PLN-22-0183

Responsible Officer: Maree Bricknell, Corporate Services Manager

Report prepared by: Paul Godier, Senior Planner

MINUTE NO. 23/0271

DECISION

Cr Adams/Cr McCullagh

1. That, under section 38(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, decide to agree to the amendment to 'insert a Site-Specific Qualification (SSQ) to the existing Translink Specific Area Plan, to allow Equipment and Machinery Sales and Hire as a Permitted use in Table NOR-S1.5.2 – Area 2 for 19 Johns Street, Western Junction' and prepare draft amendment 09/2023 of the Local Provisions Schedule subject to modification as below.

And

2. That, under section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, certify draft amendment 09/2023 of the Northern Midlands Local Provisions Schedule as meeting the LPS criteria.

Draft Amendment 09/2023 of the Northern Midlands Local Provisions Schedule:

A. Amend clause NOR-Site-specific Qualifications by inserting the following:

NOR-S1.1	19 Johns Street, Western Junction	150770/8	An additional Permitted Use Class for this site is: "Equipment and Machinery Sales and Hire".	NOR-S1.5.2 – Area 2
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B. Amend the planning scheme maps to show a site-specific qualification on 19 Johns Street, Western Junction (folio of the Register 150770/8).

And

3. That, under section 40Y(2) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, grant a permit to develop and use the land at 19 Johns Street, Western Junction (folio of the Register 150770/8) for Equipment and Machinery Sales and Hire subject to the following conditions:

Endorsed Documents

The use and development must be in accordance with endorsed documents P0 (Cover Page - Engineering Plus – A00); P1 (Locality Plan - Engineering Plus – A01 – Rev: A – 27.06.23); P2 (Site Plan - Engineering Plus – A02 – Rev: A – 27.06.23); P3 (Sign Elevations - Engineering Plus – A04 – Rev: A – 27.06.23)

Amended Plans Required

Before the use starts, amended plans to the approval of the General Manager must be submitted. When approved the plans will be endorsed and will form part of this permit. The plans must be substantially in accordance with the endorsed plans but amended to show:

- 10 employee car parking spaces in addition to the proposed 4 visitor parking spaces. The employee spaces do not need to be located between the building and the front boundary.
- All existing landscape areas, including dimensions.

Landscaping

- Before the use starts, a landscape plan to the approval of the General Manager must be submitted. When approved the plans will be endorsed and will form part of this permit. The landscape plan must show the location, type and growth of vegetation to be planted in the landscape areas.
- Landscaping must be completed prior to, within three months of, commencement of use and then maintained for the duration of the use.
- In accordance with council policy, a bond of 1.5 times the cost of the planting component of landscape works must be provided prior to the issue of a building permit and will be refunded if the landscape works are



completed within the timeframe mentioned in this permit. The bond shall not be taken in lieu of these works. If works are not completed within the specified time frame, the bond may be applied to ensure compliance.

Car parking, access ways manoeuvring and circulation spaces

- All car parking spaces must be delineated by line marking or other clear physical means.
- All parking, access ways, manoeuvring and circulation spaces must be maintained with a durable all weather pavement

Outdoor storage

Outdoor Storage areas (not display areas) must be at the rear of buildings and/or where they are not visible from any public road.

Launceston Airport Conditions

- The maximum luminous intensity, at 3 degrees above horizontal, of any proposed lighting or illuminated signage must not exceed 450 cd. Should any external lighting cause confusion, distraction or glare to pilots in the air, under Regulation 94 of the Civil Aviation Regulations 1988 (CAR1988), CASA may seek that the lighting be modified, shielded or extinguished to ensure aviation safety.
- Due to the proximity to the prescribed airspace surfaces (OLS) for Launceston Airport, any plant or equipment that extends to a height greater than the existing building may infringe the OLS and must be referred to Launceston Airport for written approval prior to use. Approval from CASA and Airservices Australia may be required, and this process may take 12 weeks or longer to obtain.
- Landscaping, certain planting, standing water and waste have the potential to attract wildlife which can increase the risk of wildlife transiting across aircraft flight paths. In relation to any proposed landscaping, the proponent must contact the Launceston Airport Operations Department and discuss options for reducing the risk associated with aircraft bird strikes.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

1. That, under section 38(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, decide to agree to the amendment to 'insert a Site-Specific Qualification (SSQ) to the existing Translink Specific Area Plan, to allow Equipment and Machinery Sales and Hire as a Permitted use in Table NOR-S1.5.2 – Area 2 for 19 Johns Street, Western Junction' and prepare draft amendment 09/2023 of the Local Provisions Schedule subject to modification as below.

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Amended Plans Required

Before the use starts, amended plans to the approval of the General Manager must be submitted. When approved the plans will be endorsed and will form part of this permit. The plans must be substantially in accordance with the endorsed plans but amended to show:

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Outdoor Storage areas (not display areas) must be at the rear of buildings and/or where they are not visible from any public road.

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- Landscaping, certain planting, standing water and waste have the potential to attract wildlife which can increase the risk of wildlife transiting across aircraft flight paths. In relation to any proposed landscaping, the proponent must contact the Launceston Airport Operations Department and discuss options for reducing the risk associated with aircraft bird strikes.

1 INTRODUCTION

This report:

- Assesses a draft amendment of the Northern Midlands Local Provisions Schedule to insert a Site-Specific Qualification (SSQ) to the existing Translink Specific Area Plan, to allow Equipment and Machinery Sales and Hire as a Permitted use in Table NOR-S1.5.2 – Area 2 for 19 Johns Street, Western Junction; and
- Assesses a development application to use 19 Johns Street, Western Junction for Equipment and Machinery Sales and Hire and associated signage in accordance with the draft amendment.

The applicant advises that:



The current owner purchased the site in January 2023 for its industrial application potential. Being aware of the zoning, the owner considered the site to be flexible in future applications under that zone given the location of the site. It has been vacant since the new owner has purchased it.

The proposed Use is Permitted under the General Industrial Zone (GIZ) clause 19.2. The Translink Specific Area Plan (SAP), which replaces the General Industrial Zone - clause 19.2 Use Table, does not include Equipment and Machinery Sales and Hire within the table, relegating the Use as prohibited under the Scheme.

The land has been developed with a building (workshop and office space) suitable for uses anticipated in the General Industrial Zone. The building is currently vacant and available for tenancy. Take up of the site is limited to the restricted uses that the SAP allows.

The proponent wishes to establish the site as a branch location for Tasmac, a well known farm machinery and equipment dealership. The business includes sales of machinery aimed at the agricultural industry as well as the construction, lifestyle and specialised mowing industries. The sales are supported by the supply of parts and servicing. The business has four locations currently across Tasmania.

The subject site represents an ideal location for the business, being in proximity to northern and central midland region farming communities, and the Airport. A sector of the proponent's parts and servicing sales is directly to the Launceston Airport; as such, the location is ideally suited to the proposed Use and the proponent's established business.

2 BACKGROUND

Applicant:

Woolcott Surveys Pty Ltd

Zone:

General Industrial

Classification under the Scheme:

Combined planning permit and planning scheme amendment.

Decision Date:

Decision whether or not to agree to the amendment and to decide on the permit must be made by 17 August 2023

Owner:

Fieldwick Holdings Pty Ltd

Codes/Specific Areas Plans:

Translink Specific Area Plan

Existing Use:

Unused, previously furniture manufacture (Manufacturing and Processing)

Recommendation:

That Council as planning authority agree to, and certify, the draft amendment, and grant a planning permit for 19 Johns Street to be used for Equipment and Machinery Sales and Hire.

Planning Instrument:

Tasmanian Planning Scheme - Northern Midlands

Preliminary Discussion:

The applicant has held preliminary discussions with council officers on this proposal.

3 STATUTORY REQUIREMENTS

Land Use Planning and Approvals Act 1993***37. Request for amendment of LPSs***

- (1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.
- (2) A request under subsection (1) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.
- (3) A request under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land –
 - (a) be signed by each owner of the land; or



- (b) be accompanied by the written permission of each owner of the land to the making of the request.

38. Decision in relation to request

- (1) A planning authority, before deciding whether to prepare a draft amendment of an LPS in relation to a municipal area in accordance with a request under section 37(1), must be satisfied that such a draft amendment of an LPS will meet the LPS criteria.
- (2) A planning authority, within 42 days after receiving a request under section 37(1) or a longer period allowed by the Commission, must –
- (a) decide to agree to the amendment and prepare a draft amendment of the LPS; or
- (b) decide to refuse to prepare the draft amendment of the LPS.

40T. Permit application that requires amendment of LPS

- (1) A person who requests a planning authority under section 37 to amend an LPS may also, under this subsection –
- (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
- (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.

40W. Determination of amendment where concurrent permit application sought

- (1) A planning authority to which a request is made under section 40T(1) may agree, or refuse to agree, to the request.

40X. Permit application may be considered concurrently with application for LPS amendment

A planning authority that has –

- (a) decided under section 40W(1) to agree to a request under section 40T(1); and
- (b) decided under section 40D to prepare a draft amendment of an LPS to which a request under section 40T(1) relates –

may consider the application under section 40T(1) for a permit at the same time as it prepares the draft amendment of an LPS.

40Y. Determination of concurrent permit application

- (1) A planning authority that agrees to a request under section 40T(1) must determine under subsection (2) the application under section 40T(1) for a permit that accompanies the request, before it complies with section 40G in relation to the draft amendment of an LPS to which the request relates.
- (2) A planning authority that agrees to a request under section 40T(1) must determine the application under section 40T(1) for a permit that accompanies the request by –
- (a) granting the permit unconditionally or subject to the conditions or restrictions that the planning authority thinks fit and imposes on the permit; or
- (b) refusing to grant the permit.
- (3) A planning authority, in determining under subsection (2) an application for a permit under section 40T(1) –
- (a) must seek to further the objectives set out in Schedule 1; and
- (b) must take into consideration any matters prescribed for the purposes of this section that are relevant to the application.
- (4) The determination by a planning authority under subsection (2) of an application under section 40T(1) for a permit is to be made by reference to the provision of the planning scheme as in force at the date of the decision, as if the scheme had been amended in accordance with the draft amendment of the LPS, to which the application for the permit relates, that the planning authority has decided under section 40D to prepare.
- (5) Sections 51, 52, 53, 54, 55, 56, 57, 58 and 59 do not apply in relation to an application under section 40T(1) for a permit.

4 ASSESSMENT

4.1 Proposal

The application requests an amendment to the Northern Midlands Local Provisions Schedule as follows:

To insert a site-specific qualification (SSQ) to the existing Specific Area Plan - Translink Specific Area Plan, to allow Equipment and Machinery Sales and Hire as a Permitted use in Table NOR-S1.5.2 – Area 2 for 19 Johns Street, Western Junction.

The Use table under the clause would be changed to the following:



NOR-S1.5.2 – Area 2 (refer to Figure NOR-S1.2.1)

Permitted	
<i>Equipment and Machinery Sales and Hire</i>	<i>If at 19 Johns Street, Western Junction folio of the Register 150770/8.</i>

The application also seeks a planning permit to use 19 Johns Street, Western Junction for Equipment and Machinery Sales and Hire.

4.2 Zone and Land Use

The land is in the General Industrial Zone and is within the Translink Specific Area Plan (Area 2). The site was developed in 2010 for manufacturing and processing (furniture manufacturing and display).

4.3 Subject Site and Locality

The author of this report conducted a site visit on 11 August 2023. The land has an area of 3,698m² and is developed with a building (961m²) containing a workshop and showroom and two outbuildings (55m² and 70m²). The main building was developed in 2010 and was previously used by a furniture maker for manufacturing and display.

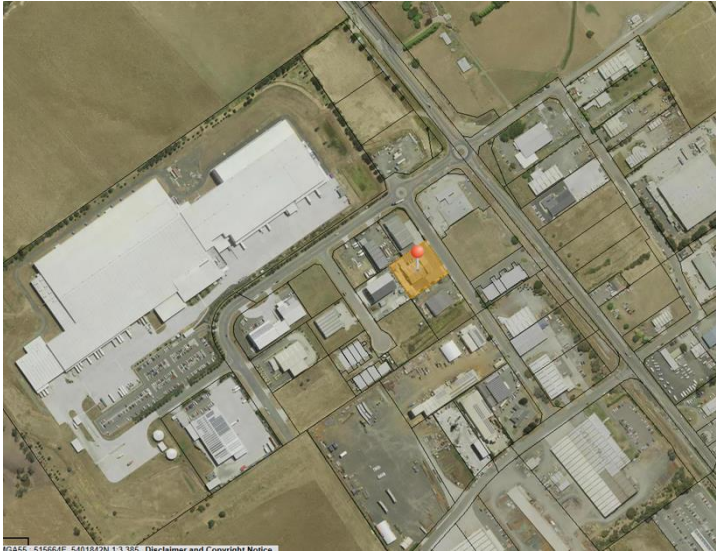
Figure 1 - Photograph of subject site



Figure 4 - Photograph of subject site



Figure 5 – Aerial photograph of area



4.4 Permit/Site History

- PLN-08-0076: Workshop and Showroom (Building completion certificate issued 17/8/2010)

4.5 Notice to agencies and State authorities

If Council as planning authority certifies the draft amendment, before exhibiting the draft amendment of an LPS, Section 40FA of the Land Use Planning and Approvals Act requires the planning authority to notify:

- (a) the relevant agencies; and
- (b) those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment of the LPS.

Launceston Airport

The Launceston Airport advised on 7/8/2023 that:

We understand that the application is essentially for a change of use only, with no proposed development other than signage.

A very small portion of the subject site is located between the 20 and 25 ANEF contours as mapped and laid out in the Launceston Airport Master Plan 2020, however the building type (light industrial) is 'acceptable' according to AS2021-2015.

The site is located within Maximum Lighting Intensity Zone D as mapped and laid out in the Master Plan where the maximum intensity of light sources measured at 3 degrees above the horizontal is 450 candela (cd).

Therefore, Launceston Airport does not object to the development application at 19 John Street, Western Junction, however requests the following be added as conditions to the planning permit:

- 1. The maximum luminous intensity, at 3 degrees above horizontal, of any proposed lighting or illuminated signage must not exceed 450 cd. Should any external lighting cause confusion, distraction or glare to pilots in the air, under Regulation 94 of the Civil Aviation Regulations 1988 (CAR1988), CASA may seek that the lighting be modified, shielded or extinguished to ensure aviation safety.*
- 2. Due to the proximity to the prescribed airspace surfaces (OLS) for Launceston Airport, any plant or equipment that extends to a height greater than the existing building may infringe the OLS and must be referred to Launceston Airport for written approval prior to use. Approval from CASA and Airservices Australia may be required, and this process may take 12 weeks or longer to obtain.*
- 3. Landscaping, certain planting, standing water and waste have the potential to attract wildlife which can increase the risk of wildlife transiting across aircraft flight paths. In relation to any proposed landscaping, Launceston Airport encourages the proponent to contact the Launceston Airport Operations Department and discuss options for reducing the risk associated with aircraft bird strikes.*



TasWater

TasWater advised on 18/7/2023 that it does not object to the draft amendment and has no formal comments in relation to the matter and does not object to the proposed development and no conditions are imposed.

Planning Policy Unit - Department of State Growth

The application was referred to the Planning Policy Unit on 11 July 2023. As of writing, a response has not been received.

Council's Works and Infrastructure Department

Council's Works and Infrastructure Department advised on 12 July 2023 of no comment to make.

4.6 Notice of exhibition in relation to the draft amendment

Section 40G of the Land Use Planning and Approvals Act requires:

- (1) A planning authority, as soon as practicable after providing to the Commission a copy of a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section.*
- (2) The exhibition notice is to be published once before, and once within 14 days after, the first day of the exhibition period, in a newspaper that is published in Tasmania and circulates generally in the area to which the draft amendment of an LPS relates.*
- (3) The exhibition notice is to –*
 - (a) specify the period that is to be the exhibition period in relation to the draft amendment of the LPS; and*
 - (b) specify that the draft amendment of the LPS is or will be –*
 - (i) available for viewing by the public, during the exhibition period, at premises, that are offices of the planning authority, specified in the notice; and*
 - (ii) available for viewing and downloading by the public, during the exhibition period, at an electronic address specified in the exhibition notice; and*
 - (c) contain an invitation to all persons and bodies to, within the exhibition period, make to the planning authority a representation in relation to the draft amendment of the LPS by submitting the representation to –*
 - (i) the premises specified in the notice in accordance with paragraph (b)(i) ; or*
 - (ii) an electronic address specified in the notice.*
- (4) The exhibition period, in relation to a draft amendment of an LPS, is to be a period of 28 days –*
 - (a) beginning on the day on which the draft amendment of the LPS begins to be available for viewing by the public at exhibition premises in accordance with section 40H ; and*
 - (b) excluding any days on which the exhibition premises are closed during normal business hours.*

Any representations received during the exhibition period will be considered by the Council as planning authority for reporting on to the Tasmanian Planning Commission.

4.7 Assessment Against LPS Criteria

34(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The proposed rezoning has no impact on provisions required to be contained in an LPS.

(b) is in accordance with section 32

Under section 32:

- (3) An LPS may, if permitted to do so by the SPPs, include*
 - (a) a particular purpose zone...*
 - (b) a specific area plan, being a plan consisting of –*
 - (i) a map or overlay that delineates a particular area of land; and*



(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs.

(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The Translink Specific Area Plan (Area 2) applies to the subject site. The draft amendment seeks to insert a site specific qualification. As advised in the application:

The proposal represents significant economic benefit. The site was selected for its prominent strategic advantage including proximity to the airport and to the rural agricultural areas in the Tasmanian midlands and surrounding region. The Translink precinct is essentially the gateway to the rural and actively farmed areas of the Tasmanian midlands. The economic benefits are evident for the proponent, having excellent proximity to transport networks and a significant portion of their customer base but also for their customers. Shortened distance to customers, including the Launceston Airport, means benefits in travel time, fuel expenditure and overall efficiencies in land use and the transport network. The branch location means that local customers can more easily access machinery, parts and service. For those that depend of this service, access to parts and repairs can be a vital part of their livelihood.

The proponent has an established sales relationship with the Launceston Airport that includes the provision of ongoing servicing. The proponent naturally aims to build on this relationship and offer a distinct speed advantage in terms of parts supply and servicing of the machinery needed for continued airport operation. This will be of strategic and economic advantage to the proponent and to the airport.

The draft amendment is in accordance with section 32.

(c) furthers the objectives set out in Schedule 1

Schedule 1, Part 1 – Objectives of the Resource Management and Planning System of Tasmania

to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity

The site is developed and has connection to a full water supply service, reticulated sewerage system and the public stormwater system. The environmental impact of the proposed is therefore low, making efficient use of the existing development. The proposal does not require the removal of native vegetation as the land has previously been cleared. The proposed use has no significant adverse environmental effect.

to provide for the fair, orderly and sustainable use and development of air, land and water

Consideration has been given to:

The proposal is consistent with this objective.

to encourage public involvement in resource management and planning

If the draft amendment is certified by the planning authority it will be placed on public notification in accordance with the Land Use Planning and Approvals Act allowing for representations to the draft amendment to be submitted.

to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The draft amendment seeks to allow for a new use of a currently unused developed site, facilitating economic development in accordance with the objectives.

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



Notice of the draft amendment has been given to relevant agencies and State authorities.

Schedule 1, Part 2 – Objectives of the Planning Process Established by this Act

to require sound strategic planning and co-ordinated action by State and local government

The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy which identifies Translink as a Specialist Centre which is to provide for activity of a specialist nature as defined through specific local area or precinct structure plans and in particular:

RIN-A6

Provide for use and development nearby Launceston Airport that supports and complements the airport's role and does not adversely impact on its current or future operation.

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

Consistent with that system, the planning authority determines whether to prepare the draft amendment and approve the application for planning permit.

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

The site is developed and has connection to a full water supply service, reticulated sewerage system and the public stormwater system. The environmental impact of the proposed is therefore low, making efficient use of the existing development. The proposal does not require the removal of native vegetation as the land has previously been cleared. The proposed use has no significant adverse environmental effect.

As advised in the application:

The amendment will have positive social and economic effects by allowing an additional industrial use and the resulting employment. The application advises that the site was selected for its prominent strategic advantage including proximity to the airport and to the rural agricultural areas in the Tasmanian midlands and surrounding region. The economic benefits are evident for the proponent, having excellent proximity to transport networks and a significant portion of their customer base but also for their customers. Shortened distance to customers, including the Launceston Airport, means benefits in travel time, fuel expenditure and overall efficiencies in land use and the transport network. The branch location means that local customers can more easily access machinery, parts and service. For those that depend of this service, access to parts and repairs can be a vital part of their livelihood.

Social benefits are more closely associated with the aspects that can't be seen. By locating this business in an appropriate zone, in an already established area that is entirely suited, the business is not compelled to locate in a less appropriate zone or location. The subject site is well distanced from residential areas and zones that may have a lower rate of compatibility.

Further social benefits can be found in the access networks from the site to residential areas, making it easy and efficient for a workforce to reside in reasonable proximity to a workplace.

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

The proposed amendment is consistent with local, regional and state policies.

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

The Act allows for a development application to be assessed in conjunction with a scheme amendment.

to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation

The proposal which allows for a use consistent with the underlying General Industrial Zone is consistent with this objective.



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

The subject site is not an area or place of scientific, aesthetic, architectural or historical interest.

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

The draft amendment will not have a negative impact on public infrastructure. The site is connected to existing services.

to provide a planning framework which fully considers land capability.

LIST Map shows that the site was excluded from the study area of the land potentially suitable for agriculture zone.

(d) is consistent with each State policy

State Policy on the Protection of Agricultural Land 2009

LIST Map shows that the site was excluded from the study area of the land potentially suitable for agriculture zone. The draft amendment does not impact on the State Policy on the Protection of Agricultural Land.

Tasmanian State Coastal Policy 1996

The subject site is not in a coastal zone and the Coastal Policy does not apply.

State Policy on Water Quality Management 1997

The site is connected to existing reticulated stormwater and sewerage services. The draft amendment is consistent with this State policy.

National Environmental Protection Measures (NEPMs)

In accordance with the State Policies and Projects Act 1993, a NEMP is taken to be a State Policy. The following NEMPs are therefore State policies:

Air Toxics

Ambient Air Quality

Assessment of Site Contamination

Diesel Vehicle Emissions

Movement of Controlled Waste between States and Territories

National Pollutant Inventory

Used Packaging Materials

None of the NEPMs apply to the subject site and proposed amendment.

(da) satisfies the relevant criteria in relation to the TPPs

Such criteria have been addressed in the provision and approval of the LPS and are not impacted on by the proposed rezoning.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates

The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy which identifies Translink as a Specialist Centre which is to provide for activity of a specialist nature as defined through specific local area or precinct structure plans, and in particular:

RIN-A6



Provide for use and development nearby Launceston Airport that supports and complements the airport's role and does not adversely impact on its current or future operation. .

(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates

The current strategic plan for the Northern Midlands is the Northern Midlands Council Strategic Plan 2021-2027. The plan focusses on the unique elements of the Northern Midlands, an enviable place to live, work and play. The Plan is based upon four key priorities:

Lead: Serve with honesty, integrity, innovation and pride

Progress: Economic health and wealth – grow and prosper

People: Cultural and society – a vibrant future that respects the past

Place: Nurture our heritage environment

Each priority is supported by four strategic outcomes that describe what the Council aims to achieve, and that are consistent with its vision.

Actions and projects to achieve these outcomes will be included in the Council's Annual Plan. Performance measures will be included in the Annual Plan to enable the Council to track its progress against each of the strategic outcomes.

The TRANSLink Precinct is listed in the Schedule of Strategic Projects.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates

While the site is not in close proximity to another municipal area, the draft amendment's consistency with the RLUS ensures a similar consistency and co-ordination with the LPSs of adjacent municipal areas.

(h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019

The site is not in the vicinity of the Tasmanian Gas Pipeline.

5 ASSESSMENT OF PLANNING APPLICATION

NOR-S1.0 Translink Specific Area Plan

NOR-S1.1 Plan Purpose

The purpose of the Translink Specific Area Plan is:

NOR-S1.1.1 Provide for industrial and commercial uses and developments which serve the strategic needs of the Launceston and Northern Midlands region and the State, and which would derive a particular benefit from a location having proximity to Launceston Airport, access to the State's road and rail network or links to the port of Bell Bay.

NOR-S1.1.2 Cater primarily for storage, transport and industrial uses.

NOR-S1.1.3 Provide for a limited range of retail or other activity, which supports storage, transport and industrial uses.

NOR-S1.1.4 Provide for a limited range of retail or other activity, which can demonstrate that the location offers a particular strategic advantage.

NOR-S1.1.5 Provide an area within which business-support facilities for the Translink Industrial Zone and Airport operations can locate.

NOR-S1.1.6 Provide opportunities for the development of accommodation adjacent to and serving the Airport.

NOR-S1.1.7 Provide detailed guidance on use and development within the General Industrial Zone at Translink,



particular to the unique characteristics of the area.	
Comment Complies with the Translink Specific Area Plan Purpose	
NOR-S1.6 Use Standards	
NOR-S1.6.1 External lighting	
Objective: That external lighting does not impact on the operational safety of the Launceston Airport.	
Acceptable Solutions	Performance Criteria
A1 External lighting must be hooded and directed so as not to cause nuisance, threat or hazard to the operation of Launceston Airport.	P1 No Performance Criterion.
Comment Complies with A1, a condition will ensure compliance.	
NOR-S1.6.2 Environmental quality	
Objective: That development does not: (a) Result in environmental harm to the local area; and (b) Impact on the operational safety of the Launceston Airport.	
Acceptable Solutions	Performance Criteria
A1 Emissions must not cause a hazard to the safe operation of Launceston Airport.	P1 No Performance Criterion.
Comment Complies with A1.	
A2 Emissions must not cause a hazard to the residents in the Devon Hills Low Density Residential Zone.	P2 No Performance Criterion.
Comment Complies with A2.	
NOR-S1.6.3 Residential use	
Objective: That airport operations are not adversely affected by residential.	
Acceptable Solutions	Performance Criteria
A1.1 Residential use must be incidental to another use on-site; and A1.2 Residential use must be incorporated into the main building; and A1.3 Development for residential use must meet <i>Australian Standard 2021-2000 "Acoustics – Aircraft Noise Intrusion – Building Siting and construction."</i>	P1 No Performance Criterion.
Comment Not applicable.	
NOR-S1.6.4 Liquid and solid fuel depot	
Objective: That airport operations are not adversely affected by liquid and solid fuel depots.	
Acceptable Solutions	Performance Criteria
A1	P1



The applicant must provide advice that the relevant airport safety authority has determined that the use will not pose a threat to the safety and amenity of the airport.	No Performance Criterion.
Comment Not applicable.	

NOR-S1.6.5 General retail and hire	
Objective: That general retail and hire is of a scale suitable to the area.	
Acceptable Solutions	Performance Criteria
A1 The floor area must not exceed 250m ² .	P1 No Performance Criterion.
Comment Not applicable.	

NOR-S1.6.6 Car Parking and numbers	
Objective: That adequate on-site parking is provided.	
Acceptable Solutions	Performance Criteria
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> (a) The site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) The site is contained within a parking precinct plan and subject to Clause C2.7; (c) It relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) The number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) The number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces required (iii) N = A + (C - B) N = Number of on-site car parking spaces required 	P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> (a) The availability of off-street public car parking spaces within reasonable walking distance of the site; (b) The ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) Variations in car parking demand over time; or (ii) Efficiencies gained by consolidation of car parking spaces; (c) The availability and frequency of public transport within reasonable walking distance of the site; (d) The availability and frequency of other transport alternatives; (e) Any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) The availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) The effect on streetscape; and (h) Any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development, or P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> (a) The nature and intensity of the use and car parking required; (b) The size of the dwelling and the number of bedrooms; and (c) The pattern of parking in the surrounding area. P1.3



(iv)	A = Number of existing on site car parking spaces	Within Area 5 (refer to Figure NOR-S1.2.1), the car parking requirement may be reduced where the discretion involves the protection of the heritage item or the recycling of heritage buildings for new uses and where Council deems that the car parking generated by the use and development can be effectively accommodated in some other way.
(v)	B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1	
(vi)	C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.	

Comment

Table C2.1 requires 1 space per 50m² of floor area. Excluding sheds, the floor area is 961.09m², requiring 19.2 (20) spaces. The application states 20 spaces are available on the site but shows only 4 spaces on the site plan. The plans for the previous use show 20 spaces. The current application shows 4 car parking spaces due to the outdoor machinery display areas being in the location of previous parking spaces.

The application states that the use will have ten employees and up to an estimated ten visitors daily. It is recommended that a **condition** be placed on the permit requiring revised plans be required showing 1 space per employee (10 spaces) and 4 spaces for visitor parking.

NOR-S1.7 Development Standards for Buildings and Works

NOR-S1.7.1 Building Height

Objective: That:

- (a) The design of buildings and other works contributes to the development of an industrial estate set in a landscaped park-like setting; and
- (b) The safety of Launceston Airport if protected.

Acceptable Solutions	Performance Criteria
A1 Within Area 1 (refer to Figure NOR-S1.2.1), the maximum height of buildings and other works must not be more than 12m.	P1 The maximum building height must be appropriate to the site, having regard to: <ul style="list-style-type: none"> (a) The safety of Launceston Airport; and (b) The rural vistas viewed by users of Evandale Main Road.

Comment

Not applicable.

A2 Within Area 2 (refer to Figure NOR-S1.2.1), the maximum height of buildings and other works must not be more than 12m.	P2 The maximum building height must be appropriate to the site, having regard to: <ul style="list-style-type: none"> (a) The safety of Launceston Airport; and (b) The rural vistas viewed by users of Evandale Main Road.
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Comment

Not applicable – no new buildings are proposed.

A3 Within Area 3 (refer to Figure NOR-S1.2.1), the maximum height of buildings and other works must not be more than 12m.	P3 The maximum building height must be appropriate to the site, having regard to: <ul style="list-style-type: none"> (a) The safety of Launceston Airport; and (b) The rural vistas viewed by users of Evandale Main Road.
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Comment

Not applicable.



<p>A4</p> <p>Within Area 4 (refer to Figure NOR-S1.2.1), the maximum height of buildings must not be more than 8m.</p>	<p>P4</p> <p>The maximum building height must be appropriate to the site, having regard to:</p> <ul style="list-style-type: none"> (a) The safety of Launceston Airport; (b) The heritage values of the Clairville historic site; and (c) The amenity of the area as a tourist gateway to Launceston and Evandale historic township.
<p>Comment</p> <p>Not applicable.</p>	
<p>A5</p> <p>Within Area 5 (refer to Figure NOR-S1.2.1), the maximum height of buildings must not be more than 8m.</p>	<p>P5</p> <p>The maximum building height must be appropriate to the site, having regard to:</p> <ul style="list-style-type: none"> (a) The safety of Launceston Airport; (b) The heritage values of the Clairville historic site; and (c) The amenity of the area as a tourist gateway to Launceston and Evandale historic township.
<p>Comment</p> <p>Not applicable.</p>	
<p>A6</p> <p>Within Area 6 (refer to Figure NOR-S1.2.1), the maximum height of buildings must not be more than 8m.</p>	<p>P6</p> <p>The maximum building height must be appropriate to the site, having regard to:</p> <ul style="list-style-type: none"> (a) The safety of Launceston Airport; (b) The heritage values of the Clairville historic site; and (c) The amenity of the area as a tourist gateway to Launceston and Evandale historic township.
<p>Comment</p> <p>Not applicable.</p>	

<p>NOR-S1.7.2 Setback</p>	
<p>Objective: That the siting and design of buildings and other works contributes to the development of an industrial estate set in a landscaped park-like setting.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Within Area 1 (refer to Figure NOR-S1.2.1), front, side and rear boundary setbacks for buildings or other works must be a minimum of:</p> <ul style="list-style-type: none"> (a) 50m to the Evandale Main Road frontage; (b) 20m to the Distributor Road frontage; (c) 10m to an access road frontage; (d) 5m to the side boundary; and (e) 10m to the rear boundary. 	<p>P1</p> <p>Within Area 1 (refer to Figure NOR-S1.2.1), building must be setback from side and rear boundaries to contribute to a park-like setting, having regard to:</p> <ul style="list-style-type: none"> (a) The topography of the site; (b) The size, shape and orientation of the site; (c) The setback of existing buildings on the site and adjoining properties; (d) The bulk and form of the building; (e) Any existing screening or the ability to implement screening. (f) The operational requirements for the building; and



	(g) Access and manoeuvring for vehicles associated with the use.
Comment Not applicable.	
A2 Within Area 2 (refer to Figure NOR-S1.2.1), front, side and rear boundary setbacks for buildings or other works must be a minimum of: <ul style="list-style-type: none"> (a) 30m to the Evandale Main Road frontage; (b) 20m to the Translink Avenue frontage; (c) 10m to an access road frontage; (d) 5m to the side boundary; and (e) 10m to the rear boundary. 	P2 The Translink Avenue setback may be varied if buildings on adjacent properties are at setbacks less than 20m.
Comment Not applicable – no new buildings are proposed.	
A3 Within Area 3 (refer to Figure NOR-S1.2.1), front, side and rear boundary setbacks for buildings or other works must be a minimum of: <ul style="list-style-type: none"> (a) 50m to the Evandale Main Road frontage; (b) 10m to an access road frontage; (c) 5m to the side boundary; and (d) 10m to the rear boundary. 	P3 No Performance Criterion.
Comment Not applicable.	
A4 Within Area 4 (refer to Figure NOR-S1.2.1), front, side and rear boundary setbacks for buildings or other works must be a minimum of: <ul style="list-style-type: none"> (a) 20m to the Evandale Main Road frontage; (b) 20m to the Distributor Road frontage; (c) 5m to the side boundary; and (d) 10m to the rear boundary. 	P4 No Performance Criterion.
Comment Not applicable.	
A5 Within Area 5 (refer to Figure NOR-S1.2.1), front, side and rear boundary setbacks for buildings or other works must be a minimum of: <ul style="list-style-type: none"> (a) 20m to the Evandale Main Road frontage; (b) 5m to the side boundary; and (c) 10m to the rear boundary. 	P5 No Performance Criterion.
Comment Not applicable.	
A6 Within Area 6 (refer to Figure NOR-S1.2.1), front, side and rear boundary setbacks for buildings or other works must be a minimum of: <ul style="list-style-type: none"> (a) 20m to the Evandale Main Road frontage; (b) 20m to the Distributor Road frontage; 	P6 For corner sites, one setback may be varied having regard to any existing setbacks on surrounding properties.



(c) 5m to the side boundary; and (d) 10m to the rear boundary.	
Comment Not applicable.	

NOR-S1.7.3 Materials and presentation	
Objective: To:	
(a) Achieve a high quality of development by encouraging the use of a variety of architectural treatments, responding to the rural and landscaped setting and recognising the importance of the area as one of the tourist gateways to Launceston; and (b) Require a high standard of development recognising the prominent location of the zone adjacent to the Airport and that Evandale Main Road is a tourist route.	
Acceptable Solutions	Performance Criteria
A1 Within Areas 1, 2, 3 and 6 (refer to Figure NOR-S1.2.1), a variety of building forms must be used rather than single monolithic structures.	P1 The use of a variety of materials or other techniques to help reduce the interpreted scale of the building.
Comment Not applicable – no new buildings are proposed.	
A2 Within Areas 1, 2, and 3 (refer to Figure NOR-S1.2.1), external walls and roof must be in face brickwork, form concrete panels, painted or rendered concrete blocks or cement composite sheets or metal clad with a patented pre-treated finish such as colorbond.	P2 No Performance Criterion.
Comment Not applicable – no new buildings are proposed.	
A3 Within Areas 4, 5, and 6 (refer to Figure NOR-S1.2.1), construction must be of masonry and/or brick.	P3 The amenity and visual quality of the area are not adversely affected.
Comment Not applicable.	
A4 Within Areas 4, 5, and 6 (refer to Figure NOR-S1.2.1), developments must be designed and located to minimise visual impact from Evandale Main Road.	P4 No Performance Criterion.
Comment Not applicable.	
A5 Within Areas 4, 5, and 6 (refer to Figure NOR-S1.2.1), colours must be muted and in tones compatible with the rural and landscaped setting of the area.	P5 No Performance Criterion.
Comment Not applicable.	

NOR-S1.7.4 Site coverage	
Objective: That the siting and design of buildings and other works contributes to the development of an industrial estate set in a landscaped park-like setting.	
Acceptable Solutions	Performance Criteria
A1 Site coverage for a lot within an area less than 1,500m ² must be: (a) Building and covered storage – maximum 50%; and (b) Landscaped area – minimum 10%.	P1 No Performance Criterion.



Comment Not applicable.	
A2 Site coverage for a lot with an area between 1,500m ² – 2,000m ² must be: (a) Buildings and covered storage – maximum 55%; and (b) Landscaped area – minimum 10%.	P2 No Performance Criterion.
Comment Not applicable.	
A3 Site coverage for a lot with an area greater than 2,000m ² and less than 5,000m ² must be: (a) Building and covered storage – maximum 60%; and (b) Landscaped area – minimum 10%.	P3 No Performance Criterion.
Comment The land has an area of 3,698m ² . The site is currently developed with less than 10% landscaping as approved by P08-076 under the Northern Midlands Planning Scheme 1995 which gave discretion to provide less than 10% landscaping. The proposal should not reduce the landscaped area to less than the amount that exists. The proposed site plan does not clearly show all existing landscaped areas. This should be required as a condition of approval.	
A4 Site coverage for a lot with an area 5,000m ² or greater must be: (a) Buildings and covered storage – maximum 65%; and (b) Landscaped area – minimum 10%.	P4 No Performance Criterion.
Comment Not applicable.	

NOR-S1.7.5 Open space and landscaping	
Objective: That open space and landscaping form an integral part of developments to: (a) Facilitate the enhanced appearance of buildings and works; (b) Provide screening; (c) Separate activities; (d) Assist in the control of water run-off and erosion; (e) Contribute to a reduction in noise levels; and (f) Define roads and provide opportunities for passive recreation.	
Acceptable Solutions	Performance Criteria
A1 Within Area 1 (refer to Figure NOR-S1.2.1), the following setback distance must be used for landscaping, excluding those areas sealed for driveway access: (a) 20m from Evandale Main Road; (b) 7m from the Distributor Road; and (c) 3m from an access road.	P1 The specified depth of a landscaping area between the setback line and a road frontage may be reduced by up to 30%, having regard to: (a) The creation and maintenance of vegetative screening of buildings and works that would otherwise be visible from the adjoining road; (b) The mature height, density, form, hardiness and suitability to the locality of plant species used for landscaping; (c) The height of mounding; (d) The height of buildings and the extent of works; (e) The effect on stormwater



	management; and (f) The contribution to achieving objectives (a)-(f) above.
Comment Not applicable.	
A2 Within Area 2 (refer to Figure NOR-S1.2.1), the following setback distance must be used for landscaping, excluding those areas sealed for driveway access: (a) 10m from Evandale Main Road; (b) 7m from the Distributor Road; and (c) 3m from an access road.	P2 The setback from the Distributor Road may be varied if the setback on adjoining properties is at a setback less than 7m.
Comment The site is currently developed with less than 3m of landscaping from the access road as approved by P08-076 under the Northern Midlands Planning Scheme 1995 which gave discretion to provide less than 3m of landscaping. The proposal should not reduce the landscaped area to less than the amount that exists. The proposed site plan does not dimension the existing landscaped area. This should be required as a condition of approval.	
A3 Within Area 3 (refer to Figure NOR-S1.2.1), the following setback distance must be used for landscaping, excluding those area sealed for driveway access: (a) 20m from Evandale Main Road; and (b) 3m from an access road.	P3 No Performance Criterion.
Comment Not applicable.	
A4 Within Area 4 (refer to Figure NOR-S1.2.1), the following setback distance must be used for landscaping, excluding those areas sealed for driveway access: (a) 10m from Evandale Main Road.	P4 No Performance Criterion.
Comment Not applicable.	
A5 Within Area 5 (refer to Figure NOR-S1.2.1), the following setback distance must be used for landscaping, excluding those areas sealed for driveway access: (a) 10m from Evandale Main Road.	P5 No Performance Criterion.
Comment Not applicable.	
A6 Within Area 6 (refer to Figure NOR-S1.2.1), the following setback distance must be used for landscaping, excluding those areas sealed for driveway access: (a) 10m from Evandale Main Road.	P6 No Performance Criterion.
Comment Not applicable.	
A7 Within Areas 1, 2, 3, 4, 5, 6 and 7 (refer to Figure NOR-S1.2.1), landscaping must: (a) Be provided for development of vacant land or where	P7 No Performance Criterion.



landscaping has not previously been undertaken; and (b) Be provided with an automated watering system.	
Comment Not applicable.	
A8 Within Areas 1, 2, and 3 (refer to Figure NOR-S1.2.1), landscaping of sites adjacent to Evandale Main Road must incorporate mounding into the landscaping and must conform to a comprehensive landscape plan approved by Council.	P8 Landscaping provides effective screening of buildings and works from Evandale Main Road.
Comment Not applicable.	

NOR-S1.7.6 Outdoor storage areas	
Objective: That the siting and design of buildings and other works contributes to the development of an industrial estate set in a landscaped park-like setting.	
Acceptable Solutions	Performance Criteria
A1 Storage areas must be at the rear of buildings and/or where they are not visible from any public road. If site constraints or other circumstances exist, Council may require additional landscaping and/or mounding to screen outside storage areas.	P1 If outside storage area require screening from adjacent roads, suggested methods of screening include a wall, landscaped earth mound or dense screen planting.
Comment No outdoor storage proposed. Condition required to ensure compliance with A1 for outdoor storage, not display.	
A2.1 Outside storage area must be sealed and drained; or A2.2 Outside storage areas must be of compacted gravel and drained so that stormwater is discharged from the site in a manner that will not cause siltation or pollution of any stormwater detention or retention basins.	P2 No Performance Criterion.
Comment Complies. Any outdoor storage must be at the rear of the building, which is sealed.	

NOR-S1.7.7 Fencing	
Objective: That the siting and design of buildings and other works contributes to the development of an industrial estate set in a landscaped park-like setting.	
Acceptable Solutions	Performance Criteria
A1.1 Security fencing must be located behind the front boundary landscaped area; or A1.2 Security fencing, including posts and gates, must be of dark colours.	P1 No Performance Criterion.
Comment Existing fencing complies with A1.2	

NOR-S1.7.8 Stormwater	
Objective: That full utility services are available to new development.	
Acceptable Solutions	Performance Criteria
A1 The flow rate of stormwater outside the boundaries of the title must be not greater than if the land was used for rural purposes.	P1 Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any waterways, coastal lagoons,



On-site detention devices must be incorporated in the development.	<p>coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <ul style="list-style-type: none"> (a) The intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and (b) How the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and (c) Whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and (d) Overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.
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Comment

Not applicable as the site is already developed and the application does not propose new buildings or hard surfaces.

NOR-S1.7.9 Parking and internal circulation

Objective: That on-site parking, loading/unloading areas and traffic circulation space are constructed to an appropriate standard, and that parking areas are designed and laid out to provide convenient, safe and efficient parking.

Acceptable Solutions	Performance Criteria
A1 Vehicles must be able to enter and exit the site in a forward direction.	P1 No Performance Criterion.

Comment

Complies with acceptable solution.

A2 Access drives must have a minimum width of 3.6m for one-way traffic and 7m for two-way traffic.	P2 No Performance Criterion.
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Comment

Complies with acceptable solution.

A3 Access drives, parking, manoeuvring, loading and unloading areas must be sealed and drained.	P3 Access drives, parking, manoeuvring, loading and unloading areas may be of compacted gravel providing that stormwater is discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any stormwater detention or retention basins, waterways, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to: <ul style="list-style-type: none"> (a) The intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); (b) How the additional runoff and intensity of runoff that will be created by the
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	<p>development for a storm event of 1% Annual Exceedance Probability will be released at levels that are the same as those identified at the predevelopment levels;</p> <p>(c) Whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required for the development and the appropriateness of their location; and</p> <p>(d) Overland flow paths for overflows during extreme events both internally and externally for the development, so as to not cause a nuisance.</p>
<p>Comment Complies with acceptable solution.</p>	

NOR-S1.7.10 Buffer areas	
Objective: That industrial development does not adversely impact on the amenity of the Devon Hills residential area.	
Acceptable Solutions	Performance Criteria
<p>A1 Development of those sites closest to the Devon Hills residential area must incorporate a landscaped area along the rear boundary.</p>	<p>P1 No Performance Criterion.</p>
<p>Comment Not applicable.</p>	
<p>A2 Development of those sites closest to the Devon Hills residential area must incorporate effective screening measures for all outside storage areas.</p>	<p>P2 No Performance Criterion.</p>
<p>Comment Not applicable.</p>	
<p>A3 Development of those sites closest to the Devon Hills must demonstrate how noise emissions will be managed so that at the boundaries of the nearest house they do not exceed 40 dB(A) between the hours of 7:00am and 7:00pm and 35 dB(A) between the hours of 7:00pm and 7:00am.</p>	<p>P3 No Performance Criterion.</p>
<p>Comment Not applicable.</p>	

NOR-S1.7.11 Heritage	
Objective: To recognise and protect the cultural heritage significance of the Clairville historic site and that future development is sympathetic to the identified values.	
Acceptable Solutions	Performance Criteria
<p>A1 Developments within 100m of the historic Clairville property contained in Folio of the Register 108432/1, must be sympathetic to the cultural significance of the site and Council may require additional landscaping, mounding or other measures to ameliorate potential impacts.</p>	<p>P1 No Performance Criterion.</p>
<p>Comment: N/a, the site is more than 100m from Clairville.</p>	

CODES		
E1.0	Signs Code	See code assessment.
E2.0	Parking and Sustainable Transport Code	See code assessment.
E3.0	Road and Railway Assets Code	See code assessment.
E4.0	Electricity Transmission Infrastructure Protection Code	N/a



E.5.0	Telecommunications Code	N/a
E6.0	Local Historic Heritage Code	N/a
E7.0	Natural Assets Code	N/a
E8.0	Scenic Protection Code	N/a
E9.0	Attenuation Code	N/a
E10.0	Coastal Erosion Hazard Code	N/a
E11.0	Coastal Inundation Hazard Code	N/a
E12.0	Flood-Prone Areas Hazard Code	N/a
E13.0	Bushfire-Prone Areas Code	N/a
E14.0	Potentially Contaminated Land Code	N/a
E15.0	Landslip Hazard Code	N/a
E16.0	Safeguarding of Airports Code	See code assessment.

C1.0 Signs Code

C1.1 Code Purpose

The purpose of the Signs Code is:

C1.1.1 To provide for appropriate advertising and display of information for business and community activity.

C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.

C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

Comment: The proposed signs comply with the Code Purpose

C1.6 Development Standards for Building and Works

C1.6.1 Design and siting of signs

Objective: That:

- (a) Signage is well designed and sited; and
- (b) Signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.

Acceptable Solutions	Performance Criteria
A1 A sign must: <ul style="list-style-type: none"> (a) Be located within the applicable zone for the relevant sign type set out in Table C1.6; and (b) Meet the sign standards for the relevant sign type set out in Table C1.6, Excluding for the following sign types, for which there is no Acceptable Solution: <ul style="list-style-type: none"> (i) roof sign; (ii) sky sign; and (iii) billboard. 	P1.1 A sign must: <ul style="list-style-type: none"> (a) Be located within an applicable zone for the relevant sign type as set out in Table C1.6; and (b) Be compatible with the streetscape or landscape, having regard to: <ul style="list-style-type: none"> (i) the size and dimensions of the sign; (ii) the size and scale of the building upon which the sign is proposed; (iii) the amenity of surrounding properties; (iv) the repetition of surrounding properties; (v) the number and density of signs on the site and on adjacent properties; and (vi) the impact on the safe and efficient movement of vehicles and pedestrians. P1.2 If a roof sign, sky sign or billboard...
Comment <u>Blade sign</u>	



Allowable in the General Industrial Zone in Table C1.6. The proposed sign is 3.6m high and 1.31m wide. The standards are maximum height of 3.6m and maximum horizontal dimension of 1.2m. The additional width complies with the performance criteria.

Wall signs.

Allowable in the General Industrial Zone in Table C1.6. The standards are maximum area of 4.5m² and not more than 25% of wall area. The application notes that:

The wall signs exceed the allowable 4.5m². The signs are compatible with signage typical of an industrial area. The wall signage consists of the business identification of the tenant and the industry signage of the equipment and machinery offered. The business identification sign is approximately 3.5m x 1.5m (5.25m²).

The industry signage together equates to approximately 9.5m². The largest of these signs is estimated at 2.25m². Together with the business identification, the signage represents 14.8m² across the building's front facing elevation equating to 9.8% of the front elevation.

Given the size of the front elevation (150.6m²), and the setback of the building to the street, and the staggered setback of the elevation, the signage is commensurate to the scale of the building.

The signage is contained to the lot and static in nature, no affect to amenity of surrounding lots is anticipated.

The repetition is minimal and serves to provide recognisable information to customers.

Adjoining properties generally have business identification signage as wall or window signs and/or freestanding signs at the boundary. The area is not unduly signed and visual clutter from signage is relatively low. However, there are vacant lots in the vicinity as well as older established businesses that do not lean on visitation, having less need for signage at the premises.

Signage on surrounding properties tends to be large and bold, due to the size of buildings and the setbacks. However, the signage is intermittent in the streetscape as the overall building density is low and spaced out.

There are no anticipated affects to vehicle and pedestrian safety. The blade sign is within the lot boundary and causes no obstruction to line of sight on the road. There are no illuminated or moving signs proposed.

It is considered that the signs comply with the P1.1

P1.2 is not applicable.

<p>A2</p> <p>A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.</p>	<p>P2</p> <p>A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to:</p> <ul style="list-style-type: none"> (a) The topography of the site and the surrounding area; (b) The relative location of buildings, habitable rooms of dwellings and private open space; (c) Any overshadowing; and (d) The nature and type of the sign.
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Comment – Complies with A2.

<p>A3</p> <p>The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <ul style="list-style-type: none"> (a) 1 of each sign type, unless otherwise stated in Table C1.6; (b) 1 window sign for each window; (c) 3 if the street frontage is less than 20m in length; and 	<p>P3</p> <p>The number of signs for each business or tenancy on a street frontage must:</p> <ul style="list-style-type: none"> (a) Not unreasonably increase in the existing level of visual clutter in the streetscape, and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and (b) Not involve the repetition of messages or
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(d) 6 if the street frontage is 20m or more, Excluding the following sign types, for which there is no limit: (i) name plate; and (ii) temporary sign.	information.
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Comment

There are seven wall signs proposed which exceeds the allowable limit of six, under the acceptable solution. The number of signs represents the number of supplier businesses the dealership represents. The setback of the building and spacing of the signs leads to a reduction in visual clutter by perception. The signage is representation of the particular product available and replicated only between the two sign types.

The proposal complies with P3.

C1.6.2 Illuminated signs

Objective: That:

- (a) Illuminated signs are compatible with the streetscape;
- (b) The cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and
- (c) Any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.

Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to: <ul style="list-style-type: none"> (a) The location of the sign; (b) The size of the sign; (c) The intensity of the lighting; (d) The hours of operation of the sign; (e) The purpose of the sign; (f) The sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) The intended purpose of the changing message of the sign; (h) The percentage of the sign that is illuminated with changing messages; (i) The proposed dwell time; and (j) Where the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.

Comment

Complies with A1. No illuminated signs are proposed.

A2 An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.	P2 No Performance Criterion.
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Comment



Not applicable

C1.6.3 Third party sign

Not applicable

C1.6.4 Signs on local heritage places and in local heritage precincts and local historic landscape precincts

Not applicable

C2.0 Parking and Sustainable Transport Code

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

Comment

The proposal complies with the Code Purpose.

C2.5 Use Standards

C2.5.1 Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use.

Acceptable Solutions

A1

The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:

(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;

(b) the site is contained within a parking precinct plan and subject to Clause C2.7;

(c) the site is subject to Clause C2.5.5; or

(d) it relates to an intensification of an existing use or development or a change of use where:

(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or

(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

C = Number of on-site car parking spaces required for the proposed use or development specified in Table

Performance Criteria

P1.1

The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;

(b) the ability of multiple users to share spaces because of:

(i) variations in car parking demand over time; or

(ii) efficiencies gained by consolidation of car parking spaces;

(c) the availability and frequency of public transport within reasonable walking distance of the site;

(d) the availability and frequency of other transport alternatives;

(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;

(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;

(g) the effect on streetscape; and



C2.1.	<p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
<p>Comment: This clause is substituted by NOR-S1.6.6 assessment against which finds:</p> <p>Table C2.1 requires 1 space per 50m² of floor area. Excluding sheds, the floor area is 961.09m², requiring 19.2 (20) spaces. The application states 20 spaces are available on the site but shows only 4 spaces on the site plan. The plans for the previous use show 20 spaces. The current application shows 4 car parking spaces due to the outdoor machinery display areas being in the location of previous parking spaces.</p> <p>The application states that the use will have ten employees and up to an estimated ten visitors daily. It is recommended that a condition be placed on the permit requiring revised plans be required showing 1 space per employee (10 spaces) and 4 spaces for visitor parking.</p>	

C2.5.2 Bicycle parking numbers	
Objective: That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Bicycle parking spaces must:</p> <p>(a) Be provided on the site or within 50m of the site; and</p> <p>(b) Be no less than the number as specified in Table C2.1.</p>	<p>P1</p> <p>Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) The likely number of users of the site and their opportunities and likely need to travel by bicycle; and</p> <p>(b) The availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>
<p>Comment: Table C2.1 does not set a requirement for bicycle parking.</p>	

C2.5.3 Motorcycle parking numbers	
Objective: That an appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) Be no less than the number specified in Table C2.4; and</p> <p>(b) If an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</p>	<p>P1</p> <p>Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) The nature of the proposed use and development;</p> <p>(b) The topography of the site;</p> <p>(c) The location of existing buildings on the site;</p> <p>(d) Any constraints imposed by</p>



	existing development; and (e) The availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.
Comment: The car parking requirement is 20 spaces. Table C2.4 requires no motorcycle parking where the car parking requirement is 0 – 20 spaces. Complies with A1.	

C2.5.4 Loading bays

Objective: That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.

Acceptable Solutions	Performance Criteria
A1 A loading bay must be provided for uses with a floor area or more than 1000m ² in a single occupancy.	P1 Adequate space for loading and unloading of vehicles must be provided, having regard to: <ul style="list-style-type: none"> (a) The type of vehicles associated with the use; (b) The nature of the use; (c) The frequency of loading and unloading; (d) The location of the site; (e) The nature of traffic in the surrounding area; (f) The area and dimensions of the site; and (g) The topography of the site; (h) The location of existing buildings on the site; and (i) Any constraints imposed by existing development.

Comment

The total floor area is 1086.64m² made up of showroom (961m²); shed (55.25m²); and shed (70.30m²). The locality and site plans shows that there is adequate space for loading and unloading of vehicles associated with the use. The proposal complies with P1.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Not applicable

C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking areas

Objective:

That parking areas are constructed to an appropriate standard.

Acceptable Solutions	Performance Criteria
A1 All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. 	P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to: <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place;



	(e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.
Comment The areas proposed for parking, access ways, manoeuvring and circulation spaces are currently sealed. A condition is required for this to be maintained. The proposal complies with A1.	

C2.6.2 Design and layout of parking areas	
Objective: That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions	Performance Criteria
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: <ul style="list-style-type: none"> (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or (b) comply with Australian Standard AS 2890-Parking facilities, Parts 1-6.	P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.
A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: <ul style="list-style-type: none"> (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.¹ ¹ Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.	
Comment Complies with A1.1 as follows: <i>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</i>	



The maximum 5% gradient appears to be achieved for the existing car parking areas.

(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;

Two accesses provides for vehicles to enter and exit the site in a forward direction.

(iii) have an access width not less than the requirements in Table C2.2;

Access at least 4.5m wide required by Table C2.2 – complies.

(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;

Table C2.3 requires the 45 degree parking spaces to be 2.6m wide, 5.4m long with an access width of 3.5m.

The proposal complies.

(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;

Table C2.3 requires an access width of 3.5m. The proposal complies, with an access width of 5.4m.

(vi) have a vertical clearance of not less than 2.1m above the parking surface level;

Complies.

(vii) excluding a single dwelling, be delineated by line marking or other clear physical means

Condition required.

A1.2

The planning scheme does not require parking spaces for use by persons with a disability. This is addressed by the National Construction Code.

C2.6.3 Number of accesses for vehicles

Objective:

That:

(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;

(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and

(c) the number of accesses minimise impacts on the streetscape.

Acceptable Solutions

A1

The number of accesses provided for each frontage must:

(a) be no more than 1; or

(b) no more than the existing number of accesses, whichever is the greater.

Performance Criteria

P1

The number of accesses for each frontage must be minimised, having regard to:

(a) any loss of on-street parking; and

(b) pedestrian safety and amenity;

(c) traffic safety;

(d) residential amenity on adjoining land; and

(e) the impact on the streetscape.

Comment: Two existing accesses to be retained. Complies with A1 (b).

A2

Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.

P2

Within the Central Business Zone or in a pedestrian priority street, any new accesses must:

(a) not have an adverse impact on:

(i) pedestrian safety and amenity; or

(ii) traffic safety; and

(b) be compatible with the streetscape.

Comment

Not applicable

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Not applicable



C2.6.5 Pedestrian access	
Objective: That pedestrian access within parking areas will be provided in a safe and convenient manner.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Uses that require 10 or more car parking spaces must:</p> <ul style="list-style-type: none"> (a) Have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: <ul style="list-style-type: none"> (i) a horizontal distance of 2.5m between the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) Be signed and line marked at points where pedestrians cross access ways or parking aisles. <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <ul style="list-style-type: none"> (a) The characteristics of the site; (b) The nature of the use; (c) The number of parking spaces; (d) The frequency of vehicle movements; (e) The needs of persons with a disability; (f) The location and number of footpath crossings; (g) Vehicle and pedestrian traffic safety; (h) The location of any access ways or parking aisles; and (i) Any protective devices proposed for pedestrian safety.
<p>Comment 20 spaces are required by the scheme. The application states 20 are available but shows only 4 spaces on the site plan. The plans for the previous use show 20 spaces. The current application shows 4 car parking spaces due to the outdoor machinery display areas in the location of previous parking spaces. The application states that the use will have ten employees and up to an estimated ten visitors daily. It is recommended that revised plans be required showing 1 space per employee (10 spaces) and 4 spaces for visitor parking. The 4 visitor spaces are located at the front of the building and have pedestrian access separated from the parking and vehicle access. The 10 employee parking spaces won't have separated pedestrian access. As this is for employees who will be familiar with the site it is considered that the application complies with P1.</p>	
C2.6.6 Loading bays	
Objective: That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.	
Acceptable Solutions	Performance Criteria
<p>A1 The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	<p>P1 Loading bays must have an area and dimensions suitable for the use, having regard to:</p> <ul style="list-style-type: none"> (a) The types of vehicles likely to use the site; (b) The nature of the use; (c) The frequency of loading and unloading; (d) The area and dimensions of the site;



	<p>(e) The topography of the site;</p> <p>(f) The location of existing buildings on the site; and</p> <p>(g) Any constraints imposed by existing development.</p>
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Comment

A dedicated loading bay is not proposed. Machinery will be driven in or carried in by truck. There is sufficient vehicle access areas for unloading of machinery in accordance with P1.

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Not applicable

C2.6.8 Siting of parking and turning areas

Not applicable to General Industrial zone.

C2.7 Parking Precinct Plan

Not applicable to General Industrial zone.

C3.0 Road and Railway Assets Code

C3.1 Code Purpose

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

Comment

Complies with the Code Purpose

C3.2 Application of this Code

C3.2.1 This code applies to a use or development that:

(a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing.

C3.5 Use Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:

To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.

Acceptable Solutions

A1.1

For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:

- (a) A new junction;
- (b) A new vehicle crossing; or
- (c) A new level crossing.

A1.2

For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.

A1.3

For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.

A1.4

Performance Criteria

P1

Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

- (a) Any increase in traffic caused by the use;
- (b) The nature of the traffic generated by the use;
- (c) The nature of the road;
- (d) The speed limit and traffic flow of the road;
- (e) Any alternative access to a road;
- (f) The need for the use;
- (g) Any traffic impact assessment; and
- (h) Any advice received from the rail or road authority.



Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:

- (a) The amounts in Table C3.1; or
- (b) Allowed by a licence issued under Part IVA of the *Road and Jetties Act 1935* in respect to a limited access road.

A1.5

Vehicular traffic must be able to enter and leave a major road in a forward direction.

Comment

A1.1 to A1.3 – Not applicable.

A1.4 – it is expected that vehicular traffic to and from the site using the existing accesses will not increase by more than the amounts in Table C3.1.

A1.5 – Not applicable.

Table C3.1 Acceptable increase in annual average daily traffic to and from the site (total of ingress and egress)

Location of vehicular traffic	Amount of acceptable increase in annual average daily traffic to and from the site (total of ingress and egress)	
	Vehicles up to 5.5m long	Vehicles longer than 5.5m long
Vehicle crossing on major roads and private level crossings	10% or 10 vehicle movements per day, whichever is the greater	10%
Vehicle crossings on other roads	20% or 40 vehicle movements per day, whichever is the greater	20% or 5 vehicle movements per day, whichever is the greater

C3.6 Development Standards for Buildings or Works

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

Not applicable.

C16.0 Safeguarding of Airports Code

C16.1 Code Purpose

The purpose of the Safeguarding of Airports Code is:

C16.1.1 To safeguard the operation of airports from incompatible use or development.

C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.

Comment

Complies with the Code Purpose

C16.5 Use Standards

C16.5.1 Sensitive use within an airport noise exposure area

Not applicable.

C16.6 Development Standards for Buildings and Works

C16.6.1 Buildings and works within an airport obstacle limitation area



Objective: That buildings and works do not interfere with safe aircraft operations in the vicinity of an airport and on land within an airport obstacle limitation area.	
Acceptable Solutions	Performance Criteria
A1 Buildings and works within an airport obstacle limitation area associated with a Commonwealth-leased airport that exceed the specified height limit shown on the airport obstacle limitation area overlay applicable for the site of the development must have approval from the relevant <i>Commonwealth department under the Airports Act 1996 (Commonwealth)</i> .	P1 No Performance Criterion.
Comment Not applicable, no buildings or works are proposed within the airport obstacle limitation area.	
A2 No Acceptable Solution.	P2 Building and works within an airport obstacle limitation area associated with a non-Commonwealth-leased airport that exceed the specified height limit shown on the airport obstacle limitation area overlay applicable for the site of the development must not create an obstruction or hazard for the operation of aircraft, having regard to any advice from: <ul style="list-style-type: none"> (a) Airservices Australia; (b) The Civil Aviation Safety Authority; and (c) The airport operator.
Comment Not applicable, no buildings or works are proposed within the airport obstacle limitation area.	

PARTICULAR PURPOSE ZONES		
NOR-P1.0	Particular Purpose Zone – Campbell Town Service Station	Not applicable
NOR-P2.0	Particular Purpose Zone – Epping Forest	Not applicable

GENERAL PROVISIONS		
7.1	Changes to an Existing Non-conforming Use	Not applicable
7.2	Development for Existing Discretionary Uses	Not applicable
7.3	Adjustment of a Boundary	Not applicable
7.4	Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place	Not applicable
7.5	Change of Use from an existing lawful use to another use in the same use class	Not applicable
7.6	Access and Provision of Infrastructure Across Land in Another Zone	Not applicable
7.7	Buildings Projecting onto Land in a Different Zone	Not applicable
7.8	Port and Shipping in Proclaimed Wharf Areas	Not applicable
7.9	Demolition	Not applicable
7.10	Development Not Required to be Categorised into a Use Class	Not applicable
7.11	Use or Development Seaward of the Municipal District	Not applicable
7.12	Sheds on Vacant Sites	Not applicable

6 FINANCIAL IMPLICATIONS TO COUNCIL

Assessing planning scheme amendments is within budget allocations.



7 OPTIONS

Decision in relation to request

The planning authority can:

- decide to agree to the amendment and prepare a draft amendment of the LPS; or
- decide to refuse to prepare the draft amendment of the LPS.

Preparation of draft amendment

If the planning authority decides to agree to the amendment, it must prepare a draft amendment. A draft amendment has been prepared as shown in the recommendation of this report.

Certification of draft amendment

- The planning authority must consider whether it is satisfied that the draft amendment meets the LPS criteria, see section 4.7.
- If the planning authority is satisfied that the draft amendment meets the LPS criteria, it must certify the draft as meeting the requirements of the Land Use Planning and Approvals Act; or
- If the planning authority is not satisfied that the draft amendment meets the LPS criteria it must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

Permit:

The planning authority can:

- Approve the permit subject to conditions; or
- Refuse the permit

8 DISCUSSION

As discussed in this report, the draft amendment is in accordance with the LPS criteria. It is recommended that the planning authority certify the draft amendment. The draft amendment will then be placed on public exhibition and any representations received considered by the planning authority before providing a report on the representations to the Tasmanian Planning Commission.

9 ATTACHMENTS

1. APPLICATION- FORM- Planning (11) [11.1.1 - 4 pages]
2. Application Form TPC [11.1.2 - 3 pages]
3. Woolcott Surveys - Scheme amendment Planning Report - 10 August 2023 [11.1.3 - 49 pages]
4. A 1 - Folio Plan-150770-8 [11.1.4 - 3 pages]
5. A 1 - Folio Text-150770-8 [11.1.5 - 1 page]
6. A 1 - Schedule Of Easements-150770-8 [11.1.6 - 3 pages]
7. A 2 - 19 Johns Street - Western Junction - Fieldwick Holdings PTY LTD [11.1.7 - 4 pages]
8. Launceston Airport Response [11.1.8 - 2 pages]
9. Tas Water Submission to Planning Authority Notice [11.1.9 - 1 page]



11.2 PLN23-0095: 23 MACQUARIE STREET EVANDALE - ALTERATIONS AND ADDITIONS TO DWELLING

File: 203000.22; PLN23-0095
Responsible Officer: Maree Bricknell, Corporate Services Manager
Report prepared by: Rebecca Green, Consultant Planner

MINUTE NO. 23/0272

DECISION

Cr Goss/Cr McCullagh

That application PLN-23-0095 to develop and use the land at 23 Macquarie Street, Evandale for Alterations and Additions to Existing Dwelling (Heritage Listed, Evandale Specific Area Plan, Second crossover) be approved subject to the following conditions:

1 Layout not altered

The use and development must be in accordance with the endorsed documents P1 – P11 and D1 and D2:

- P1 (Coversheet, Blackman.creative, Project No: 22009, Dated: Received: 07.06.2023);
- P2 (Title, Blackman.creative, Project No: 22009, Sheet No: A101, Rev: 02, Dated: Published 7/6/2023);
- P3 (Site/Roof Plan, Blackman.creative, Project No: 22009, Sheet No: A102, Rev: 03, Dated: Published 7/6/2023);
- P4 (Existing/Demo Plan, Blackman.creative, Project No: 22009, Sheet No: A103, Rev: 03, Dated: Published 7/6/2023);
- P5 (Post-Demo Plan, Blackman.creative, Project No: 22009, Sheet No: A104, Rev: 03, Dated: Published 7/6/2023);
- P6 (Ground Floor, Blackman.creative, Project No: 22009, Sheet No: A105, Rev: 05, Dated: Published 26/6/2023);
- P7 (First Floor, Blackman.creative, Project No: 22009, Sheet No: A106, Rev: 02, Dated: Published 7/6/2023);
- P8 (Courtyard/ Street Elevations, Blackman.creative, Project No: 22009, Sheet No: A201, Rev: 03, Dated: Published 7/6/2023);
- P9 (East & North Elevations, Blackman.creative, Project No: 22009, Sheet No: A202, Rev: 03, Dated: 7/6/2023);
- P10 (South Elevations, Blackman.creative, Project No: 22009, Sheet No: A203, Rev: 02, Dated: Published 7/6/2023);
- P11 (Building Section, Blackman.creative, Project No: 22009, Sheet No: A301, Rev: 03, Dated: Published 7/6/2023);
- D1 (Planning Scheme Response, Blackman.creative, Project No: 22009, Dated: 7 June 2023); and
- D2 (Heritage Works – Design Guidelines, Blackman.creative).

2 Council's Works Department conditions

2.1 Access

- a) The new driveway crossover and apron must be constructed from concrete from the edge of the road to the property boundary in accordance with Council standards.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.
- c) All works must be done in accordance with Council Standard Drawing TSD-R09 and to the satisfaction of the Works Manager.
- d) The applicant must ensure that any inspection openings or pits are at correct level for the driveway to match the proposed driveway and are suitably protected by trafficable lids in accordance with the requirements of the asset owner / service authority.
- e) The applicant must seek approval from the relevant services authorities (Telstra and Taswater) regarding constructing the driveway over their infrastructure and any adjustments to these services must be approved by the relevant authority prior to commencing work.

3 TasWater conditions

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2023/00781-NMC) – attached as Appendix A.

4 Tasmanian Heritage Council Requirements

The proposed development must comply with the requirements of the Tasmanian Heritage Council Notice of Heritage Decision (Reference #8185, File No. 09-85-48 THC, 7 July 2023) – attached as Appendix B.

Carried Unanimously



Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That application PLN-23-0095 to develop and use the land at 23 Macquarie Street, Evandale for Alterations and Additions to Existing Dwelling (Heritage Listed, Evandale Specific Area Plan, Second crossover) be approved subject to the following conditions:

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- P11 (Building Section, Blackman.creative, Project No: 22009, Sheet No: A301, Rev: 03, Dated: Published 7/6/2023);
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- d) The applicant must ensure that any inspection openings or pits are at correct level for the driveway to match the proposed driveway and are suitably protected by trafficable lids in accordance with the requirements of the asset owner / service authority.
- e) The applicant must seek approval from the relevant services authorities (Telstra and Taswater) regarding constructing the driveway over their infrastructure and any adjustments to these services must be approved by the relevant authority prior to commencing work.

3 TasWater conditions

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2023/00781-NMC) – attached as Appendix A.

4 Tasmanian Heritage Council Requirements

The proposed development must comply with the requirements of the Tasmanian Heritage Council Notice of Heritage Decision (Reference #8185, File No. 09-85-48 THC, 7 July 2023) – attached as Appendix B.

1 INTRODUCTION

This report assesses an application at 23 Macquarie Street, Evandale for Alterations and Additions to Existing Dwelling (Heritage Listed, Evandale Specific Area Plan, Second crossover).

2 BACKGROUND

Applicant:

Felix Blackman

Zone:

8.0 General Residential

Owner:

Rosamund Jan Palmer, John Bryan

Codes:

C2.0 Parking and Sustainable Transport
C16.0 Safeguarding of Airports - Obstacle Limitation Area
NOR-S5.0 Evandale Specific Area Plan

Existing Use:

Residential (single dwelling)

Recommendation:

Approve

Classification under the Scheme:

Residential (single dwelling)

Deemed Approval Date:

25 August 2023

Discretionary Aspects of the Application:

- S.34(2)(c) *Historic Cultural Heritage Act 1995*;
- 8.4.2 Setbacks and building envelope for all dwellings P1, P2 & P3;
- 8.4.7 Frontage fences for all dwellings P1; and
- C2.6.3 Number of accesses for vehicles P1.

Planning Instrument:

Tasmanian Planning Scheme – Northern Midlands, Version: 5, effective from 10th May 2023.

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.

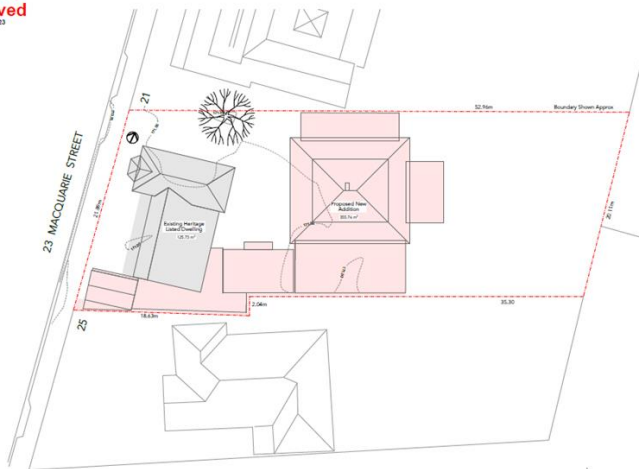
4 ASSESSMENT

4.1 Proposal

- Alterations and additions to existing dwelling (Heritage Listed, Evandale Specific Area Plan, Second crossover).

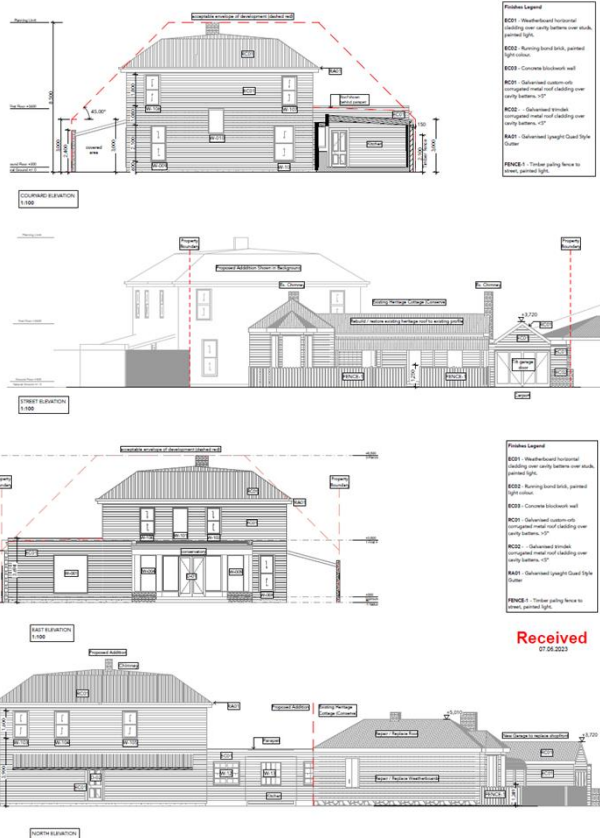
Site Plan

Received
07.06.2023



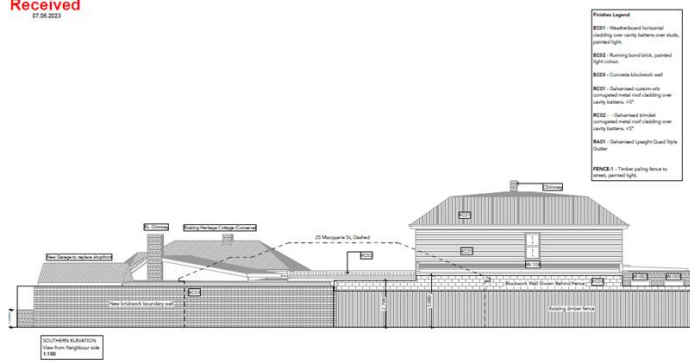
Elevations

Received
07.06.2023





Received
07.06.2023



4.2 Zone and Land Use

The land is in the General Residential Zone. It is also within the Evandale Heritage Precinct and the Evandale Specific Area Plan and is listed as NOR-C6.1.171 in NOR-Table C6.1 Local Heritage Places. The site is entered on the Tasmanian Heritage Register (THR No: 5031).

The relevant Planning Scheme definition is:

single dwelling	means a dwelling on a lot on which no other dwelling, other than a secondary residence, is situated
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Residential for a single dwelling is a No Permit Required use in the Zone. However, as the proposal requires assessment against the provisions of Performance Criteria, and is subject to S.34(2)(c) *Historic Cultural Heritage Act 1995**, the application is Discretionary.

**34. Legal status of heritage works if no certificate of exemption, &c.*

(1) This section applies to heritage works for which a certificate of exemption has not been issued.

(2) For all purposes –

(a) the heritage works are taken to be a development under the Planning Act; and

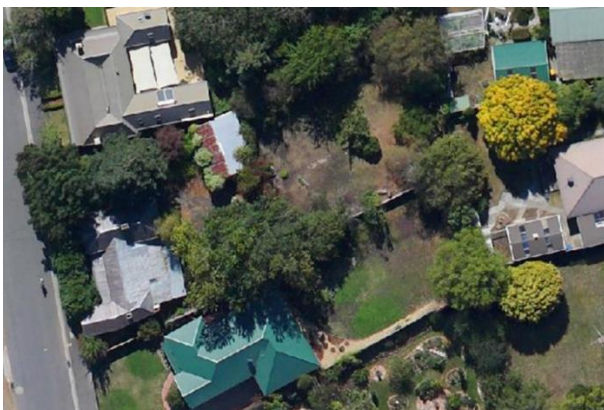
(b) the relevant planning scheme or relevant special planning order, if it does not do so, is taken to require a permit for that development; and

(c) the relevant planning scheme or relevant special planning order, if it does not do so, is taken to specify that development as being of a kind which a planning authority has a discretion to refuse or permit.

4.3 Subject Site and Locality

The author of this report has undertaken a site inspection. The site comprises an area of 1,075m² and is located on the eastern side of Macquarie Street. A single storey single dwelling occupies the site, currently in a dilapidated state. Single dwellings surround the subject site.

Aerial photograph of area





Photographs of subject site











4.4 Permit/Site History

Relevant permit history includes:

- 27/003/291 – Boundary adjustment
- P04-202 – 2 Lot Subdivision
- P17-020 – Emergency Order and Stormwater Issues

4.5 Referrals

Council Works Department

Council's Works & Infrastructure Department (Jonathan Galbraith) reported on 24/7/23 and their recommended conditions are included in the conditions of approval.

TasWater

TasWater issued a Submission to Planning Authority Notice on 30/06/2023 (TasWater Ref: TWDA 2023/00781-NMC).

Tasmanian Heritage Council

The Tasmanian Heritage Council issued a Notice of Heritage Decision on 7 July 2023 (Ref: 09-85-48THC) giving notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-23-0095, advertised on 17/06/2023, subject to conditions (see attached). The Planning Permit will condition the development to be in accordance with the Notice of Heritage Decision.

4.6 Planning Scheme Assessment

8.0 General Residential Zone

8.1 Zone Purpose

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - (a) primarily serves the local community; and
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Comment

Complies with the Zone Purpose.

8.2 Use Table

Comment

Single dwellings, are a No Permit Required use in the Zone.

8.3 Use Standards

8.3.1 Discretionary uses

Comment

Not applicable.

8.3.2 Visitor Accommodation

Comment

Not applicable.

8.4 Development Standards for Dwellings

8.4.1 Residential density for multiple dwellings

Comment

This Clause is substituted by Clause NOR-S5.7.1 Residential density for multiple dwellings

8.4.2 Setbacks and building envelope for all dwellings



<p>Objective: The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(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</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</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> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p>P1</p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>
<p>Comment</p> <p>Does not comply with the acceptable solution A1 and must be assessed against the performance criteria. The proposed set back is less than 4.5m but will maintain a similar building line to the existing building on the site. The existing front set back is 0.23m, and the proposed front setback is 0.7m. The setback proposed is therefore compatible with the streetscape. Performance criteria met.</p>	
<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p>Comment</p> <p>Does not comply with the acceptable solution A2 as the proposed garage is to be less than 5.5m. An existing dilapidated early 20th century shopfront which is attached to the original Georgian cottage is to be demolished and to free up the Georgian cottage façade. The proposed garage will replace the form/scale of the former shopfront attachment and will be set back slightly further from the primary frontage.</p> <p>A heritage listed conifer tree is located on the northern boundary, prohibiting locating the garage on this side. 32 Macquarie Street has an outbuilding located on the frontage boundary and 14 Macquarie Street has an outbuilding within the frontage setback minimum requirement.</p> <p>The proposed garage is considered to have a setback that is compatible with the setbacks of existing garages or carport in the street. Performance criteria met.</p>	
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to</p>



<p>more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <ul style="list-style-type: none"> (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 <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"> (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). 	<p>adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (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; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; <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"> (i) an adjoining property; or (ii) another dwelling on the same site.
<p>Comment</p> <p>Does not comply with A3 due to the length of development along the southern boundary wall.</p> <p>The dwelling located at 25 Macquarie Street is located to the south of the proposed development site and approximately 1.2m from the shared boundary. There will be a reduction in sunlight to habitable rooms along the northern elevation to the lower sections of wall at 25 Macquarie Street around June 21.</p> <p>The development proposes to remove a tall invasive non-native tree species causing significant shading to the southern neighbouring property throughout the year.</p> <p>The private open space of the dwelling at 25 Macquarie Street is extensive and there is to be minimal overshadowing to private open space.</p> <p>The proposed development is residential in scale and the second storey addition will be 4.5m from the side boundary and east of 25 Macquarie Street. The majority of the development is within the building envelope.</p> <p>The separation between the proposed development and any building on an adjoining lot, will be similar to that of the existing properties in the surrounding area. As such, it is considered that the development will not cause a visual impact to the amenity of adjoining properties.</p> <p>The proposed development will not cause overshadowing of a solar array on an adjoining lot.</p> <p>Performance criteria met.</p>	

8.4.3 Site coverage and private open space for all dwellings	
<p>Objective:</p> <p>That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> (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
<p>A1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (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 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer). 	<p>P1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and



	<p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p>Comment</p> <p>Complies with A1</p> <p>The subject site has an area of 1075m², the existing dwelling, and additions will have a site coverage less than 50% (45%).</p>	
<p>A2</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
<p>Comment</p> <p>Complies with A2.</p> <p>The proposed development will not limit the area of private open space at the subject site to less than the minimum required by the provisions of subclauses (a), (b), and (d).</p>	

8.4.4 Sunlight to private open space of multiple dwellings

Comment

Not applicable.

8.4.5 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

A1

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).

Performance Criteria

P1

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.

Comment

Complies with A1.

8.4.6 Privacy for all dwellings

Objective:

To provide a reasonable opportunity for privacy for dwellings.

Acceptable Solutions

A1

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

Performance Criteria

P1

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



<p>than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	<p>1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>
<p>Comment Complies with A1.</p>	
<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>P2 A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p>
<p>Comment Complies with A2. All new windows in the proposal with a floor level greater than 1m above ground level are to be at least 3m to a side boundary and at least 4m to a rear boundary.</p>	
<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p>P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>



Comment

Not applicable.

8.4.7 Frontage fences for all dwellings

Objective:

The height and transparency of frontage fences:

- (a) Provides adequate privacy and security for residents;
- (b) Allows the potential for mutual passive surveillance between the road and the dwelling; and
- (c) Is reasonably consistent with that on adjoining properties.

Acceptable Solutions

A1

No Acceptable Solution.

Performance Criteria

P1

A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:

- (a) Provide for security and privacy while allowing for passive surveillance of the road; and
- (b) Be compatible with the height and transparency of fences in the street, having regard to:
 - (i) The topography of the site; and
 - (ii) Traffic volumes on the adjoining road.

Comment

The proposal complies with the performance criteria. A timber paling fence is proposed along the front boundary at 1.25m in height and meets the exemption for fencing in this zone (Table 4.6). A new brickwork wall is proposed to the south of the garage and partly along the southern boundary, and therefore within 4.5m of the frontage. This fence is compatible in height and transparency to that part along the immediate frontage and provides for fire rating on the boundary of the site.

8.4.8 Waste storage for multiple dwellings

Comment

Not applicable.

8.5 Development Standards for Non-dwellings

8.5.1 Non-dwelling development

Comment

Not applicable.

8.5.2 Non-residential garages and carports

Comment

Not applicable.

8.6 Development Standards for Subdivision

8.6.1 Lot design

Comment

Not applicable.

8.6.2 Roads

Comment

Not applicable.

8.6.3 Services

Comment

Not applicable.

CODES

C1.0 Signs Code

N/A

C2.0 Parking and
Sustainable Transport Code

See code assessment.



C3.0 Road and Railway Assets Code	N/A
C4.0 Electricity Transmission Infrastructure Protection Code	N/A
C5.0 Telecommunications Code	N/A
C6.0 Local Historic Heritage Code	N/A. In accordance with clause C6.2.3, this code does not apply to a registered place entered on the Tasmanian Heritage Register, unless for the lopping, pruning, removal or destruction of a significant tree as defined in the code. The places is entered on the Tasmanian Heritage Register (THR No: 5031). The application does not involve removal of a significant tree as defined in the code (a tree that is listed and identified in the significant tree list in the Local Provisions Schedule).
C7.0 Natural Assets Code	N/A
C8.0 Scenic Protection Code	N/A
C9.0 Attenuation Code	N/A
C10.0 Coastal Erosion Hazard Code	N/A
C11.0 Coastal Inundation Hazard Code	N/A
C12.0 Flood-Prone Areas Hazard Code	N/A
C13.0 Bushfire-Prone Areas Code	N/A
C14.0 Potentially Contaminated Land Code	N/A
C15.0 Landslip Hazard Code	N/A
C16.0 Safeguarding of Airports Code	N/a – exempt as development is less than 211m AHD

C2.0 Parking and Sustainable Transport Code

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.
- C2.1.6 To provide for parking precincts and pedestrian priority streets.

Comment

The proposal complies with the Code Purpose.

C2.5 Use Standards

C2.5.1 Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use.

Acceptable Solutions

A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:
(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;

Performance Criteria

P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:
(a) the availability of off-street public car



<p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p>$N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
<p>Comment</p> <p>Complies with A1.</p> <p>The proposed dwelling requires, and provides, two car parking spaces in accordance with Table C2.1.</p>	

C2.5.2 Bicycle parking numbers	
<p>Objective:</p> <p>That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and</p> <p>(b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>
<p>Comment</p> <p>Not applicable – no requirement for single dwelling.</p>	

C2.5.3 Motorcycle parking numbers
Not applicable.

C2.5.4 Loading Bays



Not applicable.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Not applicable.

C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking areas

Objective:

That parking areas are constructed to an appropriate standard.

Acceptable Solutions

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all weather pavement;
- (b) be drained to the public stormwater system, or contain stormwater on the site; and
- (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.

Performance Criteria

P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:

- (a) the nature of the use;
- (b) the topography of the land;
- (c) the drainage system available;
- (d) the likelihood of transporting sediment or debris from the site onto a road or public place;
- (e) the likelihood of generating dust; and
- (f) the nature of the proposed surfacing.

Comment

The proposal complies with the acceptable solution in regard to the additional car parking proposed in the new garage.

C2.6.2 Design and layout of parking areas

Objective:

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Acceptable Solutions

A1.1 Parking, access ways, manoeuvring and circulation spaces must either:

(a) comply with the following:

- (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
- (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (iii) have an access width not less than the requirements in Table C2.2;
- (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;
- (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;
- (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and
- (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or

(b) comply with Australian Standard AS 2890-Parking facilities, Parts 1-6.

A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:

- (a) be located as close as practicable to the main entry point to the building;

Performance Criteria

P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:

- (a) the characteristics of the site;
- (b) the proposed slope, dimensions and layout;
- (c) useability in all weather conditions;
- (d) vehicle and pedestrian traffic safety;
- (e) the nature and use of the development;
- (f) the expected number and type of vehicles;
- (g) the likely use of the parking areas by persons with a disability;
- (h) the nature of traffic in the surrounding area;
- (i) the proposed means of parking delineation; and
- (j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.



<p>(b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.¹</p> <p>¹ Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.</p>	
<p>Comment Complies with A1.1. The proposed driveway has sufficient dimensions to provide for the entry and exit of vehicles within the site, and at least a 3.0m wide access. The dimensions of car parking spaces, including vertical clearance, which are located internally to the garage and one open space, satisfy the requirements in Table C2.3.</p>	

C2.6.3 Number of accesses for vehicles	
<p>Objective: That: (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and (c) the number of accesses minimise impacts on the streetscape.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to: (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.</p>
<p>Comment The proposal relies on the performance criteria as a second crossover is proposed within the frontage. The existing crossover will be used for off-street guest / visitor parking to the property. Due to the location of a sensitive historical conifer along this existing vehicle access pathway, additional parking is to be provided to the relocated southern boundary and will be the principal parking space for the occupant of the dwelling and to ensure the integrity of the tree is maintained. The timber picket fence proposed will maintain visual connection to vehicle/pedestrian movements. The sight lines exceed that required in this area and the additional crossover and low number of daily movements created by the use of the site will ensure that traffic safety is not impacted. The additional crossover will have minimal impact on the streetscape. Performance criteria met.</p>	
<p>A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must: (a) not have an adverse impact on: (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.</p>
<p>Comment Not applicable.</p>	

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone
Not applicable.

C2.6.5 Pedestrian access
Not applicable.

C2.6.6 Loading bays
Not applicable.



C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Not applicable.

C2.6.8 Siting of parking and turning areas

Not applicable.

C2.7 Parking Precinct Plan

Not applicable.

PARTICULAR PURPOSE ZONES

NOR-P1.0	Particular Purpose Zone – Campbell Town Service Station	Not applicable
NOR-P2.0	Particular Purpose Zone – Epping Forest	Not applicable

SPECIFIC AREA PLANS

NOR-S1.0	Translink Specific Area Plan	Not applicable
NOR-S2.0	Campbell Town Specific Area Plan	Not applicable
NOR-S3.0	Cressy Specific Area Plan	Not applicable
NOR-S4.0	Devon Hills Specific Area Plan	Not applicable
NOR-S5.0	Evandale Specific Area Plan	See assessment
NOR-S6.0	Longford Specific Area Plan	Not applicable
NOR-S7.0	Perth Specific Area Plan	Not applicable
NOR-S8.0	Ross Specific Area Plan	Not applicable

NOR-S5.0 Evandale Specific Area Plan

NOR-S5.1 Plan Purpose

The purpose of the Evandale Specific Area Plan is:

NOR-S5.1.1 To protect and enhance the unique history and character of the village.

NOR-S5.1.2 To maintain the current open space, picturesque and historic streetscapes.

NOR-S5.1.3 To provide for community events.

NOR-S5.1.4 To encourage the provision of appropriate tourism infrastructure whilst maintaining the scenic character of Evandale.

NOR-S5.1.5 To provide for development that is compatible with the existing streetscape settings, building forms and the rural village character.

NOR-S5.1.6 To provide for the subdivision of key development sites and provide for appropriately located public open space.

NOR-S5.1.7 To encourage subdivision that provides for large lots and minimises internal lots.

NOR-S5.1.8 That as part of any new subdivision, new trees are provided to increase the township's tree canopy cover.

Comment

Complies with the specific area plan Purpose.

NOR-S5.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

NOR-S5.5 Use Table

This sub-clause is not used in this specific area plan.

NOR-S5.6 Use Standards

This sub-clause is not used in this specific area plan.

NOR-S5.7 Development Standards for Buildings and Works

NOR-S5.7.1 Residential density for multiple dwellings

This clause is a substitution for General Residential Zone – clause 8.4.1 Residential density for multiple dwellings.



Comment

Not applicable.

NOR-S5.7.2 Roof form and materials

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5 Development Standards for Non-dwellings.

Objective:

That roof forms are designed to be compatible with, and not detract from, the existing streetscape or rural village character.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Roof form for new buildings, excluding outbuildings, places listed in Table C6.1, and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be as per the roof forms shown in Figure NOR-S5.7.2, with the roof pitch being within a range of 22.5 – 40 degrees.</p>	<p>P1</p> <p>Roof form for new buildings, excluding outbuildings, places listed in Table C6.1, and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be compatible with, and not detract from, the existing streetscape or rural village character, having regard to:</p> <ul style="list-style-type: none"> (a) the design and period of construction of the existing buildings in the street; (b) the design and period of construction of the existing buildings or rural village character; and (c) visibility from any road or public open space.

Comment

Not applicable, the property is listed in Table C6.1 under NOR-C6.1.171 and is excluded.

NOR-S5.7.3 Wall materials

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5 Development Standards for Non-dwellings.

Objective:

That wall materials used are compatible with the existing streetscape or rural village character.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Wall materials, excluding outbuildings, places listed in Table C6.1, and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be of a form and material that matches the existing building or not be visible from any road or public open space adjoining the site.</p>	<p>P1</p> <p>Wall materials of buildings, excluding outbuildings, places listed in Table C6.1, and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be compatible with the design and period of construction of the existing buildings on the site and in the street, and be compatible with the design and period of construction of the existing buildings or rural village character, having regard to:</p> <ul style="list-style-type: none"> (a) use of bull-nosed timber weatherboards, or materials that have the appearance of bull-nosed timber weatherboards; or (b) use of brickwork with mortar of a neutral earth colour and struck flush with the brickwork; or (c) use of concrete blocks specifically chosen to: <ul style="list-style-type: none"> (i) blend with dressed sandstone; or (ii) rendered with coloured finishes in neutral earth tones.

Comment

Not applicable, the property is listed in Table C6.1 under NOR-C6.1.171 and is excluded.

NOR-S5.7.4 Windows

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5 Development Standards for Non-dwellings.

Objective:

That window form and detail are compatible with the streetscape or rural village character.

Acceptable Solutions	Performance Criteria
A1	P1



Window heads in all buildings, excluding placed listed in Table C6.1, sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be a minimum of 300mm below the eaves line, or match the level of the window heads in the existing building.	No Performance Criterion.
Comment Not applicable, the property is listed in Table C6.1 under NOR-C6.1.171 and is excluded.	
A2 Windows in a façade facing a frontage, excluding places listed in Table C6.1 and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must have no greater than 30% of the total surface area consisting of windows.	P2 Windows in the front façade of a building, excluding places listed in Table C6.1, and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be compatible with the design and period of construction of the existing buildings in the street.
Comment Not applicable, the property is listed in Table C6.1 under NOR-C6.1.171 and is excluded.	
A3 Windows for new buildings and extensions to existing buildings, or alterations to existing buildings, excluding places listed in Table C6.1 and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must not be visible from public spaces.	P3 Windows for new buildings and extensions to existing buildings, or alterations to existing buildings, excluding places listed in Table C6.1 and sites located within the Evandale Historic Heritage Precinct listed in Table C6.2, must be compatible with the design and period of construction of the existing buildings in the street, having regard to: <ul style="list-style-type: none"> (a) The period and style of the building; (b) The use of multi-pane sashes conforming to the patterns per sash with size and profile glazing bars as shown in Figure NOR-S5.7.4 (b); (c) The use of projecting brick or stone sills that match the existing is in a brick or masonry building; (d) The use clear glass; and (e) The division of large areas of glass panelling with vertical mullions to achieve a vertical orientation of glazing.
Comment Not applicable, the property is listed in Table C6.1 under NOR-C6.1.171 and is excluded.	

NOR-S5.8 Development Standards for Subdivision

NOR-S5.8.1 Lot design in development precincts

This clause is in addition to General Residential Zone – clause 8.6.1 Lot design and Open Space Zone – clause 29.5.1 Lot design.

Comment

Not applicable.

NOR-S5.8.2 Lot design

This clause is in substitution for General Residential Zone – clause 8.6.1 Lot design.

Comment

Not applicable.

NOR-S5.8.3 Internal lots

This clause is an addition to General Residential Zone– clause 8.6.1 Lot design.

Comment

Not applicable.

NOR-S5.8.4 Roads

This clause is in substitution for General Residential Zone – clause 8.6.2 Roads.



Comment

Not applicable.

GENERAL PROVISIONS

7.1	Changes to an Existing Non-conforming Use	Not applicable
7.2	Development for Existing Discretionary Uses	Not applicable
7.3	Adjustment of a Boundary	Not applicable
7.4	Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place	Not applicable
7.5	Change of Use	Not applicable
7.6	Access and Provision of Infrastructure Across Land in Another Zone	Not applicable
7.7	Buildings Projecting onto Land in a Different Zone	Not applicable
7.8	Port and Shipping in Proclaimed Wharf Areas	Not applicable
7.9	Demolition	Complies
7.10	Development Not Required to be Categorised into a Use Class	Not applicable
7.11	Use or Development Seaward of the Municipal District	Not applicable
7.12	Sheds on Vacant Sites	Not applicable

4.7 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's Records management system after completion of the public exhibition period revealed that 2 representations (attached) were received during the exhibition period from:

- Christopher Wallis, 24 Macquarie Street, Evandale
- Patricia Armstead, 1/49a Cambock Lane East, Evandale

A third representation was received outside of the statutory period from the owners of the immediately adjacent property at 25 Macquarie Street in support of the proposal. They note that their main concern is the large tree sitting on the boundary which has caused problems due to the overhang and constant dropping of debris/leaves and sticks onto their property. This causes maintenance issues. The tree is in poor condition with a large hole in the main bough. The neighbours at 25 Macquarie Street are supportive of the tree removal, and are happy with the overall plans and the setback of the two-storey addition.

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

Issue 1

- The two-storey addition is of concern in that it will dwarf the heritage cottage at the front. There are no two storey houses in the street and concerns that the two-storey addition will diminish the privacy of the representors front garden and the adjacent neighbours.

Planner's comment:

The two-storey addition is to sit behind the existing single storey dwelling and approximately 18m from the front boundary. This addition therefore will be at least 31m from the front garden of the property opposite the site at 24 Macquarie Street. The two-storey addition is wholly within the building envelope and exceeds the setbacks required within the development provisions of the zone. The height is less than the allowable 8.5m in the zone. At eye level on the ground, only the part of the building proposed that is visible to the street is the top part of the new roof section. The Tasmanian Heritage Council has provided a Notice of Decision and has not raised any concerns in regard to height or bulk. In the street there is another two-storey dwelling, located immediately to north of the subject site at 21 Macquarie Street and although this may not be the dominant height in the street of single dwellings, the proposal is compliant with the relevant provisions in regard to height of the planning scheme.



Issue 2

- The garage is directly onto the street and will become the dominant focus of the property. There are no houses in this area that have a garage in such a prominent position. Suggestion is made to move this to the northern side of the property and setback behind the guest parking space.

Planner's comment:

The removal of the existing shopfront building and pushing the form of the garage to the southern boundary, will enable the Georgian cottage form to be revealed and its relationship to the street strengthened. The Tasmanian Heritage Council does not object to the location of the garage proposed and has included conditions in their approval in relation to the tilt-up panel door. Detailed earlier within this assessment is justification against the performance criteria in relation to the variation to the front setback and additional crossover, with the proposal considered to be consistent with the performance criteria.

Issue 3

- Concerns that the tree to be removed is as much heritage as the cottage.

Planner's comment:

The tree is proposed to be removed to make way for the proposed addition at the rear of the existing cottage. Removal of this tree is considered exempt under Table 4.4.1 should the building work be approved. In support of the removal of the tree and in response to the concerns in the representations the proponent has provided an arborist report in relation to the condition of the tree. The arborist who prepared the report by Adam's Tree Services states that:

The tree is viewed as having good to very good (over all tree health) but I have concerns of the soundness of the tree, mainly in the mid sections. Due to the shape and conditions of the tree I wouldn't consider pruning to be a viable option.

Overall, I believe the tree has come to the end of its SULE, Safe Usable Life Expectancy and its time for the tree to go, given the plans for the site.

The neighbours to the south of the subject site welcome the tree removal due to maintenance issues they experience, and the removal will enhance the solar access to their property.

4.8 Objectives of the Land Use Planning and Approvals Act 1993

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

4.9 State Policies

The proposal is consistent with all State Policies.

4.10 Strategic Plan/Annual Plan/Council Policies

Strategic Plan - 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:

- S.34(2)(c) *Historic Cultural Heritage Act 1995*;
- 8.4.2 Setbacks and building envelope for all dwellings P1, P2 & P3;
- 8.4.7 Frontage fences for all dwellings P1; and



- C2.6.3 Number of accesses for vehicles P1.

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

The proposal will be conditioned to be used and developed in accordance with the proposal plans.

8 ATTACHMENTS

1. APPLICATION-proposal [**11.2.1** - 1 page]
2. 22009 23 MAC DA Cover Letter 230607 [**11.2.2** - 7 pages]
3. Folio Plan-139560-1 [**11.2.3** - 1 page]
4. Heritage report [**11.2.4** - 18 pages]
5. 22009 23 MAC 230526 DA 2_230607 [**11.2.5** - 11 pages]
6. 22009 23 MAC 230623 DARF I 2 [**11.2.6** - 1 page]
7. 22009 23 MAC 230623 DARF I 3 [**11.2.7** - 1 page]
8. 22009 23 MAC DA RF I 4 230721 [**11.2.8** - 1 page]
9. 226213553 [**11.2.9** - 2 pages]
10. Additional Information Request - PL N-23-0095 - 23 Macquarie Street, Evandale [**11.2.10** - 1 page]
11. Additional Information Request - PL N-23-0095 - 23 Macquarie Street, Evandale no 2 [**11.2.11** - 1 page]
12. Additional Information Request no 3 [**11.2.12** - 1 page]
13. Notice of Heritage Decision W A 8185 [**11.2.13** - 2 pages]
14. RAI TWDA 2023-00781- NMC [**11.2.14** - 2 pages]
15. TWDA 2023-00781- NMC [**11.2.15** - 2 pages]
16. 1. Representation - Wallis [**11.2.16** - 2 pages]
17. 2. Representation - Armistead [**11.2.17** - 2 pages]
18. Support Letter - Ian & Andrea Pease [**11.2.18** - 1 page]
19. DA Representation 230725 [**11.2.19** - 4 pages]
20. 23 Macquarie Street Evandale August 2023 [**11.2.20** - 6 pages]



12 COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

MINUTE NO. 23/0273

DECISION

Deputy Mayor Lambert/Cr Adams

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.

Carried Unanimously

RECOMMENDATION

That the Council cease to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, for the remainder of the meeting.



13 GOVERNANCE REPORTS

13.1 STATE GOVERNMENT REFORM OF ROLE OF PLANNING AUTHORITIES

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

MINUTE NO. 23/0274

DECISION

Cr Terrett/Cr Adams

- a) That Council notes the report.
- b) That Council participates in the consultation process conducted by the Government via the State Planning Office.
- c) That Council reply to Premier Rockliff's correspondence, inclusive of the Officers comments contained within the report, and copy the correspondence to local members voicing concerns about the proposed changes.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

- a) That Council notes the report.
- b) That Council participates in the consultation process conducted by the Government via the State Planning Office.

1 PURPOSE OF REPORT

To inform Council of a potential new legislated pathway to allow some planning decisions to be made by an independent Development Assessment Panel.

2 INTRODUCTION/BACKGROUND

On 20 July 2023 Premier Rockliff wrote to Mayor Knowles advising that the State Government would shortly commence with the development of a new legislated pathway to allow some planning decisions to be made by an independent Development Assessment Panel established by the Tasmanian Planning Commission (TPC).

Premier Rockliff's letter below:

Since 2014, the State Government has been implementing significant reforms to the Tasmanian land use planning system, including delivery of the Tasmanian Planning Scheme, the development of the Tasmanian Planning Policies and commencing a comprehensive review of the three regional land use strategies.

The Government will shortly be commencing development of a new legislated pathway to allow some planning decisions to be made by an independent Development Assessment Panel established by the Tasmanian Planning Commission (TPC). This initiative is about providing a second decision-making option, where the politics are removed from planning. This will help us to deliver our target of 10,000 homes by 2030, and meet Tasmania's affordable housing needs, by reducing unnecessary delays.



Under what is being proposed, councils will continue to undertake planning assessments in accordance with the existing planning scheme and consult with the community exactly as they do now. For some development applications there will be an opportunity for the council or the proponent to refer the final decision to an independent panel.

This may apply for example where the council is the proponent of the development, or where Councillors are experiencing a conflict between their role as community advocates and that of a statutory planning authority, or on occasion where a proponent feels their proposal may not get a fair hearing by elected members.

I do however want to clarify with you that as part of the development of the legislation, the Government through the State Planning Office will consult widely with councils and the Local Government sector more broadly to develop the final thresholds that will determine the types and scale of projects and provide clarity on the circumstances where applications can be referred to the independent development assessment panel.

The enabling draft legislation is currently being prepared and we would expect that social housing and large-scale developments will be included for consideration. A value floor for non-prescribed projects will also be considered such as projects valued over \$10 million in urban centres and over \$5 million in rural areas.

While the vast majority of development applications will continue to be efficiently and effectively determined by councils just as they are now, this simple and impactful change will allow for certain development proposals to be elevated to an independent panel.

The State Planning Office are going to be responsible for developing the new decision-making pathway and preparing the enabling legislative amendments. The State Planning Office will undertake comprehensive consultation as part of this process and all stakeholders and the community will be engaged and have an opportunity to express their views, including in relation to what type or scale of projects may be eligible.

The Government intends that draft legislation will be out for consultation towards the end of this year for introduction to Parliament in early 2024.

I would encourage you and other members of Council to engage with this process.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

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

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

- 2.1 Strategic, sustainable, infrastructure is progressive

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:



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

Place: Nurture our heritage environment

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

Strategic outcomes:

- 4.4 Our heritage villages and towns are high value assets

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

Council may need to establish a new policy as a result of the future legislative changes; however, there are no policy implications at this time.

5 STATUTORY REQUIREMENTS

Changes are likely to impact the *Land Use Planning and Approvals Act 1993*.

6 FINANCIAL IMPLICATIONS

Review of the legislation and participation in the consultation process is allowed for within existing budget allocations.

7 RISK ISSUES

There is insufficient information currently available to determine potential risks. Further examination of risk issues will occur once draft legislation is available.

8 CONSULTATION WITH STATE GOVERNMENT

The state government will provide consultation opportunities via the State Planning Office, once draft legislation is available.

9 COMMUNITY CONSULTATION

Community consultation will be incorporated into the State Governments consultation via the State Planning Office.

10 OPTIONS FOR COUNCIL TO CONSIDER

Until further information is available, the main consideration for Council is whether it wishes to participate in the future consultation process made available via the State Planning Office.

11 OFFICER'S COMMENTS/CONCLUSION

Until draft legislation is provided, there is limited scope to examine how the changes might impact Council's role as a Planning Authority. Issues, benefits or concerns that may arise, based on the information within the Premier's letter and associated media release may include:

- How will fees be determined?
- Impact of changes to application processes and potential for additional administration to facilitate
- Will changes be a duplication of major projects legislation?
- TPC availability of resources



- Will TPC decision be able to be appealed?
- No evidence to show assessment timeframes will be improved
- Public perception regarding planning approval processes
- Floor value requirements not allowing proponents choice in assessment body
- How do Level 2 activities fit into process?
- How does someone decide they won't get a 'fair hearing' by Planning Authority?
- If planning authorities are doing role correctly – outcome should be the same.
- Risk of public participation in planning process being less accessible (against objectives of LUPAA) – decisions made in Hobart rather than local area
- May remove perceived conflict for Councillors acting as planning authority and representing community.
- Expertise within the TPC to interpret relevant planning instrument and legislative requirements.

These matters will be able to be further addressed once draft legislation is offered for consultation or further information is provided by the Premier. Until such time, Council will continue to operate as a Planning Authority as per the requirements of the *Land Use Planning and Approvals Act 1993*.

12 ATTACHMENTS

1. Taking the politics out of planning - Premier of Tasmania [**13.1.1** - 1 page]



13.2 NAPOLEON STREET PARK, PERTH: DETENTION, FENCING AND SAFETY

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Erin Miles, Project Officer

MINUTE NO. 23/0275

DECISION

Cr Archer/Cr Andrews

That the report be noted.

That appropriate educational signage be incorporated into the design and a 12-monthly review be undertaken following construction of the detention basin (to include an assessment relating to fencing).

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That the report be noted.

1 PURPOSE OF REPORT

The purpose of this report is to provide information relating to the detention basin at the future Napoleon Street Park.

2 INTRODUCTION/BACKGROUND

At the 26.6.2023 ordinary meeting of Council, the concept plan relating the proposed park at Napoleon Street was considered. Arising from discussion, the following decision was made:

MINUTE NO. 23/0202

DECISION

Cr McCullagh/Cr Archer

That a report relating to detention basin fencing, stormwater management, safety, etc. be tabled at a future Council meeting.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

In response to the decision, this report addresses:

- How stormwater will pass through the site
- How the Detention Basin will operate and function as open space versus water storage
- Public safety
- The need for fencing.

Council has already agreed to accept the concept plan for the park in principle, and identify external funding opportunities as per the following decision:



MINUTE NO. 23/0201

DECISION

Cr Terrett/Deputy Mayor Lambert

That Council:

- a) accept in principle the Napoleon Street Park Landscape Concept Plan; and*
- b) requests Council officers to identify external funding opportunities for implementation of the plan.*

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr Terrett

Voting Against the Motion:

Cr McCullagh

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

- 1.4 Improve community assets responsibly and sustainably

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

- 2.1 Strategic, sustainable, infrastructure is progressive

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:

- 3.4 Towns are enviable places to visit, live and work

Place: Nurture our heritage environment

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

Strategic outcomes:

- 4.2 Meet environmental challenges

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

The land for the park and recreation area has been provided in accordance with Council's Public Open Space Policy and the *Local Government (Building and Miscellaneous Provisions) Act 1993*, as a result of a 116-lot subdivision (PLN22-0037). The following condition was placed on the subdivision permit:

7. PUBLIC OPEN SPACE

- (a) In accordance with Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, when the Final Plan is submitted for sealing, the Public Open Space Lots must be dedicated as Public Open Space.
- (b) A cash contribution must be paid in lieu of shortfall of provision of 5% of land for public open space (The applicant must obtain a valuation not less than one month old by a registered land valuer, of the subject land) or land for public open space or land may be provided with lot 117 to make up 5% of the land.
- (c) The Public Open Space lots must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Developer.



5 STATUTORY REQUIREMENTS

5.1 Urban Drainage Act 2013

Construction of the detention basin and associated stormwater works are required to be in accordance with the *Urban Drainage Act 2013*.

5.2 Building Act 2016/National Construction Code 2022

Under the *National Construction Code 2022*, a swimming pool is defined as: *Any excavation or structure containing water and principally used, or that is designed, manufactured or adapted to be principally used for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa*. The detention basin is not considered as a swimming pool and is not to be principally used for swimming, wading, paddling, or the like, and therefore, is not required to be fenced under the code.

The Consumer, Building and Occupational Services (CBOS) brochure 'Staying safe around pools and spas – Installing pool safety barriers' (June 2018), explicitly states:

Barrier requirements don't apply to:

- *Pools and spas (including inflatable) which hold less than 300mm (30cm) of water*
- *Indoor spa-baths (bathroom spas which are emptied after each use)*
- *Domestic baths emptied after each use*
- *Bird baths*
- *Fountains*
- *Water supply and storage tanks*
- *Fish ponds*
- *Dams*

6 FINANCIAL IMPLICATIONS

Council is responsible for providing recreation services and is assisted by funds generated by public open space contributions (land and cash in lieu payments). In an earlier decision by Council at the 26.6.2023 Council meeting (minute reference 23/0201), Council requested Council officers to identify external funding opportunities for implementation of the plan [Napoleon Street Park Concept Plan]. An update will be provided to Council when funding has been sourced.

7 RISK ISSUES

Council officers have worked to minimise risk of the detention basin not functioning as intended by seeking further information regarding the operation of the detention basin and having this reviewed by Council's Hydraulic Engineer, prior to recommending the subdivision (PLN22-0037) for approval.

Council has worked to minimise the risk of developing a park that doesn't meet community needs or expectations by seeking community input to the finalisation of the landscape concept plan, as detailed in the report to the June 2023 meeting.

Risk issues associated with public safety are discussed at part 11 of this report.

8 CONSULTATION WITH STATE GOVERNMENT

Not required.

9 COMMUNITY CONSULTATION

Community consultation was undertaken regarding the draft Napoleon Street Park Concept Plan and the detention basin

and associated stormwater information was included in the documentation placed on public exhibition, associated with planning application PLN22-0037.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council may note the report as recommended or require other matters to be considered as part of the development of the Napoleon Street Park and associated detention basin.

11 OFFICER'S COMMENTS/CONCLUSION

Council, at the 26.6.2023 meeting, sought additional information relating to Napoleon Street Park Concept Plan, regarding:

- How stormwater will pass through the site.
- How the Detention Basin will operate and function as open space v's water storage.
- Public Safety.
- The need for fencing.

Stormwater

The complete stormwater design, and associated stormwater modelling for the subdivision and associated detention basin was included in the 30 January 2023 Council meeting attachments, as part of Planning Application PLN22-0037 for a 116-lot subdivision at Folio of the Register 174678/1 Drummond St (accessed from Napoleon St), & Napoleon St & Frederick St, Perth.

Key aspects of the abovementioned information are outlined below:

1. Catchment A7, A8 and R3 (light yellow, light green & pink on catchment plan – Figure 1) with total catchment size of 2.87 ha will discharge directly into the existing table drain in the unmade section of Frederick Street via new DN375 stormwater main. All other lots will discharge via multiple outlet structures to a new detention basin located on public open space lot 305 and will discharge into DN600 stormwater trunk main in Napoleon Street.

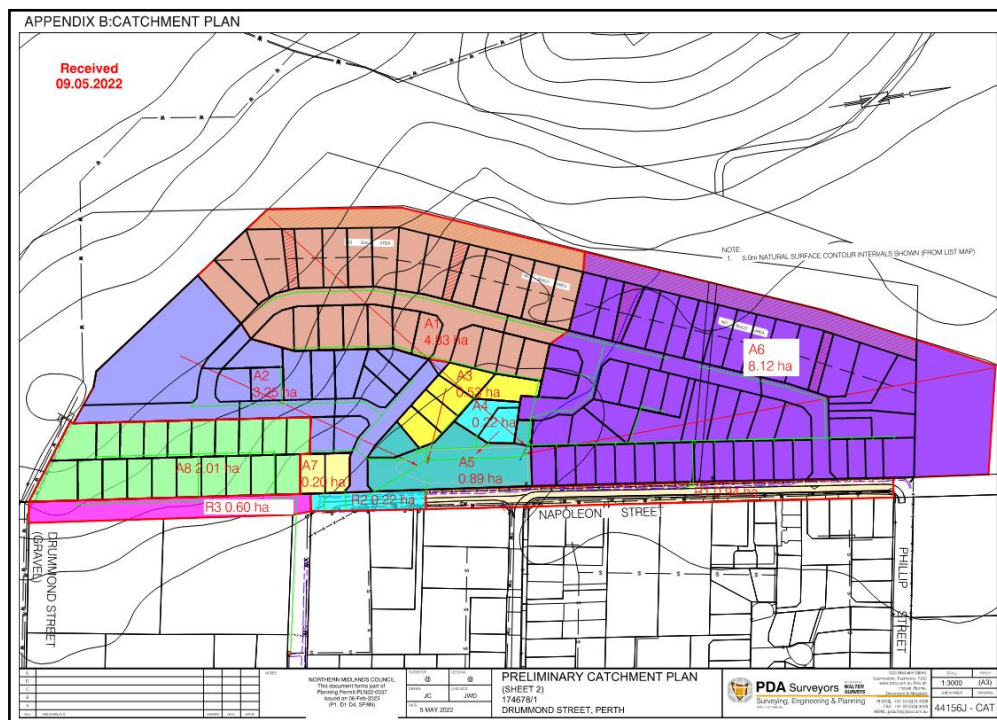


Figure 1 – subdivision stormwater catchment plan

2. A stormwater detention basin will be designed and constructed so that peak discharges are not adversely increased by development and there is no net worsening, when compared to pre-development conditions, on downstream flooding for critical annual exceedance probability (AEP) 1% and AEP10% storms.
3. The low flows will be accommodated in the piped system that bypasses the basin to control flows so the basin will be suitable for recreation. The low flow pipe will have a diameter of 225mm. The detention basin outlet will have a diameter of 525mm. The detention basin will have a gentle slope for access on the north and north-western sides, closest to the main public open space area (Figures 2 & 3).

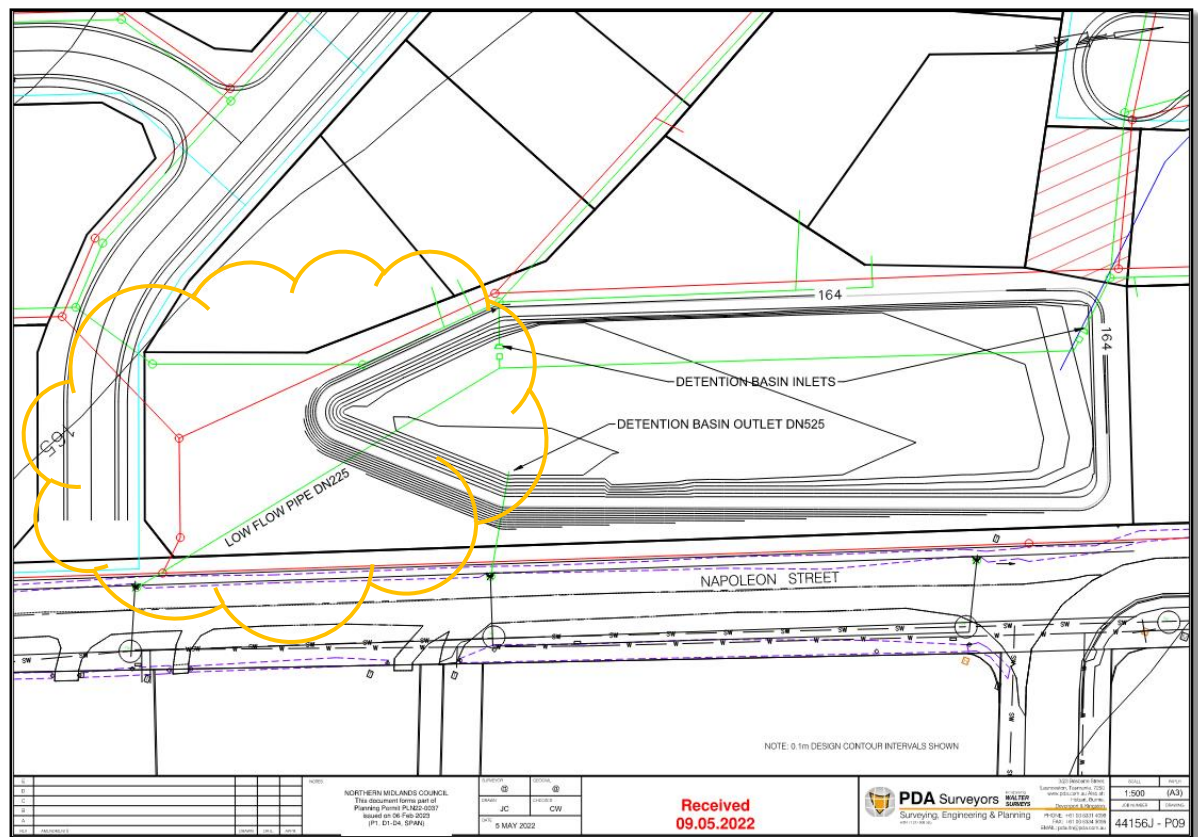


Figure 2 – Detention basin stormwater pipework, showing low flow pipe bypass separate to basin outlet

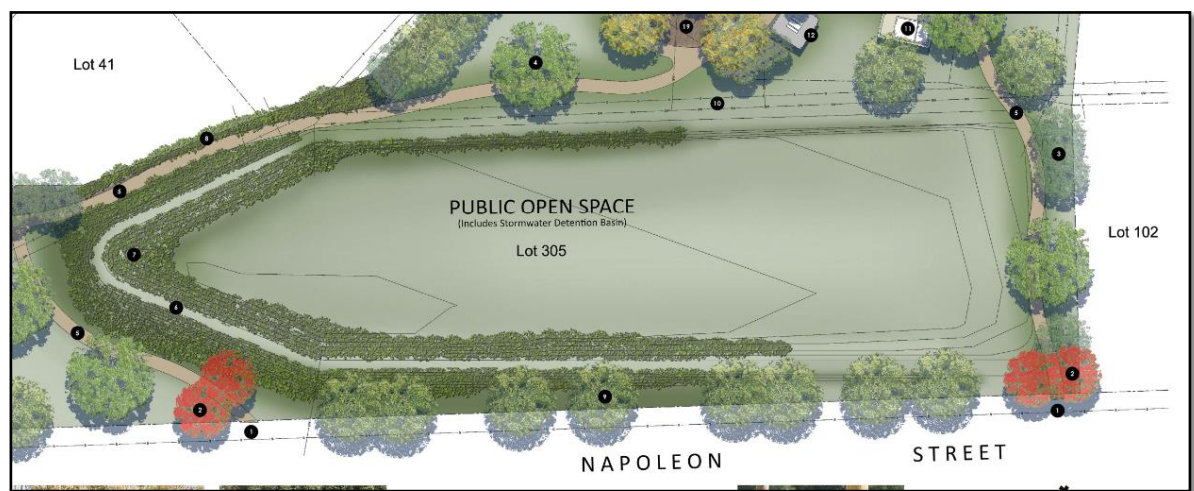


Figure 3 – Close up of detention basin from Napoleon Street Park Concept Plan showing accessibility

4. There is no link from the highway drainage or culvert system to the land in question.

5. Post development, the stormwater system will be designed to retain flow within road reserve by providing additional capacity and detention to maximise the efficiency of the subsurface drainage network. This will enable flow to discharge onto road reserve in Frederick Street, instead of as surface flow via an existing overland flow path through private property. Thus, post development, flow via the existing overland flow path from Napoleon Street, though private property, will be reduced.

AEP Event	Private Property Overland flow from Napoleon Street (l/s)	Unmade Road Frederick Street(l/s)
Pre development peak flows		
10%	99	281
1%	280	480
Post development peak flows		
10%	0	756
1%	42	860

Figure 4 – Table showing post development stormwater flows modelled (concept drain modelling) as reduced from private property and directed to constructed stormwater system in Frederick Street

Open Space Versus Water Storage

As noted above, low level flows of stormwater will be contained within the piped system that bypasses the basin to control flows and retain the detention basin for the purpose of recreation.

In a 10% AEP storm event (30 minute burst), the detention basin has been modelled to reach a water level height of approximately 900mm after 35 minutes, before beginning to recede (Figure 5).

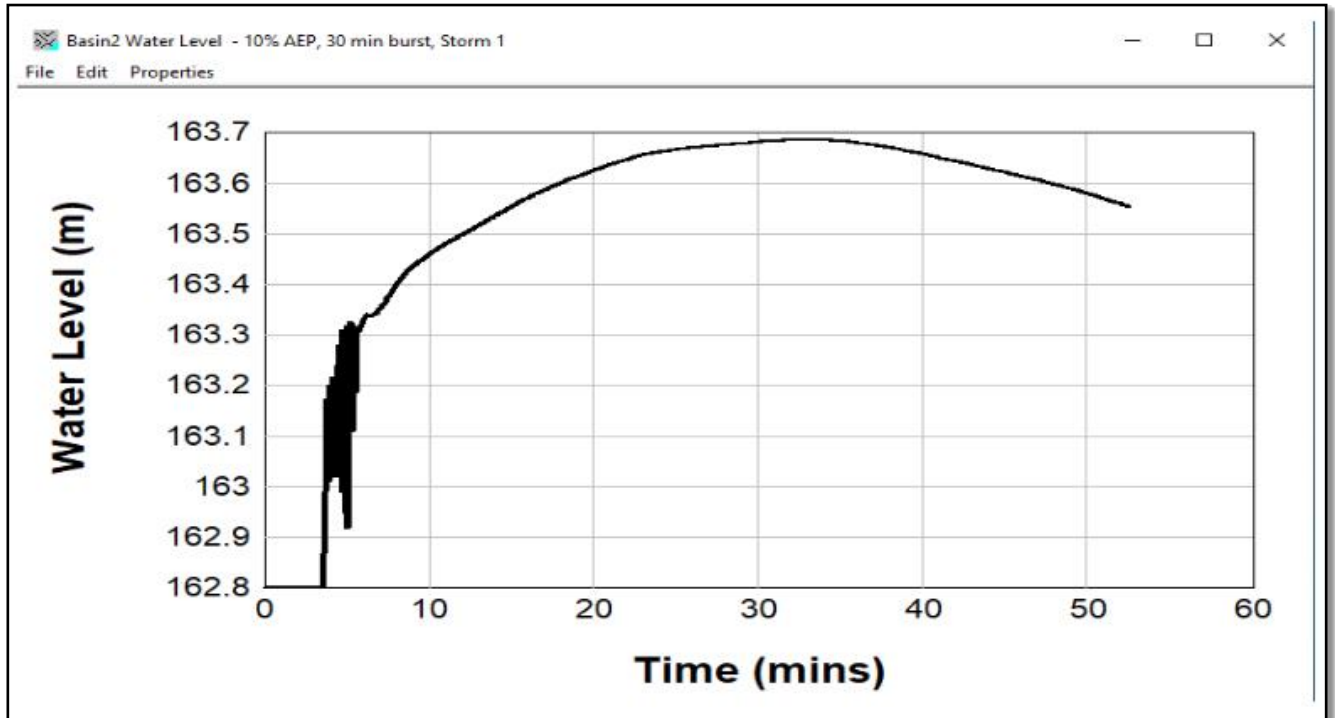


Figure 5: Detention Basin Water Level – 10% AEP Storm

In a 1% AEP storm event (30 minute burst), the detention basin has been modelled to reach a water level height of approximately 1150mm after 35 minutes, before beginning to recede (Figure 6).

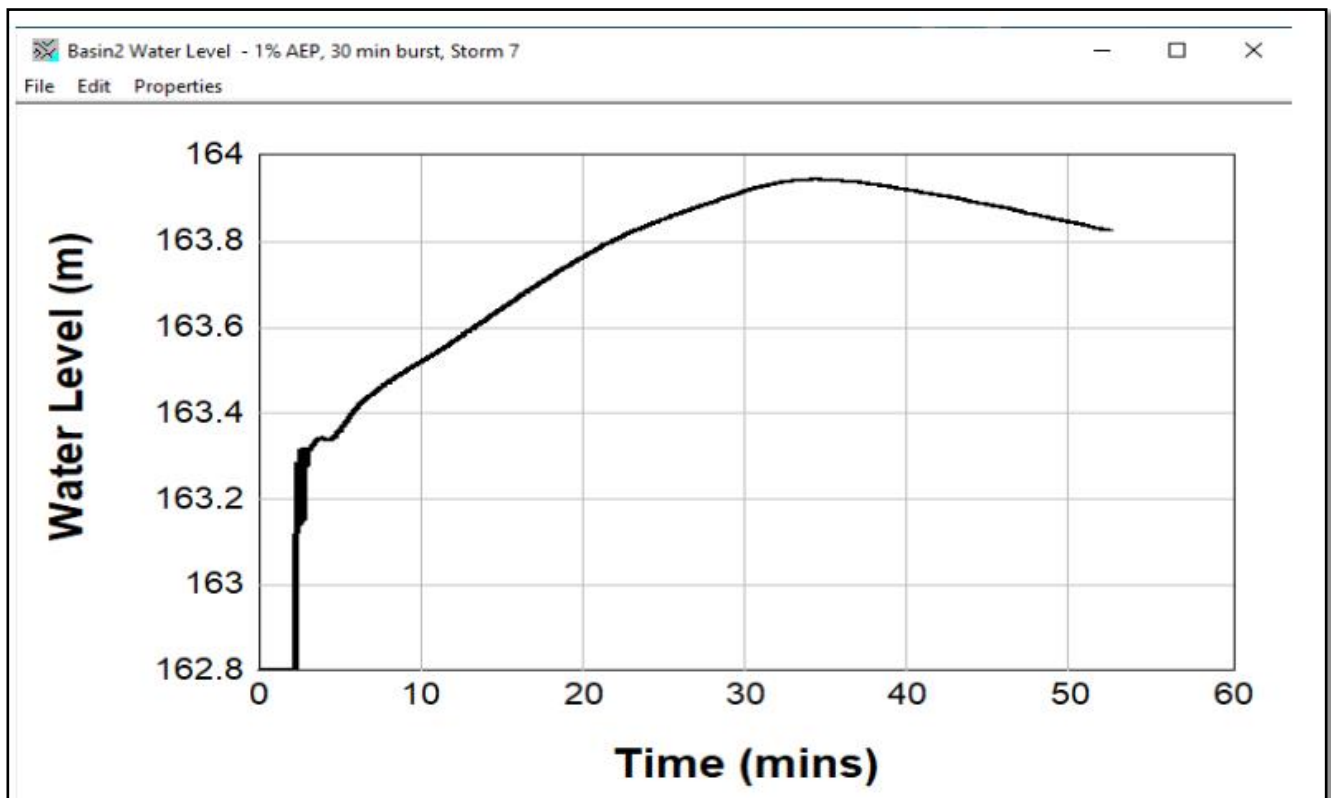


Figure 6: Detention Basin Water Level – 1% AEP Storm

Public Safety

The Lake Macquarie City document Batter and Fencing Guidelines for SQIDS and Detention Basins (Dec 2013) covers this issue well within the section Public Safety Considerations, as detailed below:

Public safety is an important consideration near stormwater management devices. The following points may need to be considered when designing a constructed wetland or detention basin:

- To achieve greater community acceptance and integration of the wetland on a site it may be desirable to allow people to have access to specific areas around the wetland. In such areas above and below water batter slopes need to be gentle (1V:6H to 1V:8H).
- Dense planting of vegetation and/or fencing should be provided where access is to be restricted.
- The incorporation of features like boardwalks and viewing platforms into the wetland can control public access, allow the public to view wetland components (with possible interpretive information), but not access those components.
- Densely planted vegetation can be used in a number of situations to discourage public access to parts of a site. Species with particularly spikey leaves (that could cause serious eye damage), such as *Eleocharis acuta*, should not be used where there is easy access to the wetland area.
- Where dense vegetation is to be used as part of the risk minimisation strategy several factors need to be considered:
 - Water levels in the wetland need to be manipulated to allow the establishment of macrophytes and to minimise water depths until terrestrial plant controls are well established.
 - Advanced plants should be used adjacent to accidental entry fencing and along the planting/ public interface to provide a quick barrier whilst the remainder of the planting establishes.
 - Temporary fencing in the form of paraweb fencing (or similar) may be required until plantings are well established.



- Steeper underwater batter slopes (1V:3H or steeper) are ideal for mosquito control.
- Slopes of 1V:4H (above water) are usually considered as a maximum especially where machinery is used for maintenance. Appropriate barriers such as fencing or dense vegetation may be required to discourage public access on steeper batters.
- The Institution of Engineers Australia (Rainfall & Runoff 1998) outlines some criteria for detention basins that includes:
 - Rails or fences should be provided at the most dangerous sections of drainage systems especially near schools, or upstream of culverts or closed conduits.
 - Preferred slopes should not be steeper than 1V:6H and areas steeper than 1V:4H may require fencing or rails. These requirements are more important where water areas are deeper than 1.2m.
 - Fences should be 1.0 to 1.2m in height and should not impede potential rescuers.
 - Where signs are used, signs should inform the public of the function of the facility as well as giving a warning. In some situations gauge boards could be used in channels or ponds to give tacit warnings as well as for recording flood information. Warning picturegram signs, noting it as a water treatment and/or floodway area, and swimming not permitted, placed prominently upon the area.
- Exclusion fencing should be provided where vertical drops occur adjacent to permanent water. This should also apply where water is retained during the construction phase.
- Consideration should be given to providing egress points where there is danger of a person, particularly children, not being able to escape from the water should they fall in.

Fencing

Fencing around the entirety of the detention basin is not required and would prevent the detention basin being used for recreation purposes, when not required for detention (Refer to section 5.2 of this report for further information). It is noted that the slopes steeper than 1:4 will be planted with native grasses (due to mowing restrictions) and this will assist in deterring access from the southern end of the basin, subject to steeper slopes.

The perimeter of the detention basin is approximately 325m. Based off previous quotes to Council for other projects, fencing the entire detention basin in 1800mm +3 barb wire galvanised chainwire security fencing would be approximately \$28,500 + gates. Post and wire fencing is estimated at \$12.5 l/m. Paling fences are estimated at \$60 l/m. Fencing only those areas adjacent to the steepest slope (southern sides) could also be considered as part of the final design, alongside other mechanisms such as exclusion plantings and signage.

12 ATTACHMENTS

1. Napoleon- Street- Concept- Plan- April-2023-002 [13.2.1 - 1 page]



13.3 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT): MOTIONS FOR THE NOVEMBER 2023 GENERAL MEETING

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Gail Eacher, Executive Assistant

MINUTE NO. 23/0276

DECISION

Cr Goss/Cr Terrett

That Council

- a) receive the report, and
- b) list the following matter for consideration at the Local Government Association of Tasmania (LGAT) General Meeting to be held on 1 November 2023
 - i) Rate equivalent payments applied to electricity generators, storage plant and equipment.
 - ii) That LGAT lobby the State Government to provide an accessible online user interface for purchasers, residents and developers to all available flood mapping in populated areas in Tasmania; and assist Councils to flood map low lying land, inclusive of climate change impacts, so the effect flooding could have on property, including future developments, renovations and subdivisions is known statewide; and councils be obligated to include flood mapping in all form 337's issued.
 - iii) Council powers to act on derelict and contaminated sites.
 - iv) Statewide tyre recycling.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council

- a) receive the report, and
- b) list the following matter for consideration at the Local Government Association of Tasmania (LGAT) General Meeting to be held on 1 November 2023
 - i) Rate equivalent payments applied to electricity generators, storage plant and equipment, and
 - ii)

1 PURPOSE OF REPORT

The purpose of this report is to commence discussion on consideration of motions to be submitted to the Local Government Association of Tasmania (LGAT) General Meeting to be held on 1 November 2023 to be held in conjunction with the LGAT Annual Conference.

2 INTRODUCTION/BACKGROUND

Councils are invited to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion in the Agenda of the General Meeting. LGAT plans to distribute the agenda 1 month prior to the meeting.

LGAT advises that opportunities are available at every General Meeting of the Association to submit motions for deliberation and do not have to be restricted to the General Meeting attached to the Annual General Meeting. Councils



are encouraged to consider this matter in terms of ensuring more robust and broader debate across all General Meetings in the year. Additionally, for any meeting, Members may submit items for Topical Discussion.

It should be noted that motions for the General Meeting attached to the Annual General Meeting need to be submitted well before issue of the Agenda to allow sufficient lead time to ensure relevant matters can be forwarded to the State Government for comment in accordance with the Communication and Consultation Protocol Agreement. The responses from State Government are then included with the agenda to provide councils with a full briefing of the issues to be considered. State Government comment is not sought in advance for other meetings.

The Rules of the Association do not provide for the preparation of a Supplementary Agenda.

LGAT has circulated the following three motions which are to be considered at the General Meeting (attached):

- Diversity and Inclusion Statement (Kingborough Council)
- Road Linemarking Responsibilities (Kingborough Council)
- Parks and Wildlife Service and Crown Land Services Review and Resourcing (Break O'Day Council)

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

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

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

Not applicable.

5 STATUTORY REQUIREMENTS

There is no requirement to submit a motion/s.

6 FINANCIAL IMPLICATIONS

Not applicable.

7 RISK ISSUES

Not applicable.

8 CONSULTATION WITH STATE GOVERNMENT

In regard to the General Meeting held in conjunction with the Annual General Meeting, LGAT forwards relevant matters to the State Government for comment in accordance with the Communication and Consultation Protocol Agreement. The responses from State Government are then included in the agenda to provide councils with a full briefing of the issues to be considered.



State Government comment is not sought in advance of other meetings.

9 COMMUNITY CONSULTATION

Not applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council may wish to consider motions to be submitted for inclusion in the Agenda of the General Meeting.

11 OFFICER'S COMMENTS/CONCLUSION

A list of motions tabled at LGAT General Meetings by Northern Midlands Council in the past is attached for reference.

It has been noted that Cr Goss has previously raised concerns in relation to rates applied to Solar Farms, Councillors may wish to list this matter as well as other topical matters for consideration by LGAT's membership.

Rating Equity

It is suggested that there is an increase in the flexibility for Tasmanian Councils in the categorization of land uses for rating purposes to better reflect intensity of use, and to allow councils to recover payments in lieu of rates directly from electricity generators under a regulated formula (as exists in Victoria). In order to achieve this, Council could put a motion to LGAT to lobby the State Government

- To amend legislation to include electricity generation and storage plant and equipment in capital valuation (as occurs in Victoria) and to allow energy sector developments to make appropriate payments in lieu of rates under a regulated formula subject to indexation consisting of a fixed payment per site and a variable payment based on installed capacity.
- That applicable developments subject to the rating policy amendments will include all current electricity generation and storage developments under existing technologies, as well as future generation and storage developments under existing and new technologies.
- Consider the means by which Councils located within reasonable proximity of energy sector developments in unincorporated areas that impact infrastructure and service provision are appropriately compensated via similar payment arrangement to ensure ratepayers are not financially impacted by these developments.

12 ATTACHMENTS

1. GOV LGAT - submission of motions list to 12-2022 [**13.3.1** - 5 pages]
2. 1 Nov 2023 - Three motions for G Ms consideration [**13.3.2** - 6 pages]



13.4 LEASE: FALLS PARK & FALLS PAVILLION, 2-14 LOGAN ROAD, EVANDALE

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Victoria Veldhuizen, Executive Officer

MINUTE NO. 23/0277

DECISION

Cr Terrett/Cr Andrews

That Council:

- a) lease the premises situate at Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale.
- b) publicly advertise its intention to lease Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale and calls for expressions of interest to lease the premises.
- c) obtain a market rental valuation for the premises situate at Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council:

- a) lease the premises situate at Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale.
- b) publicly advertise its intention to lease Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale and calls for expressions of interest to lease the premises.
- c) obtain a market rental valuation for the premises situate at Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale.

1 PURPOSE OF REPORT

The purpose of this report is to seek direction from Council about the future tenancy arrangements of Falls Park and Falls Pavilion, 2 – 14 Logan Road, Evandale.

2 INTRODUCTION/BACKGROUND

Falls Park and Falls Pavilion, located at 2 – 14 Logan Road, Evandale, is classified as public land. The subject site is presently used for the Evandale Market on Sundays, along with Pavilion being used for the annual Glover Exhibition and Evandale Scout meetings. Council does not control the market, with the market being owned and operated by Council's licensee.

The current licence agreement is for non-exclusive use of the site, with other users of Falls Park including a section of the property being dedicated 'free overnight area' for self-contained campervans from Monday – Friday, the basketball hoop and concrete apron being used by local youth for recreation purposes and used by the community as a public reserve.

The current licence agreement between Council and its licensee expires on 30 November 2023.



The tenancy of this site is at market value.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

- 1.1 Council is connected to the community
- 1.4 Improve community assets responsibly and sustainably

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

- 2.3 Collaborative partnerships attract key industries
- 2.4 Support and attract wealth-producing business and industry

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:

- 3.3 Public assets meet future lifestyle challenges
- 3.4 Towns are enviable places to visit, live and work

3.2 Integrated Priority Projects Plan 2021

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

Not applicable.

4 POLICY IMPLICATIONS

Not applicable.

5 STATUTORY REQUIREMENTS

5.1 Local Government Act 1993

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 [Tasmanian Civil and Administrative Tribunal Act 2020](#).

(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 [Tasmanian Civil and Administrative Tribunal Act 2020](#).

(5) The decision of the Appeal Tribunal on hearing an appeal is final and section 136 of the [Tasmanian Civil and Administrative Tribunal Act 2020](#) does not apply.

178B.



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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](#).

6 FINANCIAL IMPLICATIONS

The annual licence fee would need to be reviewed and assessed prior to a new lease/licence agreement being entered into. This valuation would be at cost to Council.

Council will incur the costs of publicly advertising the lease for tender, however, given the requirements imposed by s 178 of the *Local Government Act 1993*, these costs are unavoidable.

In the event there is a disruption to the premises being leased/licensed, this may result in a period whereby rental income is not being received by Council for the subject site.

7 RISK ISSUES

In dealing with this matter, any change of tenancy may result in the lack of a large nearby vacant allotment that is currently used extensively each Sunday for car parking purposes. Should this occur, the demand for parking spaces within the streets of Evandale will dramatically increase.

There is a risk of no new offers to tender the site being received by Council which may result in the site not being utilised as previously was the case.

There is a risk that if a new tender is awarded, the intended use of the site may not be as a market. This would result in the loss of a market in Evandale.

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

2 – 14 Logan Road, Evandale, also known as ‘Falls Park’, is public land. Section 178 of the *Local Government Act 1993* requires a Council to publicly advertise its intention to lease land if the lease term exceeds five years and advise the public they may make objections to the General Manager.

10 OPTIONS FOR COUNCIL TO CONSIDER

To publicly advertise its intention to enter into a lease/licence agreement for the subject site while simultaneously calling for expressions of interest to lease Falls Park and Falls Pavilion.

11 OFFICER’S COMMENTS/CONCLUSION

The current licensee has leased Falls Park and Falls Pavilion for approximately 25 years. The current licensee is the operator of the Evandale Market held each Sunday. The Evandale Market is a major tourist attraction for Evandale.

As the current lease is expiring, it is appropriate to go to public tender for the lease and publicly advertise Council’s intention to enter into a lease/licence agreement.

12 ATTACHMENTS

Nil



13.5 LEASE: NORTHERN MIDLANDS HEALTH, FITNESS AND SPORTS CENTRE

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Victoria Veldhuizen, Executive Officer

MINUTE NO. 23/0278

DECISION

Cr Brooks/Cr Andrews

That Council:

- a) lease the premises known as Northern Midlands Health, Fitness and Sports Centre, situate at 8 Burghley Street, Longford.
- b) publicly advertise its intention to lease the Northern Midlands Health, Fitness and Sports Centre and calls for expressions of interest to lease the premises with the intention it is operated as a Sports Centre.
- c) obtain a market rental valuation for the Northern Midlands Health, Fitness and Sports Centre.
- d) advertises the lease of the Northern Midlands Health, Fitness and Sports Centre as a whole, including the basketball stadium, existing storeroom, gymnasium, children's play areas, aerobic room, squash courts x2, reception area, massage room, the former gym area and mezzanine level.
- e) cease advertising for lease the mezzanine level of the Northern Midlands Health, Fitness and Sports Centre presently listed with Knight Frank for the duration of the tender process and re-assess following the tender process whether to continue listing the mezzanine level with Knight Frank.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council:

- a) lease the premises known as Northern Midlands Health, Fitness and Sports Centre, situate at 8 Burghley Street, Longford.
- b) publicly advertise its intention to lease the Northern Midlands Health, Fitness and Sports Centre and calls for expressions of interest to lease the premises with the intention it is operated as a Sports Centre.
- c) obtain a market rental valuation for the Northern Midlands Health, Fitness and Sports Centre.
- d) advertises the lease of the Northern Midlands Health, Fitness and Sports Centre as a whole, including the basketball stadium, existing storeroom, gymnasium, children's play areas, aerobic room, squash courts x2, reception area, massage room, the former gym area and mezzanine level.
- e) cease advertising for lease the mezzanine level of the Northern Midlands Health, Fitness and Sports Centre presently listed with Knight Frank for the duration of the tender process and re-assess following the tender process whether to continue listing the mezzanine level with Knight Frank.

1 PURPOSE OF REPORT

The purpose of this report is to seek direction from Council about the future tenancy arrangements of the Northern Midlands Health, Fitness and Sports Centre, 8 Burghley Street, Longford.



2 INTRODUCTION/BACKGROUND

Northern Midlands Health, Fitness and Sports Centre, located at 8 Burghley Street, Longford, is classified as public land.

The subject site is presently used for the Northern Midlands Health, Fitness and Sports Centre under the business name "Health Revival". This lease is for the Sports Centre premises only, including the basketball stadium, existing storeroom, gymnasium, children's play areas, aerobic room, squash courts x2, reception area, massage room and the former gym area. The current lease does not include the mezzanine level. The current lease does not apply to the Longford Recreation Grounds and Clubrooms situated nearby.

The current lease agreement expires on 31 January 2024.

The tenancy of this site is at market value.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

1.1 Council is connected to the community

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

2.4 Support and attract wealth-producing business and industry

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:

3.3 Public assets meet future lifestyle challenges

3.4 Towns are enviable places to visit, live and work

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

Not applicable.

5 STATUTORY REQUIREMENTS

5.1 Local Government Act 1993

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 [Tasmanian Civil and Administrative Tribunal Act 2020](#) .
- (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 [Tasmanian Civil and Administrative Tribunal Act 2020](#) .



(5) *The decision of the Appeal Tribunal on hearing an appeal is final and section 136 of the [Tasmanian Civil and Administrative Tribunal Act 2020](#) does not apply.*

178B.

.

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](#).

6 FINANCIAL IMPLICATIONS

The annual market rental will need to be reviewed prior to a new lease being entered into. Council will bear the cost of the valuation report.

Council will incur the costs of publicly advertising the lease for tender, however, given the requirements imposed by s 178 of the *Local Government Act 1993*, these costs are unavoidable.

In the event there is a disruption to the premises being leased, this may result in a period whereby rental income is not being received by Council for the subject site.

7 RISK ISSUES

In dealing with this tenancy, there is a risk no expressions of interest will be received, resulting in the community not being able to use the facility.

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

The Northern Midlands Health, Fitness and Sports Centre is public land. Section 178 of the *Local Government Act 1993* requires a Council to publicly advertise its intention to lease land if the lease term exceeds five years and advise the public they may make objections to the General Manager.

10 OPTIONS FOR COUNCIL TO CONSIDER

To publicly advertise its intention to enter into a lease agreement for the subject site while simultaneously calling for expressions of interest of the future lease of the site to be operated as a sports centre/gym.

To advertise and call for expressions of interest for the lease of the whole of the facility, including Mezzanine level, or not.

11 OFFICER'S COMMENTS/CONCLUSION

The current lease is nearing expiry, with the expiration date of 31 January 2024. It is appropriate for Council to publicly advertise its intention to enter into a new lease while advertising for tenders/expressions of interest for the lease of the premises.

It is an appropriate time for Council to obtain an up-to-date appraisal of the market rent payable for this premises, to be implemented at the time of the new lease being entered.

It is recommended Council advertises for expressions of interest for the entirety of the Sports Centre premises, including the basketball stadium, existing storeroom, gymnasium, children's play areas, aerobic room, squash courts x2, reception



area, massage room, the former gym area and mezzanine level. This would be an appropriate time in which to combine all internal areas of the Sports Centre into one lease, providing for one tenant to have exclusive use of the area.

If Council decides to include the mezzanine level in the new lease, Council will need to withdraw the premises from Knight Frank where it is currently advertised for lease. It is recommended this be for the period of the tender process, with this rental listing being reassessed following receipt of expressions of interest.

12 ATTACHMENTS

Nil



13.6 LIVE STREAMING OF COUNCIL MEETINGS

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Victoria Veldhuizen, Executive Officer

DECISION

Cr McCullagh/Cr Brooks

That Council

- a) Notes the report.
- b) Determines to live stream Council meetings via audio and visual means.
- c) Accepts and endorses the Live Streaming of Council Meetings Policy.
- d) Commences live streaming Council meetings on a twelve month trial basis, outsourcing technological assistance.
- e) Engages a contractor for a period of up to twelve months to establish and commence live streaming of Council meetings, including technical support and training for Officers.

Lost

Voting for the Motion:

Deputy Mayor Lambert, Cr Brooks, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Mayor Knowles, Cr Adams, Cr Andrews, Cr Archer and Cr Goss

MINUTE NO. 23/0280

FORESHADOWED

Cr Goss/Cr Andrews

That Council seek legal advice regarding community, staff and councillors attending meetings prior to determining whether to visual livestream council meetings.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

MINUTE NO. 23/0281

FORESHADOWED

Cr McCullagh/Cr Archer

That Council

- a) Notes the report.
- b) Determines to live stream Council meetings via audio only and review visual streaming after legal advice is provided.
- c) Accepts and endorses the Live Streaming of Council Meetings Policy.
- d) Commences live streaming Council meetings on a six month trial basis, with a review to occur in six months time.
- e) Engages a contractor for a period of up to six months to establish and commence live streaming of Council meetings, including technical support and training for Officers.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil



Mayor Knowles adjourned the meeting for the meal break at 6.24pm.

Mayor Knowles reconvened the meeting after the meal break at 6.54pm.

RECOMMENDATION 1

That Council

- a) Notes the report.
- b) Determines to live stream Council meetings via **audio only / audio and visual means**.
- c) Accepts and endorses the Live Streaming of Council Meetings Policy.
- d) Commences live streaming Council meetings on a six month trial basis, with a review to occur in six months time.
- e) Engages a contractor for a period of up to six months to establish and commence live streaming of Council meetings, including technical support and training for Officers.

IN THE EVENT OF VISUAL LIVE STREAMING

RECOMMENDATION 2

That Council

- a) commence consultation with staff regarding visual live streaming.

1 PURPOSE OF REPORT

The purpose of this report is to present a policy for Council's consideration and endorsement regarding live streaming and recording for on demand viewing of Council meetings and to seek direction from Council regarding live streaming of Council meetings.

2 INTRODUCTION/BACKGROUND

On 28 November 2022, Deputy Mayor Lambert presented the following Motion on Notice:

The Northern Midlands Council investigate options for live streaming of open council meetings, including the technology and software requirements, timeframes for implementation and budget considerations.

The Motion was submitted with the following background to the request:

"During the 2022 Local government elections I was canvassed by many residents regarding the lack of physical access opportunities to the ordinary meetings of council.

"For a long period of time community members have been unable to physically attend ordinary council meetings in the chamber due to council having to comply with public health requirements during the covid pandemic. The only other avenues for community members to access these meetings was via the printed or audio recorded minutes. People continued submitting questions for public question time and questions relating to planning matters via email and letters but for a period of time were unable to attend in person.

"Local Government is said to be the closest form of government to the people. The adoption of live streaming will aid in demystify the workings of local government and encourage more people to participate in the local decision-making process. It is another mechanism of enabling Council to be open and transparent about discussions and decisions.



“Another benefit of live streaming Council meetings will be to give the public greater access to Council decisions, debates, and discussions by eliminating geographic and personal barriers and the potential for mis-information being portrayed in the wider community.

“If we ever encounter another pandemic or restrictions in being able to physically attend council meetings, live streaming will enable the community to stay connected with council debates and decision making.

“Many other Tasmanian councils have adopted live streaming their open meetings, including Burnie, Devonport, Launceston, Kingborough, Brighton, Huon Valley, and Hobart Council just to name a few.”

On 30 January 2023, Council decided:

MINUTE NO. 23/022

DECISION

*Deputy Mayor Lambert/Cr McCullagh
That Council*

- a) provide an allocation within the 2023/2024 Draft budget to implement improvements to the Council meeting room Information Technology (IT) to allow for the live streaming of open council meetings.*
- b) Officers prepare a Guide to the Live Streaming of Open Council Meetings for Council's consideration.*

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

A proposed *Live Streaming of Council Meetings* policy is **attached** to this report for Council's consideration and endorsement.

Council does not currently live stream its Council meetings, however an audio recording is made, with the recording made available after the meeting on Council's website.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

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

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

- 2.1 Strategic, sustainable, infrastructure is progressive

3.2 Integrated Priority Projects Plan 2021

Not applicable.



4 POLICY IMPLICATIONS

Council is being asked to consider implementing a new policy in relation to live streaming and recording for on-demand viewing of open Council meetings.

The new policy would work in conjunction with Council's existing *Meeting Procedures Policy*, or as amended.

Meeting Procedures Policy

Council's Meeting Procedures Policy provides direction for the holding of Council's meetings. A copy is attached to this report.

5 STATUTORY REQUIREMENTS

5.1 Local Government (Meeting Procedures) Regulations 2015

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

Council will incur the costs to upgrade the technical equipment (audio and/or visual) and software required for live streaming and recording Council meetings. Some of these upgrade costs may be offset by any income generated by hiring out the use of Council's Chambers, as per the *Council Chambers, Longford – Use Of Policy*. Current rates are \$15.75 per hour or \$76.50 per day.

In line with Council's *Tendering and Procurement Policy*, attempts have been made to obtain three quotes for IT upgrades to establish live streaming, however to date only two quotes have been received.

The first quote is able to be tailored, depending on how Council wishes live streaming of meetings to be conducted – ie audio only will not involve visual equipment being purchased and implemented. At the highest, the estimated costs to make the equipment and software upgrades required is \$109,500 + GST.

The second quote is for a lesser amount, and proposes to utilise Microsoft Teams platform to achieve live streaming and recording of meetings. The provider has suggested this will mean additional costly hardware is not required compared to other software. The estimated costs to make the equipment and software upgrades required is \$60,795.95 + GST

Council's IT Officer has made enquiries of other Council's live streaming set up and associated costs. It is acknowledged that one neighbouring Council has upgraded their facilities to implement live streaming for approximately \$30,000, however those upgrades did not include their existing microphone system which was valued at \$55,000. Other Council's costs range from \$6,000 to approximately \$100,000, depending on their existing setup.

Council may wish to engage an external service provider for the purpose of live streaming and recording Council meetings, including attending meetings, undertaking the live streaming process, making the recordings available and



maintaining the technical equipment. The first quote service provider has this capability and has advised their estimated cost for this service is \$2,900 + GST per meeting. The second quote service provider has not advised whether they have this capacity.

Once live streaming and recording becomes an in-house activity, an additional Officer will be required to attend each meeting to attend these tasks, along with processing the recording and uploading on a platform after council meetings. This will result in an increase in Officer wages by way of overtime or flextime accrued.

Council will also incur the costs of at least two or three Officers being trained to use the live streaming equipment which will also attract a cost.

7 RISK ISSUES

What are risks associated with webcasting ¹

There always has been, and always will be legal, privacy and copyright risks associated with council meetings. These risks are largely based on the potential that:

- a person's privacy may be breached through the disclosure or use of their personal information;
- a person may make defamatory or inappropriate comments about another person; and/or
- a person may breach copyright.

Webcasting does not increase the risk of these events occurring, but it could be seen to increase their impact (both on the people involved and the Council) given the larger audience the webcast is available to.

However, webcasting meetings is also likely to motivate both councillors and members of the public who are speaking at Council meetings to act and/or speak in an appropriate manner.

Any poor conduct they display will be seen and judged by a wider audience and may impact upon their reputation and standing in the community. It could also be used as evidence in any legal proceedings, Code of Conduct complaint or Office of Local Government investigation that may result.

How can councils reduce risks?

There are a number of actions that councils can take to minimise these risks during council meetings. They include:

- before and during the meeting – limiting the potential that the risk occurs by making attendees aware that such conduct is unacceptable and their actions will be recorded and broadcast to a wider audience, and
- after the meeting – minimising the number of people who may witness the conduct and any resulting legal exposure to the Council by limiting its distribution.

Arising from the above, there is a risk Council will become financially liable and be required to make insurance claims. Council's insurance coverage for these risk types will need to be reviewed, and if required, increased.

There is a risk that live streaming and recording Council meetings may alienate members of the community who do not wish to be live streamed or recorded. An unwillingness to participate could be for a variety of reasons, including due to privacy concerns, potential embarrassment to the person if they are not comfortable public speaking, anxiety and safety concerns arising from domestic/family violence or other safety reasons.

Visual live streaming and recording meetings could also cause difficulties if there are Officers who are not willing to be live streamed or recorded but who are required at meetings, thereby resulting in Councillors not having information and advice available to them from qualified persons in accordance with s 65 of the *Local Government Act*. This may also cause conflict for Council Officers between complying with their employment obligations and duties, and any views held

¹ **Note:** Information has been taken from the *Model Code of Meeting Practice for local councils in NSW, Guide to webcasting council and committee meetings*.



regarding publicly being broadcast. Preliminary legal advice has been obtained regarding Council's ability to direct an employee to attend and be video recorded. Provided Council's direction is lawful and reasonable, the direction can be made. To demonstrate reasonableness, it is advised consultation (in writing) take place with employees with an opportunity for feedback from employees and time to address concerns, prior to a written direction being given. A direction could be via letter, memo or Council policy and procedure.

There is also a possibility not all Councillors are comfortable to be visually live streamed and/or recorded. This is relevant for the current Councillors, and any future elected members, whereby visual live streaming may need to cease if not all Councillors agree.

If visual live streaming and recording is adopted, this will result in attendees of meetings being deemed to consent to being live streamed. Alternatively, if persons do not consent to being live streamed and recorded, they will be advised they are welcome to leave. This could result in community members who wish to attend Council meetings and/or address Council not being able to do so by reason of not wanting to be live streamed.

Councillors need to balance the ability to make Council meetings more accessible with the risk of making meetings unavailable as outlined above.

There is a risk to Council that it will incur the costs associated with live streaming and there being a minimal uptake and engagement in the community of watching the live stream or accessing the recordings afterwards. This may result in Council's resources being used unnecessarily.

If Microsoft Teams is used as the software and live streaming platform, to protect attendees privacy, it would need to be confirmed that attendee details are not publicly shared.

Provision of live streaming accessibility for visually and/or hearing impaired persons has been identified but is yet to be explored.

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

No applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

1. Whether live streaming meetings is audio only, or audio and visual.
2. Council can accept the report and endorse the policy on Live Streaming of Council Meetings, or not.
3. Council can trial live streaming of meetings with a review after six months, or such other time as Councillors agree, or not.
4. To engage the first quote service provider to commence live streaming of meetings initially, with a review to be conducted after six months and determination of the technical equipment required at that time, or not.

11 OFFICER'S COMMENTS/CONCLUSION

The primary issue for Council to decide is whether it wishes to live stream audio only, or audio and visually. Council's decision in this regard will impact the proposed *Live Streaming of Council Meetings* policy, along with impacting on the costs associated with upgrades to be made to Council Chambers – for example, if audio only, the visual equipment will not be required. It will also trigger whether consultation with employees is required or not.



At a minimum, it is recommended Council agree and endorse the proposed upgrades to the audio capabilities of Chambers for recording of meetings, and audio live streaming if approved. Council's current method of recording meetings is via a Dictaphone and can result in a poor quality of audio, being difficult to hear. An audio upgrade, including new microphones, will increase the recording quality.

Live streaming of open council meetings is likely to promote greater accessibility for the community to Council's ordinary open Council meetings. It is likely to also promote open and transparent decision making by Council and promote higher levels of transparency and accountability to the ratepayers. It may also provide an opportunity for more people to engage with Council meetings, particularly those communities more remote to Council Chambers in Longford, for example Rossarden, Avoca, Campbell Town, Ross and Poatina.

Arguably, live streaming and making recordings available would be seen as being in line with modern times. However, the community has not been expressly consulted on this prospect. Audio recordings of Council meetings are already available and there is a risk that Council would implement live streaming capabilities with minimal interaction by the community, which could be seen to be wasteful of resources.

It is anticipated Council will also be able to obtain data on community engagement and attendance of live streamed or viewings of recordings. This will be a way to measure community participation and engagement.

There are risks associated with live streaming Council meetings and making recordings available relating to potential legal issues, privacy concerns, copyright issues and defamatory comments being made. As identified by the NSW Government in their Guide to Livestreaming, while these are not new risks in the Council meeting sphere, by virtue of broadcasting the Council meetings to a wider audience, those risks are heightened.

There are means by which Council can mitigate the above risks, for example the Mayor as Chairperson providing a verbal reminder/warning at the commencement of the meeting, an acknowledgment that attendance is taken as that individuals consent to being recorded and broadcast and Council does not accept any liability for the associated risks.

It is also recommended signs are utilised during Council meetings, including on the main entryway, reminding all attendees (Councillors, Council Officers and the Community) that the meeting is being live streamed and recorded.

If Council proceeds with live streaming of Council meetings, it is recommended Council adopt a contingency /back-up plan in the event of technology failing, internet outage, power outages etc.

Councillors will need to be mindful of, and give consideration to, the possibility that by adopting live streaming of Council meetings, this may result in community members being excluded from the ability to engage in Council meetings for the reasons outlined above. This may impact on the public question time and planning application comments currently available to members of the public.

Another key consideration is the requirement of Officer's to attend Council meetings during the course of their employment, and the impact live streaming may have on this. To date, several Officers have expressed concerns about being visually live streamed if attending Council meetings, and have indicated if it is a requirement, they would be uncomfortable attending meetings. Preliminary legal advice has been received regarding Council's ability to direct employees to attend meetings if they otherwise do not consent, as outlined above in 7 Risk Issues.

A further consideration for Councillors is a Councillor's consent to visual live streaming. It is unclear whether all nine current Councillors consent to being visually live streamed. If it is the case that all nine do consent, when a new Council is elected, and each time thereafter, all elected members will need to consent to being live streamed. Officers are aware Launceston Councillors do not presently all consent to being visually live streamed. As a result, Launceston Council live streams audio only, however have the technology and equipment in place to commence visually live streaming once all Councillors are in agreement.



Should Council agree to move forward with live streaming and recording of Council meetings, consideration will need to be given for how the recordings are managed, including which Council Officer will be responsible for attending the meeting and monitoring the live streaming and recording, along with editing and uploading recordings following Council meetings. It is strongly recommended this is not a task for the Executive Assistant, or other Council Officers who presently attend meetings on a regular basis (Managers, Executive Officer, Project Officers and Planners), to undertake due to their existing responsibilities during meetings. Consideration will also need to be given to where that Officer will sit within Chambers to have the computer equipment available to them. There is presently minimal space available in Chambers.

Council officer(s) who are to be responsible for this task would require training and need to be in attendance at Council Meetings. It is recommended at least three Officers are trained in live streaming in the event of leave or illness.

It is the Officer's recommendation that there is an initial trial for audio live streaming and the external service provider be engaged to provide streaming services to begin with, including training on the systems used and equipment, while receiving ongoing technical support. It is recommended a minimum period of six months is adopted. Employee consultation on visual live streaming could also take place during this time. After the trial period, Council will know with greater clarity what equipment and software it requires to run the live streaming as it wishes. This could be a good way to start live streaming, with an initial six month review, before investing in live streaming equipment when Council is just starting out and not 100% sure what is needed. This will also provide time for the issues associated with Council Officers who do not consent to being visually live streamed being explored further.

12 ATTACHMENTS

1. Live streaming of Council Meetings (August 2023) [**13.6.1** - 3 pages]
2. Meeting Procedures Policy [**13.6.2** - 4 pages]



13.7 ENTRY SIGNAGE: LONGFORD AND PERTH

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

MINUTE NO. 23/0282

DECISION

Cr Adams/Cr Terrett

That Council

1. endorse Option 1 Longford Roundabout design and proceed to the development application stage for the project; and
2. endorse the updated Perth Roundabout entry signage design and proceed to fabrication; and
3. incorporate the English name for the South Esk River into the design of the signs.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council

1. endorse Option 1 Longford Roundabout design and proceed to the development application stage for the project; and
2. endorse the updated Perth Roundabout entry signage design and proceed to fabrication.

1 PURPOSE OF REPORT

The purpose of this report is to seek endorsement for:

- a) the preferred Longford entry signage option prior to proceeding to Development Application; and
- b) the updated Perth Roundabout entry signage design and proceed to fabrication.

2 INTRODUCTION/BACKGROUND

2.1 Longford Entry Statement

The Consultant provided design options for the Longford Entrance Statement during March 2023. The designs were subsequently provided to the Longford Local District Committee.

The Committee reviewed the designs at their 3 May 2023 meeting and made recommendation to Council. The following is an extract from the 15 May 2023 Council Meeting minutes:

At the ordinary meeting of the Longford Local District Committee held on 3 May 2023 following motion/s were recorded for Council's consideration:

MINUTE NO. 23/0138

DECISION

Cr Adams/Deputy Mayor Lambert

That Council note the Longford Local District Committees appreciation for providing options for the "Longford" sign at the roundabout on the northern side of Longford.

Carried Unanimously



Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Officer Recommendation:

That Council note the appreciation of Longford Local District Committees appreciation for providing options for the “Longford” sign at the roundabout on the northern side of Longford.

Committee Recommendation:

The LLDC thank the NMC for providing us with the options for a ‘Longford’ sign at the roundabout on the northern edge of our town, and unanimously endorsed option 1. We presume it will be two sided and be lit up after dark.

It should be noted that Option 1 is the preferred option of the Committee, and they have requested that the entry signage is lit.

2.2 Perth Entry Statement

Following installation of the Perth entry signage, Council has received a number of complaints in relation to the words “settled 1821” on the signs.

A redesign of the sign has been reviewed by Councillors and circulated to the Perth Local District Committee. At a meeting held on 23 May 2023, the Committee endorsed the new signage (attached).

Council’s endorsement is now sought to progress the fabrication of the updated signage.

It should be noted that all signs reflect the towns relationship to the South Esk River and the Aboriginal name for the river being *plipatumila*.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

- 1.1 Council is connected to the community
- 1.3 Management is efficient, proactive and responsible
- 1.4 Improve community assets responsibly and sustainably

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:

- 3.1 Sympathetic design respects historical architecture
- 3.4 Towns are enviable places to visit, live and work

3.2 Integrated Priority Projects Plan 2021

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

Foundation Project/s:

Projects which are expected to have a transformational impact on the community. Council considers these projects to be a focal point for investment in the Northern Midlands region.



4.1 Main Street Upgrades - Campbell Town, Longford & Perth:

These projects will improve visual amenity, enhance connectivity and help to capitalise on each town's existing attractions, historical features and natural assets.

4 POLICY IMPLICATIONS

Nil.

5 STATUTORY REQUIREMENTS

5.1 Longford Entry Statement

A Development Application will be required under the Signs Code of the Tasmanian Planning Scheme – Northern Midlands.

5.2 Perth Entry Statement

The replacement of components of the signs and the signs as a whole are able to be replaced without Development Application as the structures were approved as part of the Midland Highway upgrade.

6 FINANCIAL IMPLICATIONS

Council was successful in obtaining a grant of \$200,000 toward the improvement to the Longford entrance which will fund the construction and placement of the sign.

7 RISK ISSUES

There is a risk that the signs could be damaged by out of control vehicles at the roundabout, however, the sign will be made from a frangible material to minimise damage or injury should an accident occur.

8 CONSULTATION WITH STATE GOVERNMENT

8.1 Longford Entry Statement

The Development Application process will require consultation with the Department of State Growth as the roundabout is sited on a State Road.

8.2 Perth Entry Statement

The existing signs were approved as part of the Midland Highway upgrade, no further consultation is required.

9 COMMUNITY CONSULTATION

The Aboriginal Centre has been consulted in relation to the designs for both Perth and Longford.

9.1 Longford Entry Statement

Council has consulted with the Longford Local District Committee and further community consultation will take place via the Development Application process.

9.2 Perth Entry Statement

The Perth Local District Committee has been consulted on the updated signage.



10 OPTIONS FOR COUNCIL TO CONSIDER

In regard to the Longford entry statement, Council may:

- not accept any of the designs;
- accept the Longford Local District Committees recommendation for the installation of the Option 1 design; or
- accept another design option.

In regard to the Perth entry statement, Council may:

- not accept the updated design;
- accept the updated design.

11 OFFICER'S COMMENTS/CONCLUSION

11.1 Longford Entry Statement

Option 1: similar to the existing Perth entry signs.

Option 2: depicts Longford's racing history.

Option 3: depicts Longford's racing history and is different in material, design and colour.

The Longford Local District Committee have reviewed the attached design options, it is noted that the Committee unanimously endorsed Option 1 as their preferred option.

11.2 Perth Entry Statement

The Perth Local District Committee have been consulted and endorsed the updated signage.

12 ATTACHMENTS

1. NMC Longford Roundabout Options 2023 [**13.7.1** - 3 pages]
2. NMC Perth Entry Sign 2023 [**13.7.2** - 1 page]



13.8 LATE ITEM: APPOINTMENT OF ACTING GENERAL MANAGER

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

MINUTE NO. 23/0283

DECISION

Deputy Mayor Lambert/Cr McCullagh

That Council

- 1) note the provisions of the *Local Government Act 1993* s7(61B); and
- 2) note the appointment of Miss Maree Bricknell, Corporate Services Manager as Acting General Manager in the absence of the General Manager.
- 3) endorse the standing appointment of Miss Maree Bricknell, Corporate Services Manager, as Acting General Manager in the absence of the General Manager.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council

- 1) note the provisions of the *Local Government Act 1993* s7(61B); and
- 2) note the appointment of Miss Maree Bricknell, Corporate Services Manager as Acting General Manager in the absence of the General Manager.
- 3) endorse the standing appointment of Miss Maree Bricknell, Corporate Services Manager, as Acting General Manager in the absence of the General Manager.

1 PURPOSE OF REPORT

The purpose of this report is to advise of the appointment by the Mayor of the Acting General Manager in the General Manager's absence.

2 INTRODUCTION/BACKGROUND

Council has previously adopted a motion to appoint the Corporate Services Manager as Acting General Manager in the absence of the General Manager.

Miss Maree Bricknell, Corporate Services Manager, has fulfilled the role of Acting General Manager on numerous occasions which has included periods of several months.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:



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

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

Not applicable.

5 STATUTORY REQUIREMENTS

Local Government Act 1993

Part 7: Administration

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –*
 - (a) he or she is absent from duty for any reason; or*
 - (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or*
 - (c) the position of general manager is vacant.*
- (2) The mayor may appoint a person to act in the office of general manager if –*
 - (a) the general manager is absent and no person holds an appointment under [subsection \(4\)](#) ; or*
 - (b) the general manager is absent and the person appointed under [subsection \(4\)](#) is absent from duty or otherwise unavailable or unable to act in the office of general manager.*
- (3) An appointment under [subsection \(2\)](#) ends when the first of the following occurs:*
 - (a) the general manager returns to duty;*
 - (b) the term of the appointment expires;*
 - (c) the mayor or the council revokes the appointment;*
 - (d) a person is appointed as general manager under [section 61](#) .*
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.*
- (5) An appointment under [subsection \(4\)](#) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:*
 - (a) the term of the appointment expires;*
 - (b) the council revokes the appointment;*
 - (c) if the appointment is to the holder of an office, the person ceases to hold that office.*
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.*

6 FINANCIAL IMPLICATIONS

Council employs the General Manager at an appropriate or negotiated rate.

7 RISK ISSUES

It is critical that the officer to fulfil the role of Acting General Manager has the necessary skill to fulfil the role and the support of staff and Councillors.

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

Not applicable.



10 OPTIONS FOR COUNCIL TO CONSIDER

To endorse or not endorse the standing appointment of Miss Maree Bricknell, Corporate Services Manager, in the absence of the General Manager.

11 OFFICER'S COMMENTS/CONCLUSION

Council may appoint a person to act in the office of General Manager during every absence of the General Manager.

12 ATTACHMENTS

Nil



14 COMMUNITY & DEVELOPMENT REPORTS

14.1 DEVELOPMENT SERVICES: MONTHLY REPORT

Responsible Officer: Des Jennings, General Manager

MINUTE NO. 23/0284

DECISION

Cr Adams/Deputy Mayor Lambert

That the report be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That the report be noted.

1 PURPOSE OF REPORT

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

2 DEVELOPMENT SERVICES REPORTING

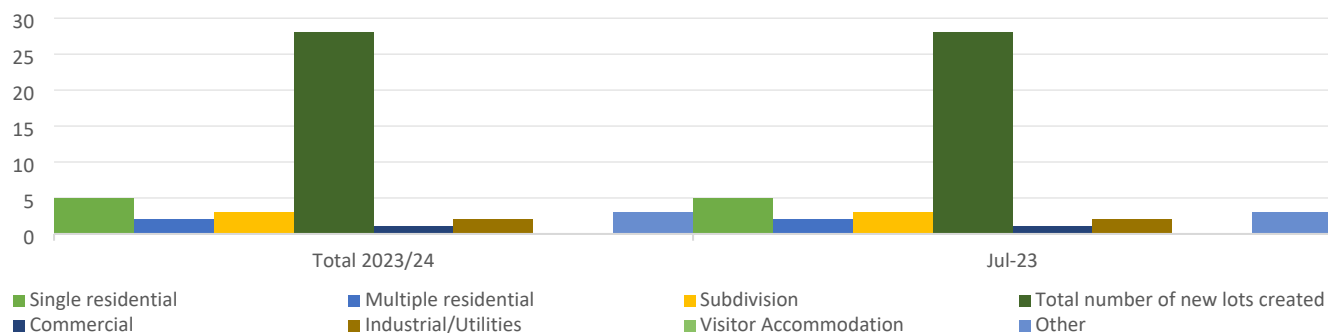
2.1 Planning Decisions

	Last Year	Total YTD	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Number of valid applications	195	16	16											
Applications on STOP for further information		66	66											
Single residential	48	5	5											
Multiple residential	31	2	2											
Subdivision	34	3	3											
Total number of new lots created	203	28	28											
Commercial	27	1	1											
Industrial/Utilities	12	2	2											
Visitor Accommodation	8	0	0											
Total permitted	1	0	0											
Total discretionary	7	0	0											
Other (includes all residential development on existing dwellings [alterations/ additions, sheds, solar, fences, pools etc.])	85	3	3											
Total No. Applications Approved:	228	13	13											
Total Permitted:	33	1	1											
Average Days for Permitted	11	22	22											
Days allowed for approval by LUPAA	28	28	28											
Total Exempt under IPS:	83	23	23											
Total Refused:	5	1	1											
Total Discretionary:	198	12	12											
Average Days for Discretionary:	33.29	32	32											
Days allowed for approval under LUPAA:	42	42	42											

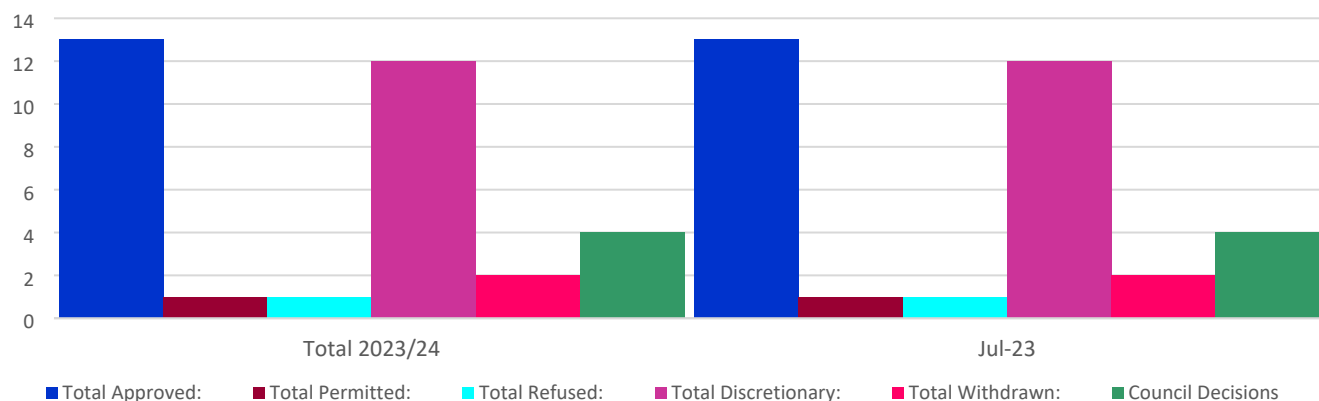


	Last Year	Total YTD	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Total Withdrawn:	39	2	2											
Council Decisions	36	4	4											
Appeals lodged by the Applicant	6	0	0											
Appeals lodged by third party	2		0											

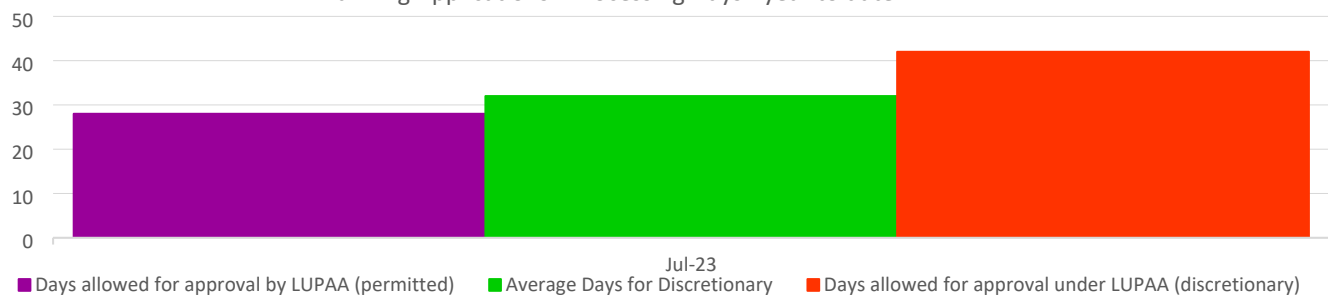
Type of Applications - year to date



Planning Applications Processed - year to date



Planning Applications - Processing Days - year to date



Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
PLN-22-0259 - 1	Add glazing ribbon along Elevation B & D. Change ridge and eaves height of warehouse. Lower canopy. Thicken barge' canopy to office	Approved Lot 4 at Evandale Road (folio of the register 182274/2)(adjacent to Translink Avenue South), Western Junction TAS 7212	Northern Midlands Council	25	A
PLN-23-0077 - 1	Garage Change From Brick Veneer to Light Weight Cladding	5B Laycock St, Longford TAS 7301	Prime Design	11	A
PLN-22-0164	Multi-tenancy Warehouse (Translink SAP - Area 6), ANEF Contours)	86 Evandale Road (with access over CT180213/3 and CT150770/1), Western Junction TAS 7212	6ty° Pty Ltd	40	D
PLN-23-0031	Dwelling Alterations and additions, convert garage to visitor accommodation, new carport (Heritage Listed Place)	20 Scone Street, Perth TAS 7300	Peter & Nicola Dehnert	37	D

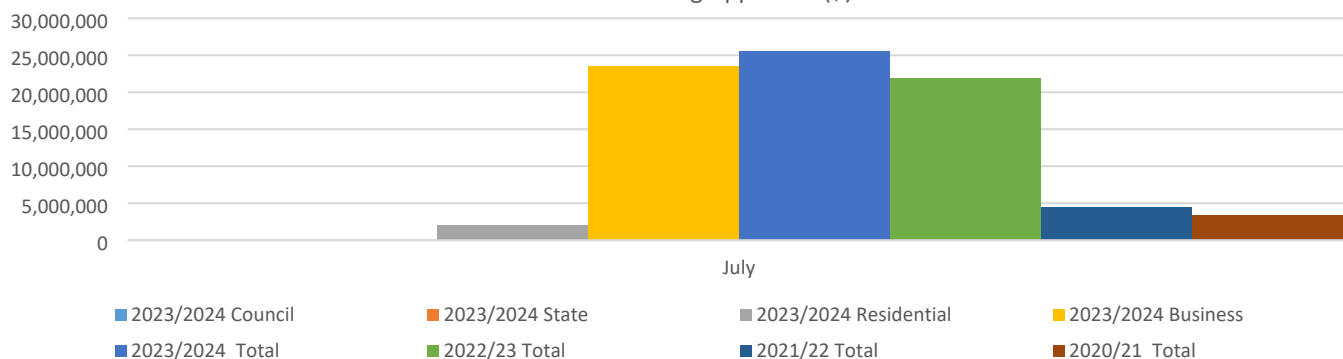


Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
PLN-23-0033	Dwelling & Shed (Vary shed frontage setback, driveway surface material, Ross SAP)	39 High Street, Ross (access over Crown Land) TAS 7209	Woodburyco Design	23	D
PLN-23-0038	Multiple Dwellings - 1 Existing, 2 New (\$6.0 Longford Specific Area Plan, C9.0 Attenuation)	37 Catherine Street, Longford TAS 7301	Jessie Medwin	42	D
PLN-23-0081	Minor Boundary Adjustment	92 - 96 High Street, Campbell Town TAS 7210	PDA Surveyors	31	D
PLN-23-0104	Extension to Existing Dwelling (Railway attenuation area)	7 Effra Court, Perth TAS 7300	Design To Live	28	D
PLN-23-0109	Worker Accommodation x 3 (Vary Setbacks)	314 Macquarie Settlement Road, Cressy TAS 7302	Tasbuilt Homes	30	D
PLN-23-0113	Installation of Gym Equipment (Ross Specific Area Plan, Local Heritage Precinct, Local Heritage Place)	14 Bridge Street, Ross TAS 7209	Northern Midlands Council	30	D
PLN-23-0116	Shed (Vary Side (N) Setback)	20 Bedford Street, Campbell Town TAS 7210	Rebecca Crawford	22	D
PLN-23-0112	Minor Boundary Adjustment	198 Evandale Road & Lot 2 Evandale Rd, Western Junction TAS 7212	PDA Surveyors, Engineers & Planners obo TLUT Pty Ltd	22	P
COUNCIL DECISIONS					
PLN-22-0222	29 lot subdivision incl. detention basin plus roads & boundary adjustment, including infrastructure in road reserves (vary Translink Specific Area Plan provisions, vary Road & Railway Assets Code provisions)	24-38 Translink Ave, 25 Boral Rd & Boral Rd, Translink Ave & Translink Ave South, Western Junction TAS 7212	6ty° Pty Ltd	42	C
PLN-23-0065	Dwelling & Shipping Container (\$5.0 Evandale Specific Area Plan, Vary Driveway Surface Material)	3A Macquarie Street, Evandale TAS 7212	Duo Design	42	C
PLN-23-0073	Construction of three pump stations, two balance tanks and (27) identified sections of irrigation pipeline	various Tas 7300	Pitt & Sherry obo Tasmanian Irrigation	42	C
COUNCIL DECISIONS - REFUSAL					
PLN-23-0094	Removal of hedge at Morven Park (Heritage Precinct)	1-3 Barclay Street and Barclay Street road reservation, Evandale TAS 7212	Northern Midlands Council	42	CR
DELEGATED DECISIONS - REFUSAL					

2.2 Value of Planning Approvals

	Current Year				2023/2024	2022/2023	2021/2022	2020/2021
	Council	State	Residential	Business	Total	Total	Total	Total
July	35,000	0	1,947,265	23,500,000	25,482,265	21,899,020	4,380,747	3,377,500
YTD Total	35,000	0	1,947,265	23,500,000	25,482,265	21,899,020	4,380,747	3,377,500
Annual Total						76,384,582	91,715,427	59,101,247

Value of Planning Approvals (\$)



2.3 Matters Awaiting Decision by TASCAT & TPC

TASCAT	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
-	-
Decisions received	
PLN-22-0185	Appeal P/2022/169. 81 Brickendon Street, Longford. Appeal against Council's refusal of a 6 lot subdivision. The Tribunal held a preliminary conference on 21 November 2022. Hearing listed for 2 March 2023 adjourned at applicant's request. Hearing held 17 April 2023. Tribunal's decision received 12 May 2023 that a permit for the proposal should issue subject to conditions. Conditions are being

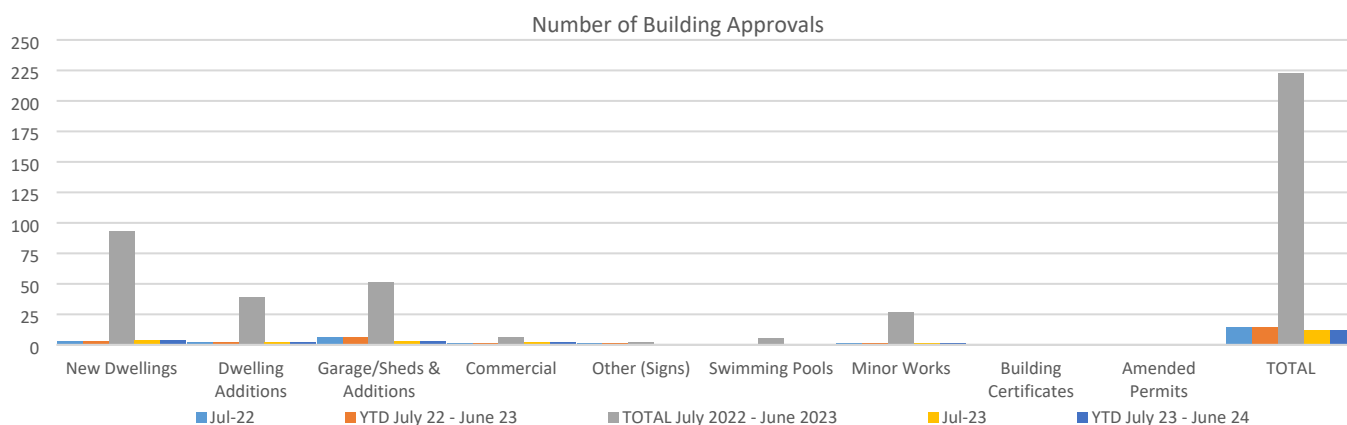


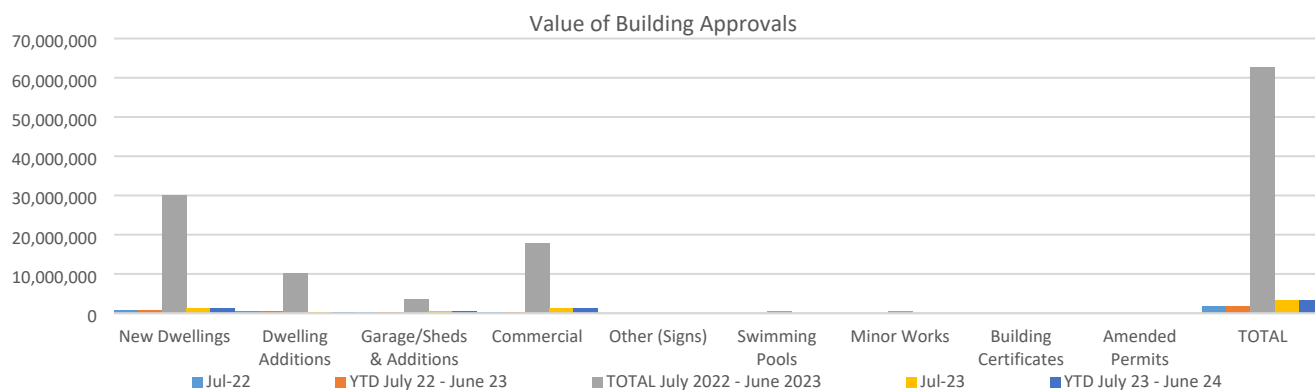
TASCAT	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
	determined. Report being presented to 17 July 2023 closed Council meeting. Conditions proposed by Council agreed to by appellant and TASCAT. Permit issued.
TPC	TASMANIAN PLANNING COMMISSION
PLN-22-0056	Draft Amendment AP-NOR-03-2022 to rezone part of folio of the Register 173776/1 to General Residential in conjunction with an s43A application for a 3 Lot subdivision. Placed on public exhibition. TPC has been advised that no representations were received. Report under section 40K provided to TPC on 12 January 2023 as required. Hearing held 30 March 2023. Additional information including confirmation of the planning authority's position in relation to the draft amendment provided to the Commission on 30 June 2023 as required. The Commission has set a hearing for 20 September 2023.
PLN-22-0183	Draft Amendment AM-NOR-01-2022 LPS. Various amendments to the Translink Specific Area Plan Use Table (clause NOR-S1.5.4) and transfer part of folio of the Register 182274/2 from Translink Specific Area Plan Area 1 to Area 4. On public exhibition for 28 days until 15 January 2023. No representations received. Additional information provided to the Commission as required. Commission held a hearing 4 August 2023.
DECISIONS RECEIVED	
-	-

2.4 Building Approvals

The following table shows a comparison of the number and total value of building works for 2021-2022 and 2022-2023.

	YEAR: 2022-2023				YEAR		YEAR: 2023-2024			
	July 2022		YTD 2021-2022		July 2022 - June 2023		July 2023		YTD 2023-2024	
	No.	Total Value \$	No.	No.	No.	Total Value \$	No.	Total Value \$	No.	No.
New Dwellings	3	786,686			93	30,059,415	4	1,302,045		
Dwelling Additions	2	350,000			39	10,252,722	2	345,000		
Garage/Sheds & Additions	6	303,000			51	3,583,957	3	414,000		
Commercial	1	200,000			6	17,742,000	2	1,200,000		
Other (Signs)	1	27,945			2	82,945	0	0		
Swimming Pools	0	0			5	374,750	0	0		
Minor Works	1	18,000			27	481,351	1	25,000		
Building Certificates	0	0			0	0	0	0		
Amended Permits	0	0			0	0	0	0		
TOTAL	14	1,685,631			223	62,577,140	12	3,286,045		
Inspections										
Building	0				10		0			
Plumbing	38				280		31			





2.5 Planning and Building Compliance – Permit Review

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

Planning Permit Reviews	This Month	2023/2024	Total 2022/2023
Number of Inspections	5	5	79
Property owner not home or only recently started			
Complying with all conditions / signed off			1
Not complying with all conditions			
Re-inspection required	2	2	64
Notice of Intention to Issue Enforcement Notice			5
Enforcement Notices issued			1
Enforcement Orders issued			
Infringement Notice			
No Further Action Required	3	3	14
Building Permit Reviews	This Month	2023/2024	Total 2022/2023
Number of Inspections	9	9	29
Property owner not home or only recently started			
Complying with all conditions / signed off	2	2	
Not complying with all conditions			
Re-inspection required	4	4	10
Building Notices issued			2
Building Orders issued			
No Further Action Required	3	3	19
Illegal Works - Building	This Month	2023/2024	Total 2022/2023
Number of Inspections	2	2	78
Commitment provided to submit required documentation	1	1	11
Re-inspection required			42
Building Notices issued			12
Building Orders issued	1	1	7
Emergency Order			3
No Further Action Required	1	1	25
Illegal Works - Planning	This Month	2023/2024	Total 2022/2023
Number of Inspections	3	3	40
Commitment provided to submit required documentation	1	1	2
Re-inspection required			24
Enforcement Notices issued			3
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			
No Further Action Required	2	2	14



3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

2.1 Strategic, sustainable, infrastructure is progressive

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:

3.1 Sympathetic design respects historical architecture

3.2 Developments enhance existing cultural amenity

3.4 Towns are enviable places to visit, live and work

Place: Nurture our heritage environment

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

Strategic outcomes:

4.1 Cherish and sustain our landscape

4.2 Meet environmental challenges

4.4 Our heritage villages and towns are high value assets

3.2 Integrated Priority Projects Plan 2021

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

Enabling Project/s:

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

5.4 Subdivisions:

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

4 STATUTORY REQUIREMENTS

4.1 Land Use Planning & Approvals Act 1993

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

4.2 Building Act 2016

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

5 RISK ISSUES

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



aware of its responsibility when conducting development.

6 COMMUNITY CONSULTATION

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

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

7 OFFICER'S COMMENTS/CONCLUSION

There have been 2 commercial building approvals valued a total of \$1,200,000 for 2023/24 (year to date) compared to 1 commercial building approvals valued a total of \$200,000 (year to date) for the previous year.

In total, there have been 12 building approvals valued at \$3,286,045 (year to date) for 2023/2024 compared to 14 building approvals valued at \$1,685,631 (year to date) for the previous year.



14.2 POLICY UPDATE: EXEMPT TEMPORARY BUILDINGS OR WORKS (INCLUDING SHIPPING CONTAINERS) POLICY

Responsible Officer: Maree Bricknell, Acting General Manager

Report prepared by: Erin Miles, Project Officer

MINUTE NO. 23/0285

DECISION

Cr Terrett/Deputy Mayor Lambert

That Council endorse the amendments to the Exempt Temporary Buildings or Works (including shipping containers) Policy, without the need to reapply for a permit every 12 months as required by minute no. 23/0232.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Mrs Miles left the meeting at 6.59pm.

RECOMMENDATION

That Council endorse the amendments to the Exempt Temporary Buildings or Works (including shipping containers) Policy, without the need to reapply for a permit every 12 months as required by minute no. 23/0232.

1 PURPOSE OF REPORT

The purpose of this report is to advise and seek endorsement of a policy update, noting the decision made at the 17 July 2023 Council meeting.

2 INTRODUCTION/BACKGROUND

To ensure Council's Policy Manual remains relevant and correct, Council Officers periodically review the policies and recommend updates as required. As Council is now operating under a new planning scheme – the Tasmanian Planning Scheme – Northern Midlands, updates are required to the Exempt Temporary Buildings or Works (including shipping containers) Policy, to reflect the change in name and clause numbers. Minor changes to fix grammatical and typographical errors have also been included. The exemption clause is designed to allow for temporary buildings such as site sheds/building material storage and the like, while construction is occurring.

This item was presented to Council at the 17 July 2023 Council meeting, where the following decision was made:

MINUTE NO. 23/0232

DECISION

Cr Terrett/Cr Brooks

That Council endorse the amendments to the Exempt Temporary Buildings or Works (including shipping containers) Policy, subject to the inclusion of a provision requiring applicants to reapply for a permit every 12 months.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr Terrett

Voting Against the Motion:

Nil



Unfortunately, as the placement of buildings is exempt from requiring a permit under clause 4.3.5 of the Tasmanian Planning Scheme – Northern Midlands (provided there is approved/exempt use or development occurring on the site), it is not possible to require applicants to reapply for a permit every 12 months. The policy only regulates the location of the temporary buildings at the discretion of the General Manager. The Planning Scheme regulates whether the building can be placed on the site (i.e., exempt or not) and associated parameters. A policy cannot override a legislative requirement or provision of the Planning Scheme.

The exemption clause is within the State Planning Provisions (not a local provision). Amendment of the State Planning Provisions requires a request to the Minister to prepare terms of reference for a draft amendment. Any amendment, if approved, would have statewide effect. An amendment is not considered necessary, as the clause has been operating effectively under both the interim and current planning schemes.

If the provisions (exemption) of the planning scheme are not being complied with, Council can commence enforcement action under the *Land Use Planning & Approvals Act 1993* for the removal of the structure.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

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

Sense of Place - Sustain, Protect, Progress

Strategic outcomes:

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

Place: Nurture our heritage environment

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

Strategic outcomes:

- 4.1 Cherish and sustain our landscape
- 4.4 Our heritage villages and towns are high value assets

3.2 Integrated Priority Projects Plan 2021

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

Not applicable.

4 POLICY IMPLICATIONS

Although the policy has been operating as required, an update is required to ensure the correct planning instrument is reflected in the policy text.



5 STATUTORY REQUIREMENTS

5.1 Clause 4.3.5 – Tasmanian Planning Scheme – Northern Midlands

The placement of exempt buildings (inclusive of shipping containers, site buildings and the like) is allowed in accordance with the Tasmanian Planning Scheme – Northern Midlands, provided there is development occurring on the site. The Scheme does not prescribe a timeframe for the placement or parameters for the location, hence the purpose of the policy. A copy of the exemption clause wording is included within the policy.

6 FINANCIAL IMPLICATIONS

Operation of the policies is within existing budget allocations.

7 RISK ISSUES

The proposed changes seek to remove typographical errors, improve interpretation and reflect the current planning scheme, hence reducing the risk of the policy being applied incorrectly. If policies are not updated to reflect the current legislation/planning scheme, there is a risk that they are unenforceable. A permit cannot be required, as a policy cannot override a legislative requirement or provision of the Planning Scheme. Approval from the General Manager regarding the suitability of the location of the temporary building *is* required.

8 CONSULTATION WITH STATE GOVERNMENT

Consultation with State Government was not required.

9 COMMUNITY CONSULTATION

No community consultation was required.

10 OPTIONS FOR COUNCIL TO CONSIDER

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

11 OFFICER'S COMMENTS/CONCLUSION

The placement of temporary buildings or works (including shipping containers) is exempt from requiring a permit under clause 4.3.5 of the Tasmanian Planning Scheme – Northern Midlands (provided there is approved/exempt use or development occurring on the site). It is not possible to require applicants to reapply for a permit every 12 months. The policy only regulates the location of the shipping container at the discretion of the General Manager. The Planning Scheme regulates whether the shipping container can be placed on the site and associated parameters. A policy cannot override a legislative requirement or provision of the Planning Scheme.

It is important to note that Council can commence enforcement action under the *Land Use Planning & Approvals Act 1993* if structures are not in compliance with the Planning Scheme.

12 ATTACHMENTS

1. Exempt Temporary Buildings or Works incl Shipping Containers up [14.2.1 - 2 pages]



14.3 REQUEST TO REDUCE PLANNING APPLICATION FEES: PALMERSTON BATTERY STORAGE PROPOSAL

Responsible Officer:

Maree Bricknell, Corporate Services Manager

Report prepared by:

Paul Godier, Senior Planner

MINUTE NO. 23/0286

DECISION

Cr Terrett/Deputy Mayor Lambert

That Council agree to reduce the application fee to \$30,000 to cover Council's costs + consultant planner assessment at cost + planning appeal at cost, to a maximum of 0.3% of project cost over \$300,000.

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Cr Archer

RECOMMENDATION

That Council agree to reduce the application fee to \$15,000 to cover Council's costs + consultant planner assessment at cost + planning appeal at cost, to a maximum of 0.3% of project cost over \$300,000.

1 PURPOSE OF REPORT

This report considers the attached request to reduce the planning application fee for the Palmerston Battery Energy Storage System project.

2 INTRODUCTION/BACKGROUND

The request to reduce the fee advises:

The total development area is approximately 1.5 hectares, including BESS, security fencing, access and roads, vegetation planting for screening, and underground cable connection to Palmerston Substation. The proposed capacity of the BESS is approximately 100 MW and 200 MWh.

It will provide significant benefits to the State and the Northern Midlands area in particular. In short:

- *The Proposal will help store and discharge electricity and provide grid services to help improve the strength of the Tasmanian and National Electricity Market (NEM).*
- *It will support the transition to 100% renewables by allowing increased renewable energy generation, currently limited by uncontrolled intermittency.*
- *The site is well suited to a BESS as it benefits from its adjacency to the Palmerston Substation and is visually compatible with existing infrastructure in the vicinity.*
- *The Proposal has been strategically sited and designed to avoid impacting agricultural activities in the vicinity, particularly pivot irrigation.*
- *Creation of approximately 100 direct construction jobs and 5-10 direct ongoing jobs.*

The Proponent is undertaking the development under a lease agreement with the landholder. The Proponent is an experienced renewable energy and BESS developer.



While the nominal cost of works for the Proposal is \$150 million, this is highly skewed by the nature of the BESS and electricity infrastructure, including transmission connection into Palmerston Substation. The high capital costs are not reflective of a typical (building) development. The project has a minor footprint and is not a complex planning assessment. We recognise that Council's fee schedule does not specifically contemplate major infrastructure projects.

Council's fee schedule contains only a base fee of \$567.00 + 0.3% for works over \$300,000.00 (plus additional advertising fee). As set out in Council's fee schedule, applications with a cost of works above \$10 million can be negotiated, with a minimum application fee of \$30,000.

Noting that the Proponent is already funding an independent planning consultant for Council (in the order of \$30,000), we consider that a reduced base application fee should be applied (\$15,000 + advertising fee, excluding costs of independent planner) to this Proposal. With a Development Area of only 1.5 hectares, this more accurately reflects the complexity of the Proposal and its assessment.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

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

3.2 Integrated Priority Projects Plan 2021

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

Not applicable.

4 POLICY IMPLICATIONS

There are no policy implications.

5 STATUTORY REQUIREMENTS

5.1 Local Government Act 1993

206. List of fees and charges

A general manager of a council is to –

- (a) keep a list of all fees and charges fixed under this Division; and
- (b) make the list available for public inspection during ordinary hours of business at the public office.

207. Remission of fees and charges

A council may remit all or part of any fee or charge paid or payable under this Division.

6 FINANCIAL IMPLICATIONS

Council's fee schedule states:

- Discretionary application \$594
- Advertising fee \$290
- + 0.3% of project cost over \$300,000



The attached letter advises that the nominal cost of works for the proposal is \$150 million. The fee for an \$150 million project would be $\$594 + \$290 + (\$150 \text{ million} - \$300,000 \times 0.3\% = \$449,100) = \$449,984$

At its meeting of 26 June 2023 Council considered requests to reduce the application fees for the Northern Midlands Solar Farm and the Great Lakes Battery Projects. The recommendations were that the application fees be reduced to \$15,000 to cover Council's costs + consultant planner at cost + planning appeal at cost, to a maximum of 0.3% cost of project over \$300,000. The Council decisions were that the application fees be reduced to \$30,000 to cover Council's costs + consultant planner at cost + planning appeal at cost, to a maximum of 0.3% cost of project over \$300,000.

7 RISK ISSUES

Regardless of a consultant planner assessing the application, Council staff input to the application process remains. This includes administration, liaison with the consultant planner, liaison with referral agencies, printing and placing site notices, sending advertisements to the Examiner and reviewing the proof, mailing neighbour notices, entering the consultant planner's report into Council's Document Assembler programme for creating a Council agenda, discussion between Council's planners and other staff including managers and General Manager, as well as overheads.

There is also a risk that the decision on the application will be appealed, either by a representor or by the applicant. Council would then have to pay for expert evidence and for a lawyer to represent it in the appeal.

8 CONSULTATION WITH STATE GOVERNMENT

Not required for this request to reduce fees.

9 COMMUNITY CONSULTATION

Not required for this request to reduce fees.

10 OPTIONS FOR COUNCIL TO CONSIDER

- Not reduce the application fee.
- Reduce the application fee to \$15,000 to cover Council's costs + consultant planner assessment at cost + planning appeal at cost, to a maximum of 0.3% cost of project over \$300,000
- Reduce the application fee to \$30,000 to cover Council's costs + consultant planner assessment at cost + planning appeal at cost, to a maximum of 0.3% cost of project over \$300,000
- Reduce the application fee using another method.

11 OFFICER'S COMMENTS/CONCLUSION

The applicant requests a reduction in the application fee to \$15,000 + advertising fee, excluding costs of independent planner). This is consistent with the officer's recommendation on the Northern Midlands Solar Farm and the Great Lake Battery Project

Noting that the applicant will be paying the cost of an independent planner to assess the application it is recommended that Council agree to reduce the application fee to \$15,000 to cover Council's costs + consultant planner assessment at cost + planning appeal at cost, to a maximum of 0.3% of project cost over \$300,000.

12 ATTACHMENTS

1. Request for fee reduction - Letter to Northern Midlands Council - Palmerston BESS - 24 July 2023 [**14.3.1** - 2 pages]



15 CORPORATE SERVICES REPORTS

15.1 MONTHLY REPORT: FINANCIAL STATEMENT

Responsible Officer: Maree Bricknell, Corporate Services Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

MINUTE NO. 23/0287

DECISION

Cr Terrett/Deputy Mayor Lambert

That Council:

- i) receive and note the Monthly Financial Report for the period ending 31 July 2023, and
- ii) authorise Budget 2023/24 alterations as listed in Item 4.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council:

- i) receive and note the Monthly Financial Report for the period ending 31 July 2023, and
- ii) authorise Budget 2023/24 alterations as listed in Item 4.

1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 31 July 2023.

2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 31 July 2023 is circulated for information.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

2.1 Strategic, sustainable, infrastructure is progressive

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 ALTERATIONS TO 2022-23 BUDGET

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



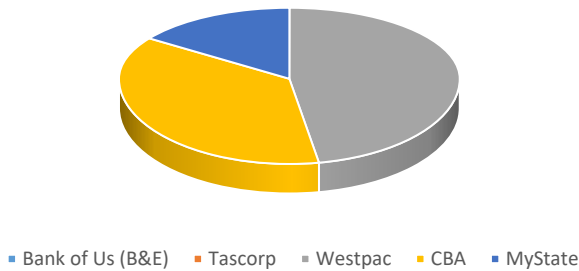
SUMMARY FINANCIAL REPORT						
For Month Ending:		31-Jul-23	1			
A. Operating Income and Expenditure						
	Budget	Year to Date Budget 42%	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$14,203,781	-\$14,203,781	-\$14,217,095	\$13	100.1%	<div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> 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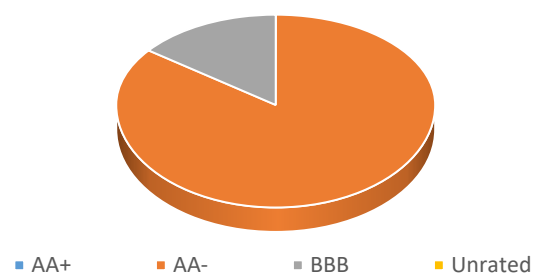
- Trading Accounts	\$538,572				
- Investments	\$18,880,985				
	\$19,419,557				

Summary of Investments	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value
Tasmanian Public Finance Corporation Call Account	1/07/2023	31/07/2023	4.10	\$5,565	\$5,584
CBA Call Account	11/07/2023	31/07/2023	0.25	\$0	\$0
Commonwealth Business Online Saver Account	26/07/2023	31/07/2023	4.15	\$2,207,558	\$2,208,813
Westpac Corporate Regulated Interest Account	1/07/2023	31/07/2023	4.35	\$155,407	\$155,407
CBA	30/06/2023	7/11/2023	4.56	\$2,000,000	\$2,032,482
CBA	30/06/2023	14/11/2023	4.65	\$1,000,000	\$1,017,453
CBA	11/07/2023	8/04/2024	5.32	\$2,000,000	\$2,079,290
My State Financial	25/05/2023	21/12/2023	4.85	\$3,462,454	\$3,559,071
Westpac - Stimulus Fund Investment	30/06/2023	29/12/2023	5.16	\$1,050,000	\$1,077,016
Westpac - Stimulus Fund Investment	30/06/2023	16/12/2024	1.60	\$3,000,000	\$3,070,356
Westpac	30/06/2023	23/10/2023	4.43	\$3,000,000	\$3,041,873
Westpac	30/06/2023	11/09/2023	4.33	\$1,000,000	\$1,008,660
Total Investments	0/01/1900	0/01/1900	0.00	\$18,880,985	\$19,256,005

Investments by Institution

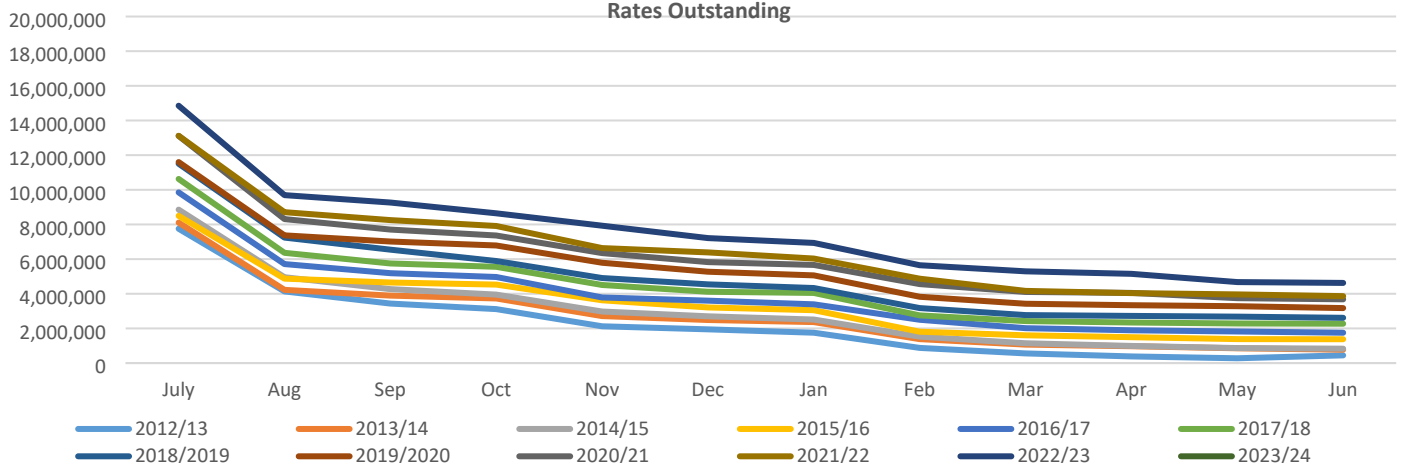


Total Investments by Rating (Standard & Poor's)











Rate Debtors	2023/24	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$4,626,436		\$3,863,134	
Rates Raised	\$14,232,969		\$12,982,496	
	\$18,859,406		\$16,845,630	
Rates collected	\$1,011,884	7.1%	\$1,532,148	11.8%
Pension Rebates	\$543,776	3.8%	\$485,624	3.7%
Discount & Remissions	\$4,773	0.0%	\$7,525	0.1%
	\$1,560,433		\$2,025,297	
Rates Outstanding	\$17,551,036	93.1%	\$14,820,333	88.0%
Advance Payments received	-\$252,064	1.8%	-\$218,965	1.7%

Rates Outstanding





Trade Debtors					
Current balance	\$944,794				
- 30 Days		\$390,301			
- 60 Days		\$11,213			
- 90 Days		-\$44,581			
- More than 90 days		\$587,861			
Summary of Accounts more than 90 days:		-			
- Norfolk Plains Book sales		171			 Paid by outlet as sold
- Hire/lease of facilities		60,495			
- Removal of fire hazards		7,345			 Send to Fines Enforcement
- Dog Registrations & Fines		18,036			
- Private Works		6,734			
- Regulatory Fees		6,680			
- Govt Reimbursements		488,400			
		-			
C. Capital Program					
	Budget	Actual (\$,000)	Target 8%	Comments	
Renewal	\$5,616,696	\$0	0%		
New assets	\$14,718,619	\$0	0%		
Total	\$20,335,315	\$0	0%		
Major projects:					
- Lfd Memorial Hall upgrade	\$3,109,479	\$0	0%	In progress	
- Lfd Urban Streetscape Improvements	\$1,793,628	\$0	0%	Approval stage	
- Ctown Urban Streetscape Improvements	\$2,450,000	\$0	0%	Design stage	
- Pth Urban Streetscape Improvements	\$1,641,000	\$0	0%	Stormwater in progress	
- Lfd Caravan Park Amenities replacement	\$450,000	\$0	0%	Tender stage	
- Ashby Road reconstruction	\$500,000	\$0	0%		
- Bishopsbourne Road Reconstruction	\$504,900	\$0	0%		
- Lfd Llaycock Street Reserve	\$500,768	\$0	0%		
- Cry Bridge Replacements (3)	\$907,500	\$0	0%	Tender approved	
	-				
	-				
	-				
* Full year to date capital expenditure for 2023/24 provided as an attachment.					
D. Financial Health Indicators					
	Target	Actual	Variance	Trend	
Financial Ratios					
- Rate Revenue / Total Revenue	57.3%	96.6%	-39.3%	↘	
- Own Source Revenue / Total Revenue	79%	100%	-20.7%	↘	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	0.0%	83.1%	-83.1%	↘	
- Debt / Own Source Revenue	37.9%	50.6%	-12.7%	↔	
Efficiency Ratios					
- Receivables / Own Source Revenue	94.4%	101.0%	-6.6%	↘	
- Employee costs / Revenue	26.9%	3.9%	23.1%	↗	
- Renewal / Depreciation	78.4%	0.0%	78.4%	↗	
Unit Costs					
- Waste Collection per bin	\$13.74	#DIV/0!		↔	
- Employee costs per hour	\$55.64	\$41.70		↗	
- Rate Revenue per property	\$1,999.41	\$2,001.28		↔	
- IT per employee hour	\$5.45	\$13.30		↘	



E. Employee & WHS scorecard				
	YTD	This Month		
Number of Employees	93	93		
New Employees	3	3		
Resignations	3	3		
Total hours worked	13,659	13,659		
Lost Time Injuries	1	0		
Lost Time Days	0	0		
Safety Incidents Reported	0	0		
Hazards Reported	0	0		
Risk Incidents Reported	0	0		
Insurance claims - Public Liability	0	0		
Insurance claims - Industrial	0	0		
Insurance claims - Motor Vehicle	1	0		
IT - Unplanned lost time	0	0		
Open W/Comp claims	1	0		
F. Waste Management				
Waste Transfer Station	2021/22	2021/22	2023/24 Budget Year to Date	2023/24
Takings				
- Refuse	\$135,285	\$11,074	\$12,223	\$0
- Green Waste	\$82,450	\$6,931	\$7,212	\$0
- Concrete	\$2,980	\$214	\$314	\$0
- Tyres	694	\$54	\$57	\$0
Total Takings	\$221,409	\$18,273	\$19,806	\$0
Tonnes Disposed				
WTS Refuse Disposed Tonnes	1349	133	0	0
WTS Green Waste Disposed Tonnes	2760	424	0	0
WTS Concrete Disposed Tonnes	3056	0	0	0
Kerbside Refuse Disposed Tonnes	2430	203	0	0
Kerbside Recycling Disposed Tonnes	1048	108	0	0
Total Waste Tonnes Disposed	10643	867	0	0

5 OFFICER COMMENTS

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

6 ATTACHMENTS

1. Monthly Financial Report - July 2023 [15.1.1 - 1 page]
2. Monthly Capital Financial Report - July 2023 [15.1.2 - 6 pages]



15.2 NAMING OF CUL DE SAC OFF CATHERINE STREET, LONGFORD

Responsible Officer: Maree Bricknell, Corporate Services Manager

Report prepared by: Natalie Horne, Administration Officer

MINUTE NO. 23/0288

DECISION

Cr Brooks/Deputy Mayor Lambert

That Council approve the name Jeffrey Place for the new cul-de-sac created by subdivision off Catherine Street, Longford.
Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council approve the name Jeffrey Place for the new cul-de-sac created by subdivision off Catherine Street, Longford.

1 PURPOSE OF REPORT

The purpose of the report is to assign a new street name for the cul-de-sac created by subdivision off Catherine Street, Longford.

2 INTRODUCTION/BACKGROUND

A 22-lot subdivision has been developed off Catherine, Bulwer, Burghley and Lewis streets Longford. With eight lots having access from a new cul-de-sac.

The developer was requested to submit names for the new road, their first three names were unavailable, the following three were suggested:

- Jeffrey Place
- Jeffrey Court
- Stella Court

A search of the Placenames Tasmania site was conducted, and the name Jeffrey was available. A request to the developer was made for an explanation on why this name was chosen.

Dell Farm Pty Ltd company consists of the surviving 14 of Lawrence Pitt's nieces and nephews. Jeffrey Boyd, a nephew, died when he was young, and the company would like to ensure he is recognised as part of the development.

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

1.3 Management is efficient, proactive and responsible



3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

Not applicable.

5 STATUTORY REQUIREMENTS

5.1 Place Names Act 2020

4. Meaning of place

(1) For the purposes of this Act, a place includes, but is not limited to –

(a) a geographical or topographical feature, whether –

(i) natural or artificial; or

(ii) on land, underground or under water; and

(b) a suburb, locality, habitation or other feature of community or cultural significance; and

(c) a highway, road, street, lane or thoroughfare that –

(i) is open to, or lawfully used by, the public; or

(ii) is a private road that contains residences that have, or are capable of having, separate addresses; and

(d) a park, recreation area, sporting ground, walking or bicycle track that is open to or used by the public; and

(e) any other area or feature that is, or is likely to be, of public, cultural or historical interest.

(2) Despite [subsection \(1\)](#), a reference to a place in this Act does not include a reference to –

(a) a building or similar structure; or

(b) a place that is given, or may be given, a name under any other Act; or

(c) an area or feature, or class of areas or features, that is prescribed as not being a place for the purposes of this Act.

11. Naming of roads, streets, &c.

(1) In this section –

naming action means an action taken by a responsible authority in accordance with [subsection \(2\)](#) in respect of a place referred to in [section 4\(1\)\(c\)](#);

responsible authority, for a place referred to in [section 4\(1\)\(c\)](#), means –

(a) if the place is located on reserved land, or in a reserved region, within the meaning of the [Nature Conservation Act 2002](#), the Department responsible for the administration of that Act; or

(b) if the place is located on permanent timber production zone land, within the meaning of the [Forest Management Act 2013](#), the Forestry corporation continued in existence under that Act; or

(c) if the place is on land owned by the Corporation, within the meaning of the [Hydro-Electric Corporation Act 1995](#), the Corporation; or

(d) in any other case, a council of a municipal area where the place is located, unless another authority is prescribed for the place.

(2) In accordance with the guidelines, the responsible authority for a place referred to in [section 4\(1\)\(c\)](#) may do one or more of the following in respect of the place:

(a) name the place;

(b) alter, or revoke, an approved name for the place;

(c) alter, clarify, extend or reduce the location, boundary or extent of the place.

(3) The responsible authority for a place referred to in [section 4\(1\)\(c\)](#) must ensure that any naming action, performed in respect of the place, complies with –

(a) the relevant provisions of the guidelines; and

(b) this Act and any other applicable Act; and

(c) the relevant procedures of the responsible authority.

...

(6) The Registrar may only refuse to record a naming action performed by a responsible authority, as submitted to the Registrar under [subsection \(4\)](#), if –

(a) the naming action results in –

(i) a name for a place that does not comply with the guidelines; or

(ii) a name for a place that is an approved name for another place; or



(b) prescribed circumstances exist in relation to the name.

...

5.2 Tasmanian Place Naming Guidelines (December 2022)

6 FINANCIAL IMPLICATIONS

The developer is responsible for installing street signage associated with the new road.

7 RISK ISSUES

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

8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

Not applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

The only name provided by the developer that will be acceptable and conform to the *Tasmanian Place Naming Guidelines* is Jeffrey Place.

11 OFFICER'S COMMENTS/CONCLUSION

Recommendation is to approve the name "Jeffrey Place".

12 ATTACHMENTS

1. Plan of Subdivision [15.2.1 - 1 page]



16 WORKS REPORTS

16.1 POLICY REVIEW- FENCING OF COUNCIL'S RESERVES: CONTRIBUTION

Responsible Officer: Leigh McCullagh, Works Manager

Report prepared by: Jonathan Galbraith, Engineering Officer

MINUTE NO. 23/0289

DECISION

Cr Terrett/Cr Adams

That Council accepts and endorses the changes to the Fencing of Council's Reserves: Contribution Policy.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council accepts and endorses the changes to the Fencing of Council's Reserves: Contribution Policy.

1 PURPOSE OF REPORT

The purpose of this report is to provide Council with the opportunity to review and amend the Fencing of Council's Reserves: Contribution Policy.

2 INTRODUCTION/BACKGROUND

The *Boundary Fences Act 1908* (the Act) is the applicable legislation to boundary fences in Tasmania. The Act does not apply to public reserves. Council has historically agreed and implemented a policy whereby it voluntarily makes an ex-gratia financial contribution towards the costs of repairing boundary fences with Council's reserves.

Council's current Fencing Reserves: Contribution Policy was last reviewed on 15 March 2021 (minute number 113/21) and the following amendments were made:

The owner of the land is to obtain three (3) quotes from recognised fencing contractors. The rate of contribution by Council shall be:

- *50% of the accepted quotation with a maximum contribution of between \$45 per metre (based on a 1.8m height fence constructed using "C" section posts 3 75mm x 50mm rails, overlapped 150mm palings and using galvanised nails) for a paling fence, or*
- *Up to \$9.00 per metre for a post and wire fence.*

Complaints have been received from property owners that Council's policy does not reflect the true cost of repairing/maintaining a "sufficient fence" as prescribed in the Act. The policy is now being reviewed to update these costs, and make other minor amendments/clarifications.



3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

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

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

- 1.1 Council is connected to the community
- 1.3 Management is efficient, proactive and responsible

Progress: Economic health and wealth - grow and prosper

Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future

Strategic outcomes:

- 2.1 Strategic, sustainable, infrastructure is progressive

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

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

5 STATUTORY REQUIREMENTS

Boundary Fences Act 1908

Part I Preliminary

6. Act not to apply to unalienated Crown lands

This Act shall not apply to any—

- (a) unoccupied Crown lands; or*
- (b) public reserves—*

nor shall the Crown, the Governor, the Director-General of Lands, nor any public officer appointed by the Governor for the administration, management, or control of Crown lands or public reserves, or who may, by virtue of his office, however styled, have any such administration, management, or control, be liable under the authority of this Act to make any contribution towards the erection or repair of any fence between the land of any occupier and any Crown lands.

Part II - Erection of Fences

8. Adjoining owners to share cost of fencing

(1) Subject to the provisions of this Act, the owners of adjoining lands not divided by a sufficient fence or a rabbit-proof fence shall be liable to join in or contribute to the erection of a sufficient fence or a rabbit-proof fence, as the case may be, between such lands in such proportion as may be –

- (a) agreed upon; or*
- (b) awarded under the provisions of this Act.*

(2) The owners of adjoining lands divided by a fence which is not a rabbit-proof fence shall be liable to join in or contribute to the erection of a rabbit-proof fence between such lands, or the conversion of any existing fence into a rabbit-proof fence, in such proportions as may be –

- (a) agreed upon; or*
- (b) awarded under the provisions of this Act.*

Part III – Repairs of Fences

22. Owners liable to repair fences

(1) When any fence or part thereof which before the passing of this Act has been or hereafter shall be made is out of repair or becomes insufficient, the owners of land on either side thereof shall be liable to the cost of repairing such fence in equal proportions.



(2) When any fence or part thereof which before the passing of this Act has been or hereafter shall be made a rabbit-proof fence is out of repair or ceases to be rabbit-proof, the owners of land on either side thereof shall be liable to the cost of repairing such fence or making the same rabbit-proof in equal proportions.

6 FINANCIAL IMPLICATIONS

\$10,890 has been allocated in the 2023/2024 budget toward fencing contributions.

In the 2022/2023 financial year \$6,400 was spent on fencing contributions.

Pricing is dependent on labour allowance and product used; however, the indicative price to erect a paling fence ranges between \$112 and \$160 per lineal metre.

If the Council's contribution rate is increased to 50% of the actual cost this will be a significant increase in costs; however, it is still anticipated that expenditure will be within budget.

7 RISK ISSUES

The repair of a boundary fence between neighbouring properties can be the cause of disputes between parties therefore, it is important for Council to set clear guidelines regarding its voluntary contribution to boundary fences of reserves within the municipality.

There is a risk adjoining property owners may confuse this policy with the requirements in sections 8 and 22 of the Act and seek a greater level of financial contribution, however as the Act is exempt from public reserves, Council's policy is surplus to the legislative requirements of the Act.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

N/A

10 OPTIONS FOR COUNCIL TO CONSIDER

To accept and endorse/reject the amended Fencing of Council's Reserves – Contribution policy.

11 OFFICER'S COMMENTS/CONCLUSION

Council has previously determined and implemented policy around voluntarily making a contribution towards the costs of repairing boundary fences of its public reserves. This policy is in addition to legislative requirements relating to boundary fences.

Council's Officers have received complaints from property owners that Council's current policy does not reflect the true cost of repairing/maintaining a "sufficient fence" as prescribed in the Act. Officers have reviewed the Fencing Reserves: Contribution policy and compared to the requirements in the Act for compliance purposes.

Council's Fencing Reserves Contribution policy currently states:

"The owner of the land is to obtain three (3) quotes from recognised fencing contractors. The rate of contribution by Council shall be:



- 50% of the accepted quotation with a maximum contribution of between \$45 per metre (based on a 1.8m height fence constructed using "C" section posts 3 75mm x 50mm rails, overlapped 150mm palings and using galvanised nails) for a paling fence, or
- Up to \$9.00 per metre for a post and wire fence.

Where the landowner constructs the fence, Council may pay for the cost of materials up to a maximum contribution of \$45.00 per metre subject to the height and type of fence."

Council's current contribution is less than 50% of the full cost based on the estimates provide in this report.

On average, Council receives a couple of requests for contributions to boundary fences of reserves each year.

Council does not make a voluntary contribution to the first fence that is installed on the boundary of a Council reserve following a subdivision. Council only contributes to repairs of existing fences.

Amendments to the policy include:

1. Clarifying the title of the policy to "Fencing of Council's Reserves: Contributions".
2. Outlining the policy is a voluntary policy in addition to the legislative requirements.
3. Clarifying and clearly identifying the scope of the policy –
 - a. applicable to repairs of fences only;
 - b. inclusion of a provision where no contribution will be made where the existing fence is in sound condition and the owner wishes to upgrade or alter its style;
 - c. the policy is not retrospective and Council will not retrospectively pay for boundary fencing works;
 - d. the policy is not applicable in circumstances of damage caused by negligence
4. Increasing the maximum contribution from \$45.00 to \$60.00 per metre for a paling fence and from \$9.00 to \$12.50 for a post and wire fence.
5. Setting a standard for the repairs, noting any higher standard (for example a Colourbond fence) will be the sole responsibility of the person making the request.
6. Inclusion of a requirement for Council to continue making an annual budgetary allocation for fencing contributions for reserves.

12 ATTACHMENTS

1. Fencing of Council Reserves Policy (tracked changes) [16.1.1 - 2 pages]
2. Fencing of Council Reserves Policy (clean) [16.1.2 - 2 pages]



17 ITEMS FOR THE CLOSED MEETING

MINUTE NO. 23/0290

DECISION

Cr Adams/Cr McCullagh

That Council move into the "Closed Meeting" with the Acting General Manager / Corporate Services Manager, Projects Manager, Senior Planner, Projects Officer, Executive Officer and Executive Assistant.

Carried Unanimously

RECOMMENDATION

That Council move into the "Closed Meeting" with the Acting General Manager/Corporate Services Manager, Projects Manager, Senior Planner, Executive Officer and Executive Assistant to discuss Closed Council Items.

Item	Local Government (Meeting Procedures) Regulations 2015 Reference
Procedural Matters	15(2)(g)
Personnel Matters	15(2)(a)
Action Items: Status Report	15(2)(g)
Legal Matter	15(2)(i)
Personnel Matters	15(2)(a)
Information of a Personal and Confidential Nature	15(2)(g)
Compliance Matter	15(2)(i)
Land Acquisition/Purchase/Disposal	15(2)(f)
Contract/Tender	15(2)(d)
Land Acquisition/Purchase/Disposal	15(2)(f)

Local Government (Meeting Procedures) Regulations 2015 - Part 2 - Meetings

- (a) personnel matters, including complaints against an employee of the council and industrial relations matters;
- (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;
- (c) commercial information of a confidential nature that, if disclosed, is likely to -
 - (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the council; or
 - (iii) reveal a trade secret.
- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;
- (e) the security of -
 - (i) the council, councillors and council staff; or
 - (ii) the property of the council.
- (f) proposals for the council to acquire land or an interest in land or for the disposal of land;
- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- (h) applications by councillors for a leave of absence;
- (i) matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;
- (j) the personal hardship of any person who is a resident in, or is a ratepayer in, the relevant municipal area.



17.1 CLOSED COUNCIL DECISIONS RELEASED

4.1 SALE OF TOWN HALL, CAMPBELL TOWN

MINUTE NO. 23/0296

DECISION

Cr Adams/Cr Brooks

That Council

- a) initiate and commence the rezoning process of the property such that the property is zoned 'Business General';
- b) in relation to this matter
 - i) consider whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined to **release the decision only** to the public.

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Brooks and Cr Goss

Voting Against the Motion:

Cr Archer and Cr Terrett

4.2 TENDER: LONGFORD CARAVAN PARK AMENITIES UPGRADE - NMC 23/11

MINUTE NO. 23/0298

DECISION

Cr Adams/Cr Andrews

That Council

- a) accepts the tender from TasCity Building; and
- b) in relation to this matter
 - i) consider whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined **to release the decision only** and not release report and /or document to the public.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil



18 CLOSURE

MINUTE NO. 23/0300

DECISION

Cr Adams/Deputy Mayor Lambert

That Council move out of the "Closed Meeting".

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Mayor Knowles closed the meeting at 7.40pm.

MAYOR _____ DATE _____