



**NORTHERN  
MIDLANDS  
COUNCIL**

# **AGENDA**

**Ordinary Meeting of Council**

**Monday, 15 August 2016**

**Des Jennings  
General Manager**

## **QUALIFIED PERSONS ADVICE**

The *Local Government Act 1993* provides (in part) as follows:

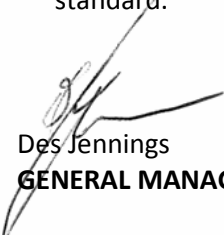
- ♦ A General Manager must ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- ♦ A Council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the General Manager certifies in writing such advice was obtained and taken into account in providing general advice to the Council.

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

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

## **MEETING CONDUCT**

- ♦ People attending Council Meetings are expected to behave in an appropriate manner.
- ♦ The following is not acceptable:
  - Offensive or inappropriate behaviour
  - Personal insults
  - Verbal abuse
- ♦ In the case of any inappropriate outburst or derogatory behaviour, an apology from the offending party or parties will be requested. Anyone at the meeting, if they feel offended in any way by any such behaviour specified above, should immediately bring the behaviour to the notice of the Chairperson by the way of a point of order.
- ♦ The Chairperson has the right to evict from a meeting any person who is not behaving to an appropriate standard.



Des Jennings  
**GENERAL MANAGER**

## **GUIDELINES FOR COUNCIL MEETINGS**

### **PUBLIC QUESTIONS AND STATEMENTS**

#### ***PUBLIC QUESTION TIME:***

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

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

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

#### ***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.

### **PETITIONS**

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

## **RECORDING OF COUNCIL MEETINGS**

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

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

The provision of recording of Council meetings in this policy:

- ♦ only applies to formal Council meetings (ordinary meetings, special meetings and Annual General meetings);
- ♦ does not apply to closed sessions of Council;
- ♦ does not apply to Committees of Council;
- ♦ The recording will not replace written minutes and a transcript of the recording will not be prepared;
- ♦ The recording may be used by Council staff to assist with the preparation of the minutes and by Council during a subsequent meeting within the period that the recording is retained;
- ♦ The official copy of the recording of a Council meeting is to be retained by Council for at least a period of 6 months from the date of a meeting and deleted after that period has expired.
- ♦ If requested, a recording of a Council meeting to be available to Councillors at no cost within 24 hours of the meeting.
- ♦ Notices advising that
  - the proceedings of the meeting are to be audio recorded; and
  - the detail relating to the recording of meetings by members of the publicare to be on display at each meeting.

A member of the public may only use an audio recorder, or any other recording and/or transmitting device, to record the proceedings of a meeting of Council with the written permission of the General Manager for the express purpose proposed. The Northern Midlands Council reserves the right to revoke such permission at any time.

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

The Recordings may not upload, display, print and/or reproduced without the written permission of the General Manager for the express purpose proposed.

The Northern Midlands Council reserves the right to revoke such permission at any time. Apart from uses permitted under the *Copyright Act 1968*, all other rights are reserved.

Any request for authorisation, including authorisation for the use of recordings, should be directed to the General Manager, 13 Smith Street, Longford TAS 7301.

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



NOTICE is hereby given that the next meeting of the Northern Midlands Council will be held at the Council Chambers, Longford on Monday, 15 August 2016 at 5.00pm.

*Des Jennings*  
**General Manager**

10 August 2016

**4.00pm Councillor Workshop – closed to the public**

### GOV 1 ATTENDANCE

#### 1 PRESENT

In Attendance:

#### 2 APOLOGIES

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### **GOV 3 DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE**

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

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### GOV 4 CONFIRMATION OF MINUTES

#### 1 ORDINARY COUNCIL MEETING – 18 JULY 2016

##### DECISION

Cr

The Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 18 July 2016, be confirmed as a true record of proceedings.

#### 2 CONFIRMATION OF MINUTES OF COMMITTEES

*Attachments: Section 1 – Page 1*

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

|        | Date       | Committee                                                      | Meeting  |
|--------|------------|----------------------------------------------------------------|----------|
| i)     | 08/03/2016 | Avoca Museum and Information Centre                            | Ordinary |
| ii)    | 07/06/2016 | Campbell Town District Forum                                   | Ordinary |
| iii)   | 09/06/2016 | Evandale Community Centre & Memorial Hall Management Committee | Ordinary |
| iv)    | 11/06/2016 | Epping Forest Hall Committee                                   | AGM      |
| v)     | 14/06/2016 | Devon Hills Residents Group                                    | Ordinary |
| vi)    | 05/07/2016 | Campbell Town District Forum                                   | BGM      |
| vii)   | 05/07/2016 | Campbell Town District Forum                                   | Ordinary |
| viii)  | 11/07/2016 | Cressy Hall Committee                                          | Ordinary |
| ix)    | 12/07/2016 | Evandale Community Centre & Memorial Hall Management Committee | Ordinary |
| x)     | 13/07/2016 | Morven Park Management & Development Assoc. Inc.               | Ordinary |
| xi)    | 18/07/2016 | Northern Midlands Economic Development Committee               | Ordinary |
| xii)   | 26/07/2016 | Ross Community Sports Club Inc.                                | Ordinary |
| xiii)  | 27/07/2016 | Cressy Local District Committee                                | BGM      |
| xiv)   | 27/07/2016 | Cressy Local District Committee                                | Ordinary |
| xv)    | 02/08/2016 | Campbell Town District Forum                                   | Ordinary |
| xvi)   | 02/08/2016 | Evandale Community Centre & Memorial Hall Management Committee | Ordinary |
| xvii)  | 02/08/2016 | Perth Local District Committee                                 | BGM      |
| xviii) | 02/08/2016 | Perth Local District Committee                                 | Ordinary |
| xix)   | 02/08/2016 | Evandale Advisory Committee                                    | Ordinary |
| xx)    | 03/08/2016 | Ross Local District Committee                                  | BGM      |
| xxi)   | 03/08/2016 | Ross Local District Committee                                  | Ordinary |

##### DECISION

Cr

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

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### 3 RECOMMENDATIONS OF SUB COMMITTEES

That Council note the following recommendation/s of Committees:

| Meeting Date | Committee                       | Recommendation                                                                                                                                                                                                                                                                                                                                                                            |
|--------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27/07/2018   | Cressy Local District Committee | That Council<br>1. further investigate the installation of a dump point in Cressy.<br>2. request the Department of State Growth inspect and conduct reconstruction work to Cressy Main Road, between Cressy and Longford where the road is deteriorating.                                                                                                                                 |
| 02/08/2016   | Campbell Town District Forum    | That Council<br>1. consider the King Street Oval, northern end of Foster Street (away from camping area), East Street (behind the Grange) for an off leash area, and that signage be placed at Valentine and Blackburn Parks advising “no off leash” area.<br>2. note the Campbell Town District Forum would like to be prioritised within the municipality for tree planting in 2016/17. |

**NOTE:** Matters already considered by Council at previous meetings have been incorporated into INFO 15: Officer's Action Items.

### DECISION

Cr

That Council **note and investigate** the following recommendation/s of the **Cressy Local District Committee**

*That Council*

- 1. further investigate the installation of a dump point in Cressy.*
- 2. request the Department of State Growth inspect and conduct reconstruction work to Cressy Main Road, between Cressy and Longford where the road is deteriorating.*

Cr

That Council **note** the following recommendation/s of the **Campbell Town District Forum:**

*That*

- 1. That Council consider the King Street Oval, northern end of Foster Street (away from camping area), East Street (behind the Grange) for an off leash area, and that signage be placed at Valentine and Blackburn Parks advising “no off leash” area.*
- 2. That Council note the Campbell Town District Forum would like to be prioritised within the municipality for tree planting in 2016/17.*

**GOV 5      DATE OF NEXT COUNCIL MEETING**  
**19 SEPTEMBER 2016**

Mayor Downie advised that the next Ordinary Council Meeting would be held at 5.00pm on Monday, 19 September 2016, at the Northern Midlands Council Chambers at Longford.

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### INFO INFORMATION ITEMS

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

Responsible Officer: Des Jennings, General Manager

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

| Date Held  | Purpose of Workshop                                                                                                                                                                                                                                                                                                                                                                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/08/2016 | <b>Council Workshop</b> <ul style="list-style-type: none"><li>Perth Community Centre Master Plan</li><li>Ross Swimming Pool Master Plan</li><li>Cressy Swimming Pool Master Plan</li><li>Longford CBD Urban Design - Parklets</li><li>Perth Recreation Ground Master Plan</li><li>Longford Recreation Ground Master Plan</li><li>Campbell Town Urban Design &amp; Traffic Management Strategy</li></ul> |
| 15/08/2016 | <b>Council Workshop</b> <ul style="list-style-type: none"><li>prior to Council meeting</li></ul>                                                                                                                                                                                                                                                                                                        |

#### 2 MAYOR'S COMMUNICATIONS

Mayor & Acting Mayor Communications for the period 19 July 2016 to 15 August 2016 are as follows:

| Date                                                         | Activity                                                                             |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 20 – 22 July 2016                                            | Attended LGAT Conference in Hobart                                                   |
| 27 July 2016                                                 | Attended Cressy Local District Committee meeting                                     |
| 28 July 2016                                                 | Attended meeting with Mr Peter Gutwein MP, Minister for Local Government, Launceston |
| 1 August 2016                                                | Attended Council Workshop, Longford                                                  |
| 3 August 2016                                                | Attended meeting with Mr Peter Gutwein MP, Minister for Local Government, Launceston |
| 3 August 2016                                                | Attended funeral of Works & Infrastructure employee, Graham Street                   |
| 4 August 2016                                                | Attended Elizabeth Macquarie Irrigation Trust meeting, Campbell Town                 |
| 9 August 2016                                                | Attending laying of the foundation stone at Woolmers Visitors Information Centre     |
| 9 August 2016                                                | Attended Inspiring Futures Charter Signing, Cressy District High School              |
| 9 August 2016                                                | Attended laying of foundation stone at Visitor Centre, Woolmers                      |
| 9 August 2016                                                | Attended meeting with Premier of Tasmania, Longford                                  |
| 10 August 2016                                               | Attended meeting with Tim Gardiner (Executive Chairman, Stornoway), Longford         |
| 11 August 2016                                               | Gave welcome address to the PIA Tasmania Planning Conference, Campbell Town          |
| 11 August 2016                                               | Attended TasWater Quarterly Briefing, Launceston                                     |
| 15 August 2016                                               | Attended Council meeting and workshop, Longford                                      |
| Attended to numerous email, phone, media and mail inquiries. |                                                                                      |

#### 3 PETITION

##### 1 PURPOSE OF REPORT

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

##### 2 OFFICER'S COMMENT

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

###### Section 57. Petitions

- (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

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



- (b) a heading on each page indicating the subject matter; and
- (c) 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) the full printed name, address and signature of the person lodging the petition at the end of the petition.

### 58. Tabling petition

- (1) A councillor who has been presented with a petition is to –
  - (a) table the petition at the next ordinary meeting of the council; or
  - (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.

## 3 PETITIONS RECEIVED

Nil.

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

### 1 PURPOSE OF REPORT

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

In accordance with Council's Strategic Plan 2007-2017 (2012/13 Revision), Part 1 – Governance, the core functions are:

- Support Council with governance advice and effective leadership, review and implement organisational values through day to day operations, effective communication, community consultation and advocacy, issues identification, strategic and corporate planning, annual reports, public and private resource sharing, induction of elected members, provision of legal advice, human resources management and liaise with representative bodies.
- Support Council with sound financial advice and management, and generate funds without burdening the community. Rates administration, budgeting and reporting, debt collection, taxation, asset registers and depreciation, receipts and payments, wages and salaries, loans and investments, records management, information technology, and customer service.

### 2 CONFERENCES AND SEMINARS

Nil

## 5 WORKS & INFRASTRUCTURE REPORT

Attachments: Section 1 – Page 59

The Works & Infrastructure Report for the period to 5 August 2016 was circulated in the Attachments.

## 6 BUILDING APPROVALS

The following table provides a comparison of the number and total value of building works for 2015 and 2016.

|                          | YEAR - 2015 |             |           |             | YEAR - 2016 |             |           |             |
|--------------------------|-------------|-------------|-----------|-------------|-------------|-------------|-----------|-------------|
|                          | JULY        |             | JAN –JULY |             | JULY        |             | JAN –JULY |             |
|                          | No.         | Total Value | No.       | Total Value | No.         | Total Value | No.       | Total Value |
|                          |             | \$          |           | \$          |             | \$          |           | \$          |
| New Dwellings            | 9           | 1,791,699   | 59        | 13,154,183  | 4           | 358,015     | 22        | 5,895,757   |
| Dwelling Additions       | 1           | 2,000       | 15        | 655,043     | 4           | 465,032     | 20        | 2,018,710   |
| Garage/Sheds & Additions | 9           | 289,497     | 45        | 1,770,000   | 10          | 134,380     | 58        | 2,384,477   |
| Commercial               | 2           | 69,100      | 6         | 302,100     | 1           | 120,000     | 11        | 7,361,622   |
| Other (Signs)            |             |             |           |             |             |             |           |             |
| Swimming Pools           |             |             |           |             |             |             |           |             |

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## 15 AUGUST 2016



|                       | YEAR - 2015 |                  |            |                   | YEAR - 2016 |                  |            |                   |
|-----------------------|-------------|------------------|------------|-------------------|-------------|------------------|------------|-------------------|
|                       | JULY        |                  | JAN – JULY |                   | JULY        |                  | JAN – JULY |                   |
|                       | No.         | Total Value      | No.        | Total Value       | No.         | Total Value      | No.        | Total Value       |
|                       |             | \$               |            | \$                |             | \$               |            | \$                |
| Minor Works           | 1           | 9,999            | 16         | 48,770            |             |                  | 2          | 6,600             |
| Building Certificates | 1           | 3,700            | 5          | 10,701            |             |                  |            |                   |
| Amended Permits       |             |                  |            |                   |             |                  |            |                   |
| <b>TOTAL</b>          | <b>23</b>   | <b>2,165,995</b> | <b>146</b> | <b>15,931,797</b> | <b>19</b>   | <b>1,077,472</b> | <b>98</b>  | <b>17,667,211</b> |
| <b>Inspections</b>    |             |                  |            |                   |             |                  |            |                   |
| Building              | 0           |                  |            |                   | 23          |                  | 222        |                   |
| Plumbing              | 0           |                  |            |                   | 30          |                  | 213        |                   |

Figures do not include Building Approvals processed under the Resource Sharing Agreements.

### 7 DEVELOPMENT APPLICATIONS

Planning decisions in July 2016:

|                                    |    |                                        |    |
|------------------------------------|----|----------------------------------------|----|
| Total Approved:                    | 19 | Total Refused:                         | 0  |
| Total Permitted:                   | 2  | Total Discretionary:                   | 15 |
| Average Days for Permitted         | 11 | Average Days for Discretionary:        | 38 |
| Days allowed for approval by LUPAA | 28 | Days allowed for approval under LUPAA: | 42 |
| Total Exempt under IPS:            | 2  | Total Withdrawn:                       | 0  |

| Project                    | Details                                                                                                                          | Address                             | Applicant                                                  | No of LUPAA days | Perm / Disc / Exempt |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------|------------------|----------------------|
| <b>DELEGATED DECISIONS</b> |                                                                                                                                  |                                     |                                                            |                  |                      |
| P16-164                    | Dwelling alterations/additions                                                                                                   | 5 Lewis Street, Longford            | Prime Design (obo Watkins)                                 | 0                | E                    |
| P16-155                    | Swimming pool, fencing and masonry wall (ancillary to dwelling)                                                                  | 110 Leighlands Road, Evandale       | Tassie Pool & Spas                                         | 11               | P                    |
| P16-150                    | Dwelling extension                                                                                                               | 17 Arthur Street, Evandale          | G M Chaplin                                                | 0                | E                    |
| P16-143                    | Carport (vary S side setback)                                                                                                    | 45 Clarence Street, Perth           | C Whitcombe                                                | 42               | D                    |
| P16-140                    | Dwelling addition (heritage precinct)                                                                                            | 92 Wellington Street, Longford      | S Izzard                                                   | 42               | D                    |
| P16-138                    | Shed - over 10m from dwelling, over 80m2 of floor area in Low Density Residential zone, 2nd driveway & native vegetation removal | 36 Devon Hills Road, Devon Hills    | Rebecca Green & Associates (obo Turner)                    | 42               | D                    |
| P16-136                    | Shed addition (12m x 9m) - vary NE side setback, over 10m from dwelling, over 80m2 of floor area in Low Density Residential zone | 9 Range Road, Evandale              | CB & AM Lowe                                               | 42               | D                    |
| P16-135                    | Garage additions x 2 (vary E side setback) & shed demolition                                                                     | 73 Montagu Street, Campbell Town    | MPH Builders Pty Ltd                                       | 41               | D                    |
| P16-132                    | Dwelling - vary rear setback to 3m (heritage precinct)                                                                           | 45a Wellington Street, Longford     | MV Consulting                                              | 24               | D                    |
| P16-128                    | Garage & home business (canine underwater treadmill & therapy) - attenuation distance                                            | 31 Summit Drive, Devon Hills        | M Paterson & J Orchard                                     | 28               | D                    |
| P16-124                    | Shed (ancillary to dwelling in local business zone) - heritage precinct                                                          | 96 Main Road, Perth                 | TJ & PA Davey                                              | 39               | D                    |
| P16-123                    | Shed (replacement of damaged shed) - vary rear setback to 1.5m                                                                   | 71 Montagu Street, Campbell Town    | Tas Precision Contracting                                  | 35               | D                    |
| P16-118                    | Garage/carport & gazebo (vary setbacks)                                                                                          | 78 Arthur Street, Perth             | J Hutton                                                   | 42               | D                    |
| P16-117                    | Temporary office (6m x 3m) and signage (within ANEF Contours)                                                                    | 188 Evandale Road, Western Junction | Wilkin Design & Drafting (obo Tiger Island Nominees)       | 42               | D                    |
| P16-112                    | Carport & carport relocation (vary side setback)                                                                                 | 10 Lewis Street, LONGFORD           | J & S Concreting & Building                                | 41               | D                    |
| P16-111                    | Subdivision (4 lots from 2) (Bushfire-prone Area & part Scenic Management Area)                                                  | 5 & 7 Collins Street, Perth         | Michell Hodgetts & Assoc Pty Ltd (obo Pugsley & Stojkoski) | 28               | D                    |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### COUNCIL DECISIONS

|         |                                                                                                        |                                                     |                                                 |    |   |
|---------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------|----|---|
| P16-129 | Site-specific Planning Scheme Amendment 01/16 & 24-hour service station                                | 171-183 High Street, Campbell Town                  | GHD Pty Ltd (obo United Petroleum P/L)          | 11 | P |
| P16-099 | Entrance signs at northern & southern entrances to Ross (Scenic Corridor, within 50m of highway)       | Midland Hwy (Cnrs Chiswick Rd & Roseneath Rd), Ross | Northern Midlands Council                       | 42 | D |
| P16-018 | 23-lot subdivision in 3 stages & cul de sac (from 3 lots) (Bushfire prone area & attenuation distance) | 7-21 Paton Street, Longford                         | PDA Surveyors (obo Structured Finance Corp P/L) | 42 | D |

### COUNCIL DECISIONS - REFUSALS

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| - |  |  |  |  |  |
|---|--|--|--|--|--|

### RMPAT DECISIONS

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| - |  |  |  |  |  |
|---|--|--|--|--|--|

## 8 MATTERS AWAITING DECISION BY TPC & RMPAT

| TPC                | Tasmanian Planning Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IPS                | Northern Midlands Interim Planning Scheme 2013 – effective date 1.6.13. Report on representations sent to TPC. TPC held a meeting on 21 May 2015 with Council staff and representors to discuss representations to the Interim Scheme. No further action from TPC at this time.                                                                                                                                                                                                                        |
| TPS                | Tasmanian Planning Scheme – State Planning Provisions (SPP). TPC panel currently hearing submissions in relation to the SPP zones with code hearings to be held in September.                                                                                                                                                                                                                                                                                                                          |
| 07/15              | Draft Amendment & Planning Permit P15-331 - 2 Hudson Fysh Drive, Western Junction: (CT 146537/2) – Carpark (variations to development standards). TPC held hearing held 17 June 2016. Awaiting Commission's decision.                                                                                                                                                                                                                                                                                  |
| 02/15              | Draft Amendment 02/15 – revisions to heritage codes – public exhibition completed 28.6.16 – report to be sent to TPC after Council meeting. Currently listed for further discussion at Council's September workshop.                                                                                                                                                                                                                                                                                   |
| RMPAT              | Resource Management & Planning Appeals Tribunal                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| P15-098            | Appeal 114/15P–Shed (recycling and waste disposal) – 18 Logan Road, Evandale – Woof v NMC - teleconference held – consent agreement submitted to RMPAT - awaiting revised site plan with shed 50m from boundary. The Senior Executive Officer of the Tribunal held a telephone discussion with Mr Woof on 28th June 2016 which indicated that the amended plan will be filed within the next 7 days with the Council. The matter may then be able to be finalised by way of amended Consent Agreement. |
| P16-055            | Appeal 51/16S – subdivision, 80 Seacombe St, Perth – Consent agreement sent to Tribunal, awaiting final decision.                                                                                                                                                                                                                                                                                                                                                                                      |
| P16-065            | Appeal 58/16S - 1 Edward St, Perth- 18-lot subdivision, filling of lots 1-15 & 201, & removal of 34 trees – Mediation underway.                                                                                                                                                                                                                                                                                                                                                                        |
| Decisions received |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| TPC                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| -                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| RMPAT              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| -                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## 9 USE OF COUNCIL SEAL: JULY 2016

|   |                                                                      |
|---|----------------------------------------------------------------------|
| 0 | Final plans of subdivision                                           |
| 0 | Part 5 Agreements under <i>Land Use Planning &amp; Approvals Act</i> |
| 0 | Instruments of Approval for Planning Scheme Amendments               |
| 0 | Draft Amendments to <i>Northern Midlands Planning Scheme 1995</i>    |
| 2 | Management Agreements                                                |
| 2 | Other Agreements/Documents                                           |

## 10 132 & 337 CERTIFICATES ISSUED

|     | No. of Certificates Issued 2016/2017 year |     |      |     |     |     |     |     |     |     |     |      | Total |           |
|-----|-------------------------------------------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|------|-------|-----------|
|     | Jul                                       | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | Total | 2015/2016 |
| 132 | 77                                        |     |      |     |     |     |     |     |     |     |     |      | 77    | 662       |
| 337 | 31                                        |     |      |     |     |     |     |     |     |     |     |      | 31    | 360       |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### 11 ANIMAL CONTROL

| Item                                | Income/Issues<br>2015/2016 |                | Income/Issues<br>for July 2016 |              | Income/Issues<br>2016/2017 |              |
|-------------------------------------|----------------------------|----------------|--------------------------------|--------------|----------------------------|--------------|
|                                     | No.                        | \$             | No.                            | \$           | No.                        | \$           |
| Dogs Registered                     | 3,773                      | 92,210         | 195                            | 3,434        | 195                        | 3,434        |
| Dogs Impounded                      | 76                         | 5,460          | 4                              | 1,204        | 4                          | 1,204        |
| Euthanized                          | 7                          | -              | -                              | -            | -                          | -            |
| Re-claimed                          | 60                         | -              | 4                              | -            | 4                          | -            |
| Re-homed/To RSPCA                   | 9                          | -              | -                              | -            | -                          | -            |
| New Kennel Licences                 | 12                         | 816            | 1                              | 69           | 1                          | 69           |
| Renewed Kennel Licences             | 60                         | 2,460          | 70                             | 2,940        | 70                         | 2,940        |
| Infringement Notices (paid in full) | 53                         | 9,776          | 9                              | 1,386        | 9                          | 1,386        |
| Legal Action                        | -                          | -              | -                              | -            | -                          | -            |
| Livestock Impounded                 | 2                          | 130            | -                              | -            | -                          | -            |
| <b>TOTAL</b>                        |                            | <b>110,852</b> |                                | <b>9,033</b> |                            | <b>9,033</b> |

### 12 HEALTH ISSUES

#### Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table will provide Council with details of the rate of immunisations provided through Schools. Monthly clinics are not offered by Council; however, parents are directed to their local General Practitioner who provides the service.

| MONTH            | 2013/2014  |             | 2014/2015  |             | 2015/2016 |             |
|------------------|------------|-------------|------------|-------------|-----------|-------------|
|                  | Persons    | Vaccination | Persons    | Vaccination | Persons   | Vaccination |
| July-September   | 32         | 32          | 65         | 68          | 31        | 31          |
| October-December | 23         | 23          | 66         | 68          | -         | -           |
| January-March    | -          | -           | -          | -           | -         | -           |
| April-June       | 87         | 194         | 85         | 163         | *         | *           |
| <b>TOTAL</b>     | <b>142</b> | <b>249</b>  | <b>216</b> | <b>299</b>  | <b>*</b>  | <b>*</b>    |

\*Immunisations are now undertaken by Launceston City Council, no figures available.

#### Other Environmental Health Services

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

Ensure safe standards of food offered for sale are maintained.

| Investigations/Inspections  | 2013/2014 | 2014/2015 | 2015/16 | 2016/17 |
|-----------------------------|-----------|-----------|---------|---------|
| Notifiable Diseases         | 6         | 2         | 5       | -       |
| Inspection of Food Premises | 126       | 118       | 154     | 8       |

Notifiable Disease investigations have been carried out by the Department of Health and Human Services from Hobart, with only significant outbreaks directed to Council to assist with investigations. However, due to the prompt and thorough investigating by Council Environmental Health Officers, the Department now directs more cases for Council to investigate.

Food premises are due for inspection from 1 July each year.

### 13 CUSTOMER REQUEST RECEIPTS

| Operational Area    | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June |
|---------------------|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|------|
| Animal Control      | 5    |     |      |     |     |     |     |     |     |     |     |      |
| Building & Planning | 3    |     |      |     |     |     |     |     |     |     |     |      |
| Community Services  | -    |     |      |     |     |     |     |     |     |     |     |      |
| Corporate Services  | -    |     |      |     |     |     |     |     |     |     |     |      |
| Governance          | -    |     |      |     |     |     |     |     |     |     |     |      |
| Waste               | 1    |     |      |     |     |     |     |     |     |     |     |      |
| Works (North)       | 42   |     |      |     |     |     |     |     |     |     |     |      |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



| Operational Area | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June |
|------------------|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|------|
| Works (South)    | 1    |     |      |     |     |     |     |     |     |     |     |      |

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

| Date                                           | Recipient              | Purpose                                                 | Amount       |
|------------------------------------------------|------------------------|---------------------------------------------------------|--------------|
| <b>Planning/Building Applications Remitted</b> |                        |                                                         |              |
| 5-Aug-16                                       | Christ Church Longford | Planning / Building Application fees - removal of trees | \$340        |
| <b>TOTAL DONATIONS</b>                         |                        |                                                         | <b>\$340</b> |

### 15 ACTION ITEMS: COUNCIL MINUTES

| Date       | Min. Ref. | Details                                                                     | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Officer                            | Current Status                                                                          | Expected Date of Completion |
|------------|-----------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------|
| 27/06/2016 | 151/16    | Confirmation Of Minutes - Cressy Local District Committee                   | That Council note and investigate the following recommendation/s of the Cressy Local District Committee -1. That the trout sign in the paddock next to the hotel be removed and Council investigate the installation of a community notice board in Cressy.                                                                                                                                                                                                                                                                                                                 | Governance & Community Dev Officer | Customer request issued. Investigations underway for community noticeboard.             |                             |
| 27/06/2016 | 151/16    | Confirmation Of Minutes - Cressy Local District Committee                   | That Council note and investigate the following recommendation /s of the Cressy Local District Committee - ... 2. That Council investigate obtaining traffic movement data (speed and volume) for Main Street, Cressy.                                                                                                                                                                                                                                                                                                                                                      | Governance & Community Dev Officer | Request for data submitted to Dept. of State Growth.                                    |                             |
| 18/01/2016 | 7/16      | Honeysuckle Banks Masterplan                                                | That Council: i) Accept in principle, the draft Honeysuckle Banks masterplan; and ii) Release the draft Honeysuckle Banks masterplan for community consultation.                                                                                                                                                                                                                                                                                                                                                                                                            | Governance & Community Dev Officer | Discussed at July workshop. Provide further advice to September Council workshop.       |                             |
| 18/04/2016 | 107/16    | Implementation Of Place Activation Plan - Longford                          | That council officers, together with the committees, explore the development of an app.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Governance & Community Dev Officer | Given present resources, at this time not considered a priority for Council to develop. |                             |
| 21/09/2015 | 252/14    | Longford Destination Play Space: Proposed Stage Two Development             | i) That Council support the inclusion of a Liberty Swing and Carousel in the planned Longford Play Space on the proviso that the funding for the purchase and installation of the Liberty Swing and fencing, and the associated additional rubber softfall is secured by Mrs Karen Bell; and ii) That Council contribute \$5,000 toward the purchase and installation of the Liberty Swing and Carousel; and iii) Should the funding application for the playspace not be successful, that Council continue to progress the installation of the liberty swing and carousel. | Governance & Community Dev Officer | To be progressed if funding goal met.                                                   |                             |
| 18/07/2016 | 187/16    | Northern Midlands Further Education Bursary Program                         | That Council continues the Further Education Bursary Program beyond the 2014-2016 trial period, awarding ten bursaries each year at an annual cost of \$10,000 (being \$500 per year per recipient over 2 years).                                                                                                                                                                                                                                                                                                                                                           | Governance & Community Dev Officer | Schools advised.                                                                        |                             |
| 21/03/2016 | 60/16     | Policy: Public Liability Insurance Requirement for Council Owned Facilities | That a decision on the matter be deferred to the 18 April 2016 Council meeting, pending the provision of further information.                                                                                                                                                                                                                                                                                                                                                                                                                                               | Governance & Community Dev Officer | Listed for further discussion at future Council workshop.                               |                             |
| 27/06/2016 | 158/16    | Restoration of BL 15LB Mark I No. 788 cannon located at War Memorial Ross   | That i) Council officers seek a costing to refurbish the cannon; ii) Council officers in conjunction with the RSL apply for grant funding to assist with the restoration of the cannon; and iii) the community and RSL sub-branch be consulted on the matter of the concept of a cover for the cannon, to be raised through the Ross Town Square Master Plan consultation phase.                                                                                                                                                                                            | Governance & Community Dev Officer | Quote requested, awaiting receipt thereof.                                              |                             |
| 21/09/2015 | 249/15    | Tom Roberts: Proposed Interpretation and Grave Upkeep                       | That Council: i) endorse the proposal for Tom Robert's interpretation at Longford and/or Christ Church Illawarra, and ii) enter into negotiations with Christ Church with regard to the upkeep of Tom Robert's grave.                                                                                                                                                                                                                                                                                                                                                       | Governance & Community Dev Officer | Awaiting response from Dumaresq family.                                                 |                             |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



| Date       | Min. Ref. | Details                                                                                          | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                           | Officer                        | Current Status                                                                                         | Expected Date of Completion |
|------------|-----------|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------|
| 27/06/2016 | 151/16    | Confirmation Of Minutes - Longford Local District Committee                                      | That Council note and investigate the following recommendation/s of the Longford Local District Committee - 1. The Longford Local District Committee requests as a matter of priority, the Northern Midlands Council and Department of State Growth conduct a feasibility study to determine alternate one-way vehicular exit from Browns Shopping complex via Union Street to Tannery Road, or an alternative route considered suitable. | Works & Infrastructure Manager | Report to August meeting.                                                                              |                             |
| 18/07/2016 | 184/16    | Recommendations Of Sub Committees - Evandale Advisory Committee                                  | Hawthorn Hedge & Infrastructure – Falls Park, Evandale: That 1. the Committee support the Council decision of 16 May 2016, minute reference 130/16; and 2 in addition, the hawthorn hedge be reinstated where it had previously been removed to facilitate pedestrian movements and accommodate the hydro poles                                                                                                                           | Works & Infrastructure Manager | Noted.                                                                                                 |                             |
| 18/07/2016 | 198/16    | Western Junction Restricted Parking                                                              | That parking restrictions on Hudson Fysh Drive be lifted, with no restrictions applying for a 12 month trial period.                                                                                                                                                                                                                                                                                                                      | Works & Infrastructure Manager | 12 month trial commenced.                                                                              |                             |
| 8/12/2014  | 329/14    | Economic Development                                                                             | That Council facilitate meetings with the local businesses in each of the towns to explore business opportunities and other matters of interest.                                                                                                                                                                                                                                                                                          | General Manager                | To be progressed.                                                                                      |                             |
| 15/02/2016 | 32/16     | Financial and Economic Analysis of the Campbell Town War Memorial Oval Precinct Development Plan | That i) Council officers call quotes for the design of the smaller clubrooms (incorporating change facilities and public toilets).                                                                                                                                                                                                                                                                                                        | General Manager                | In progress.                                                                                           |                             |
| 17/08/2015 | 232/15    | Heart FM Community Radio Station                                                                 | That Council approve the allocation of \$11,000 to fund the conversion of the room in the Memorial Hall into HeartFM's studio and office, and in return Council will receive at no charge a Gold Level Sponsorship package with HeartFM across 2015-2018.                                                                                                                                                                                 | General Manager                | Being pursued by NMBA.                                                                                 | Aug-16                      |
| 15/02/2016 | 34/16     | Lighting: Velodrome & Village Green Improvements To Christmas Lighting                           | That Council officers be authorised to investigate suitable lighting arrangements for i) the tree and other areas of interest within Village Green; and ii) Longford velodrome; and report back to Council.                                                                                                                                                                                                                               | General Manager                | Finalising specifications for installation.                                                            |                             |
| 21/03/2016 | 75/16     | Longford Odour Emissions                                                                         | That a report be tabled and the matter be discussed with TasWater at the May Council Workshop and listed for the May Council meeting.                                                                                                                                                                                                                                                                                                     | General Manager                | To be prepared.                                                                                        |                             |
| 18/07/2016 | 196/16    | Membership Of Powranna Truckwash Steering Committee                                              | That Council appoint the general manager as representative member to the Powranna Truckwash Steering Committee.                                                                                                                                                                                                                                                                                                                           | General Manager                | No action required.                                                                                    |                             |
| 18/07/2016 | 197/16    | Northern Midlands Trails And Bikeways Strategy                                                   | That Council officers include the costing of the construction of a cycleway between Longford and Cressy, in conjunction with the horse trails proposal, in the review of the Longford CBD Urban Design Master Plan.                                                                                                                                                                                                                       | General Manager                | Costings to be sought and proposed review to be included in the Longford CBD Urban Design Master Plan. |                             |
| 18/04/2016 | 106/16    | Proposed Natural Gas Main Extension To Translink Industrial Precinct                             | That a fee offer be sought for the preparation of a business case to support the natural gas main extension to TRANSlink Industrial Precinct and reported to Council.                                                                                                                                                                                                                                                                     | General Manager                | Matter in progress.                                                                                    |                             |
| 21/09/2015 | 266/15    | Stokes Park: Concept Plan                                                                        | That i) management meet with Mr Stokes to discuss the concept plan. ii) management be authorised to seek community comment on the previously prepared concept plans for Stokes Park. iii) the comments received be used as a basis for amending the concept plans and then presented to Council at a Workshop. iv) the horse trail be considered as part of the concept plans.                                                            | General Manager                | To be progressed as a component of the Longford Township CBD Urban Design Strategy                     |                             |
| 21/09/2015 | 272/15    | West Perth Stormwater Assessment                                                                 | That Council 1) initiate ongoing discussion with the State Government and TasRail to fully investigate opportunities to fund the required upgrade of Youl Main Road and Drummond Street and their associated drainage culverts, including culverts under the railway line; and 2) concurrently                                                                                                                                            | General Manager                | Underway.                                                                                              |                             |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



| Date       | Min. Ref. | Details                                                                                                 | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Officer                        | Current Status                                                                                                                          | Expected Date of Completion |
|------------|-----------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
|            |           |                                                                                                         | investigate the introduction of a stormwater head-works levy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                |                                                                                                                                         |                             |
| 18/07/2016 | 188/16    | Local Government Association Of Tasmania (LGAT): Motions– 20 July 2016                                  | note/receive/vote as per decisions on Items listed in the LGAT AGM Agenda & Ordinary Meeting Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Mayor                          | Meeting attended.                                                                                                                       |                             |
| 27/06/2016 | 151/16    | Confirmation Of Minutes - Longford Local District Committee                                             | That Council note and investigate the following recommendation/s of the Longford Local District Committee - ... 3. That Council notes the suggestion of investigating a heritage building preservation fund for future budgetary considerations.                                                                                                                                                                                                                                                                                                                                                             | Planning & Development Manager | Pending appointment of Heritage Adviser.                                                                                                |                             |
| 21/03/2016 | 78/16     | Land Use and Development Strategy                                                                       | That Council i) endorse the attached Land Use and Development Strategy brief to allow tenders to be called; ii) that the tender be called as staged reports and as a whole, and reported back to council.                                                                                                                                                                                                                                                                                                                                                                                                    | Planning & Development Manager | Progressing.                                                                                                                            |                             |
| 27/06/2016 | 172/16    | Making Of By Law: Storage / Shipping Containers                                                         | A. That officers prepare a draft by law for Council consideration .... B. That officers prepare a draft Regulatory Impact Statement applicable to the draft by-law C. In the interim council continue to pursue issues raised relating to the placement of shipping containers.                                                                                                                                                                                                                                                                                                                              | Planning & Development Manager | Report to August meeting.                                                                                                               |                             |
| 19/10/2015 | 310/15    | Planning Practice Quarterly Report: July – September 2015                                               | future quarterly reports include trending information and be in an updated format                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Planning & Development Manager | Format being addressed.                                                                                                                 |                             |
| 21/09/2015 | 265/15    | Proposed By-Law: Animal Management                                                                      | That management prepare, for Council's consideration, a draft Animal Management By-Law, inclusive of explanatory materials setting out what the by-law will cover and the impact it will have                                                                                                                                                                                                                                                                                                                                                                                                                | Planning & Development Manager | Report to August meeting.                                                                                                               |                             |
| 18/07/2016 | 201/16    | Proposed Developer And Builder Workshops                                                                | That Council Planning and Development staff prepare workshop agendas and materials for further input from Councillors at the August meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Planning & Development Manager | Report to August meeting.                                                                                                               |                             |
| 27/06/2016 | 173/16    | Review Of Dog Management Policy                                                                         | That Council i) endorse the proposed changes to the Dog Management Policy 30, as highlighted in the attached document, with the exception of the deletion of the following clause which is to be retained: "Council also will letterbox drop all residences within 200 metres of the premises applying for the licence, and will inform by letter owners of properties within the 200 metre range who do not live at the property." for public exhibition in accordance with s.7 of the Dog Control Act 2000; ii) officers investigate the introduction of a microchipping day for dogs and cats in 2016/17. | Planning & Development Manager | To be exhibited and circulated to stakeholders for comment late July.                                                                   |                             |
| 27/06/2016 | 157/16    | Cycling Australia's Tour Of Tasmania 2016                                                               | That Council i) offer sponsorship funding, on a dollar for dollar basis up to an amount of \$2,500 to Cycling Australia to host a stage of the 2016 Tour of Tasmania in the Northern Midlands; and ii) approach the Tourism Northern Tasmania (TNT) and seek their consideration of a contribution of \$2,500 in partnership with Cycling Australia to host a stage of the 2016 Tour of Tasmania in the Northern Midlands.                                                                                                                                                                                   | Project Officer                | Agreement being finalised with GTR Events (on behalf of Cycling Australia) for Launceston to Poatina Stage being held Saturday 8/10/16. |                             |
| 27/06/2016 | 156/16    | Funding Application for the implementation of the Northern Midlands Community Sports Centre Master Plan | That Council allocate \$504,723 to the Major Upgrade of the Northern Midlands Sports Centre project, subject to securing a Regional Revival Fund Grant Project grant of \$504,722.                                                                                                                                                                                                                                                                                                                                                                                                                           | Project Officer                | Outcome of Regional Revival Fund grant application awaited.                                                                             |                             |
| 18/04/2016 | 98/16     | Perth Recreation Ground 2030 Masterplan                                                                 | That Council: i) accept the Perth Recreation Ground 2030 Master Plan in principle; ii) release the plan for community consultation; iii) consider funding components of the Master Plan in forthcoming Council budgets, and request Council Officers to seek to secure external grants to assist with the implementation of the Master Plan; iv) seek a                                                                                                                                                                                                                                                      | Project Officer                | Revised Master Plan presented to July Council Workshop.                                                                                 |                             |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



| Date       | Min. Ref. | Details                                                 | Action Required                                                                                                                                                                                                                                    | Officer                    | Current Status | Expected Date of Completion |
|------------|-----------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------|-----------------------------|
|            |           |                                                         | contribution from the state government; v) investigate options for the skate park; and vi) consider options for the scout hall.                                                                                                                    |                            |                |                             |
| 18/07/2016 | 200/16    | Ben Lomond Committee Funding                            | That the request be rejected and that a once-off \$1,000 special project grant be paid to the Ben Lomond Committee to undertake maintenance.                                                                                                       | Corporate Services Manager | Complete.      |                             |
| 27/06/2016 | 151/16    | Confirmation Of Minutes - Ross Local District Committee | That Council note and investigate the following recommendation/s of the Ross Local District Committee - That Council note the issue of lack of internet services in the outlying areas of Ross and make enquiries regarding possible improvements. | Corporate Services Manager | In progress.   |                             |

### LONG TERM ACTIONS

| Date       | Min. Ref. | Details                                     | Action Required                                                                                                                                                                                                                                            | Officer                            | Current Status                                                                                     | Expected Date of Completion |
|------------|-----------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------|
| 20/04/2015 | 105/15    | Northern Midlands Towns Entrance Statements | That Council authorises officers to investigate the cost to design and implement entrance statements for: a) Avoca; b) Campbell Town; c) Cressy; d) Evandale; e) Longford; f) Perth; g) Ross; and list within the draft 2015/2016 budget for consideration | Governance & Community Dev Officer | Ross - Planning approval received, construction to commence.<br>Cressy - planning approval sought. |                             |
| 18/05/2015 | 125/15    | Glenorchy City Council Re: Council Reform   | That Council defer any action on this request from Glenorchy City Council awaiting the outcome of current benchmarking project with neighbouring councils.                                                                                                 | General Manager                    | Benchmarking project to be finalised. Project expected to commence in Aug/ Sept 2016.              | Early 2017.                 |
| 16/03/2015 | 63/15     | Longford Horse Association                  | Approves expenditure of a maximum of \$2,000 from the Economic Development Committee budget to fund a consultant to review the proposed Longford Horse Trail to identify opportunities and restraints; and report back to Council.                         | General Manager                    | To be addressed as part of the Longford CBD Urban Design Plan.                                     |                             |
| 15/09/2014 | 220/14    | Confirmation of Minutes                     | That Council create an inventory of goods and chattels owned by Council.                                                                                                                                                                                   | Corporate Services Manager         | Ongoing - Asset Management.                                                                        | 30-Jun-16                   |

*Matters that are grey shaded have been finalised and will be deleted from this schedule*

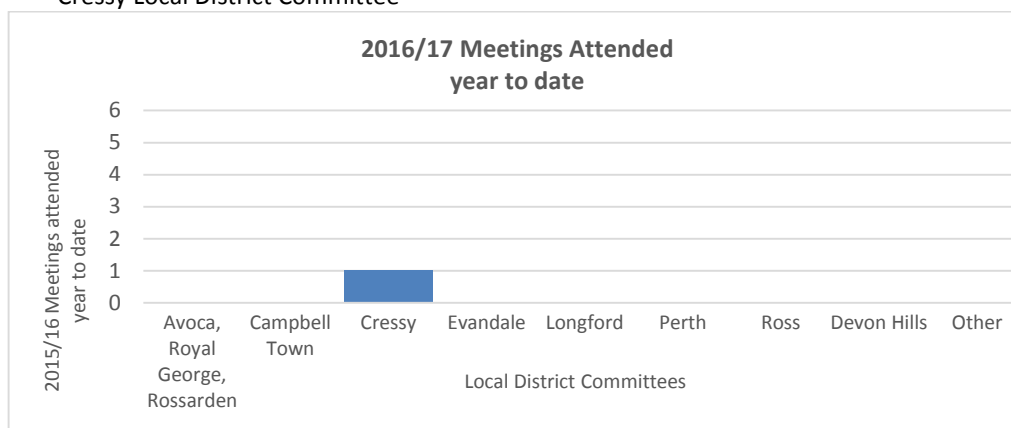
## 16 KEY ISSUES BEING CONSIDERED: MANAGERS' REPORTS

*Activities from the 1 to 31 July 2016*

### 1. GOVERNANCE UNIT –GENERAL MANAGER

#### a. Governance – Meetings/Conferences

- Council meetings:
  - Ordinary meeting 18 July
- Council Workshop:
  - 4 July
- Community meetings:
  - Cressy Local District Committee



# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



- Executive Management Team:
  - 6 July
- Staff Meeting
  - 12 July
  - 26 July
- Other Meetings:
  - Attended meetings re investigation of shared service model
  - Attended Village Green Lighting meetings
  - Attended Longford Recreation Ground Master Plan meeting
  - Met with Tony Purse, Loop Architecture
  - Met re Paton Street detention/report
  - Met with Dee Alty, Jan Brown and Len Langhan re Longford history matters
  - Met with resident re Dangerous Dog Matter
  - Met re Longford Caravan Park
  - Attended Woolmers Bicentenary Launch Event
  - Attended opening Westbury Health Clinic
  - Met with Peter Edwards - Flood Recovery Coordinator
  - Attended Drug & Alcohol Training
  - Attended demonstration of flood watch camera
  - Met with Roxanne Chugg re Continuous Improvement
  - Attended Export Strategy Workshop with AsiaAustralis at NTD
  - Attended meeting of Longford Business & Tourism Association
  - Met with TasRail at Conara re the end of special terminal activities
  - Met re Kompan Playground equipment
  - Met with National Trust
  - Met with Cr Ian Goninon
  - Met with Cr Michael Polley

### **b. General Business:**

- Health & Safety and Risk Management Review
- NBN Rollout
- Sub Regional Alliance
- Legal issues, leases and agreement reviews
- Interim Planning Scheme issues
- Road Construction
- Engineering Services
- Drainage issues & TRANSlink stormwater
- Road and Traffic issues
- Resource Sharing
- Animal Control
- Buildings
- Tourism
- NRM North
- Staff issues/Employment/Interviews
- Childcare issues
- Management Agreements and Committee Administration
- Office improvements
- Media releases and news items
- Grant application administration and support letters
- Local District Committee project support
- Event management
- Emergency Management
- Governance Audit
- General correspondence.

### **c. Community Development Update**

- Strategic projects and master plans:

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



- Campbell Town War Memorial Oval redevelopment – awaiting outcome of funding application to National Stronger Regions Fund, pursuing funding commitments made during the Federal election campaign, commencing funding application through Sport & Recreation funding stream
- TRANSLink Precinct Renewal program – awaiting outcome of funding application to National Stronger Regions Fund
- Northern Midlands Health, Fitness & Sports Centre – awaiting outcome of application to Regional Revival Grants Program (anticipated September 2016)
- Longford Play Space – planning approval received, progressing installation
- Implementation of Village Well Activation Plan with Activation team including, implementation of street tree lighting, planter pots in main Street, Longford logo and tear off maps
- Longford CBD Urban Design Master Plan – presented to Council August Workshop, awaiting final plan
- Honeysuckle Banks Master plan – to be discussed further at September Council workshop
- Perth Recreation Ground Master Plan – presented to Council August Workshop, awaiting final plan
- Campbell Town CBD Urban Design Master Plan – presented to Council August Workshop, awaiting final concept plan
- Ross Swimming Pool Master Plan – presented to Council August workshop
- Cressy War Memorial Swimming Pool Master Plan – presented to Council August workshop
- Ross Town Square Master Plan – community consultation complete, awaiting first concept plan
- Longford Recreation Ground Master Plan: presented to Council August Workshop
- Northern Midlands Economic Development Strategy: drafting commenced
- Asia Engagement Strategy
- Tourism
  - Heritage Highway Tourism Region Association
    - Assisting with the development of the 2016/17 Business Plan
    - Assisting with website upgrade, marketing activities, itineraries, newsletter and social media campaigns
    - Updating event directory
    - Participation on working group to develop convict themed self-guided tours of the Heritage Highway region
    - Preparing documentation for audit 2015/16
  - Providing support and information for all Northern Midlands Visitor Centres and provision of information to Regional Tourism organisations and tourism operators
- Northern Midlands Business Association
  - Coordinating Northern Midlands Visitor & Information Centre: planning underway to refresh the visitor centre appearance and functionality – improving user experience for both visitors and volunteers
  - Powranna Truck Wash facility funding – awaiting outcome of National Stronger Regions Fund application
  - Assisted the development of the 2016/17 Business Plan
  - Handing over secretarial role to association
  - Preparing documentation for audit 2015/16
- Media and communications
  - Preparation of double page spread Council pages in Country Courier
  - Preparation of weekly Council advert in Your Region, Examiner
  - Preparation of media releases, speeches and communications for website, newsletters and Facebook page
  - Attendance on email and phone enquiries
- Events
  - Liaising with various organisations and community groups regarding holding events within the Northern Midlands
  - Meeting with local user groups and organisations in Perth to plan Council's Australia Day Event 2017
- Emergency Management
  - Updating Council's Social Recovery Plan
- Health & wellbeing
  - Participating in the quarterly Northern Midlands Health Service Providers Forums
  - Member of the Northern Region Sport and Recreation Committee

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### d. Other Activities:

- Citzenships
- Agenda
- Councillor requests, meetings, speeches, emails & phone enquiries
- Project support
- Newsletters
- Staff.

## 2. CORPORATE SERVICES BUSINESS UNIT

### a. Customer Service

- Member of the National Local Government Customer Service Network.
- Service Tasmania contract for services in Campbell Town.
- Policy reviews.

### b. Finance

- Rates and dog licence issue & collection, valuation maintenance and adjustments, supplementary valuations, street numbering, electronic receipting & direct debit systems, interest and penalty.
- Pension rebates claims and maintenance, classification for two rebate maximums, verification of data.
- Sundry Debtors, and aging account review.
- Creditor payments and enquiries.
- Payroll, ETP calculations, payroll tax, child support, maternity leave, PAYG & annual summaries, superannuation, salary sacrifice, Workplace Legislation changes, EB provisions, salary reviews, staff training, leave accrual adjustments, leave loading calculations, Councillor allowances and expenses, Workers Compensation claims and payments, Award adjustments, sundry HR and policy issues.
- Property sales for unpaid rates, Debt Collection services, and Debt summons/warrants.
- Budget adjustments, End of Year Financials, KPI return, Asset Management, Fleet Hire, Long Term Financial Planning, Audit and Annual Report.
- Grants Commission information, sundry grant reporting and auditing. Committee financial management support and auditing.
- Property ownership, licences and leases, property committee, aged care unit tenancy, unclaimed monies register, Public Land Register, and sports centre management support.
- Records Management, archives, website and facebook, town and local committee web pages, new resident's information, council information policies and procedures.
- Banking & Investments, Direct Debit, Ezidebit, BPay Billing etc. and setup alterations.
- Rate System issues, 2016/17 Rating and Budget issues, General Finance, ABS Data Collection, and Grant Funding issues, Tax issues including GST PAYG FBT Fuel & Land Tax, and Northern Finance committee.
- Cemetery management, onsite map display and website databases.
- Roads to Recovery work schedules, mapping, Annual Report and quarterly reports.
- Childcare financial reporting, audit, budgets & fee schedule reconciliations. Service support and account issues. Perth School Childcare proposal negotiations.
- General accounting, customer service, feedback survey, correspondence and reports.
- Audit & Audit committee procedures, processes and support.
- Emergency Management meetings, EM Plan reviews, Emergency Risk Register, Strategic Fire Plan meetings, Emergency desktop exercise and general administration issues.
- Waste Transfer Station Management issues, Kerbside waste collection contract issues and special clean-up service.
- General Office support and attendance of meetings, reports, emails & phone enquiries.
- Tooms Lake & Lake Leake ownership transfers, caretaker support, licence fee review issues, and contract issues.
- Street lighting contract & aurora pole reporting and maintenance.
- Community events and Special Projects support.
- Risk Management, safety management and reporting, drug & alcohol training and policy administration, and contractor and volunteer management.
- Light Fleet Management.

# AGENDA – ORDINARY MEETING

15 AUGUST 2016



## c. Insurance

- Insurance renewals and policy maintenance.
- Risk Register review and audits.
- 1 open Workers Compensation claim/s.
- 1 new motor vehicle claim.

## d. Information Technology

- Server and desktop maintenance.
- New computer setup and minor upgrades of other IT equipment.
- Open Office Software upgrades and enhancement requests.
- GIS maintenance and training.
- Disaster Recovery & IT backup maintenance.
- Council Web Site, Town and Local District Committee site maintenance, NMBA website and HH App maintenance.
- Infonet system maintenance.
- ApproveTas maintenance.
- Cemetery database maintenance.
- Office telephone system & Mobile phone plan review.
- Sundry database creation and maintenance.
- Mobile device applications implementation, and remote access logins.
- Building security systems maintenance.
- Microsoft software maintenance.
- Maintain photocopiers and printers.
- Advanced IT security implementation and training.
- WiFi network and hotspots.
- Fleet tracking.
- ECM Upgrade implementation & training.
- Relocation of office arrangements setup.

## 3. PLANNING & DEVELOPMENT UNIT

### a. Policy

- Continuing participation in NTD regional planning committee.
- Ongoing review of current policies.
- Ongoing review of work programs and standard operating procedures.
- Regular planning and building assessment unit meetings.
- Participation in the Economic Development Committee.
- Pursue development of tyre recycling facility.
- Participation in Launceston Gateway Project – Demand Analysis.
- Pursue preparation of Land Use and Development Strategy.
- Perth Strategy Plan

### b. Health

- Ongoing issues requiring water samples etc.
- Liaise with Department of Health re. Royal George water quality issues.
- Liaise with Department of Health re. Avoca water quality issues.
- Ongoing testing of recreational water quality – pools and river swimming holes.
- Continue to support and administer the Immunisations programme.
- Licensing and inspection of food premises.
- Place of Assembly licence inspections and renewals is ongoing.
- Review of procedures for continuous improvement is ongoing.
- Ongoing review of potential asbestos issues (recent fire at Rossarden).
- Response and investigation of complaints – e.g. noise and odour.

### c. Building.

- Follow up of illegal works continuing.
- Assistant Building Surveyors attending ongoing professional development training seminars.

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



- Plumbing inspections and assessment are ongoing.
- Review of procedures for continuous improvement is ongoing.
- Amended Plumbing and Building regulations to be assimilated into ongoing practices.

### **d. NRM**

- Participation with the Mill Dam Committee.
- Operation of NRM Committee of Council.
- National rainwater and grey water initiative of the Australian Government – opportunities to be investigated.
- Environmental Management Plan – review of implementation programme.
- Review of relevant development proposals is ongoing.
- Weed management and action plan implementation.
- Follow up and monitoring of reported weed infestations
- Regular articles in local newspapers.
- Coordination of Mill Dam bank stabilisation project.
- Maintenance of Mill Dam plantings.
- Facilitation of various Green Army projects.

### **e. Compliance**

- Permit conditions – Structured review of compliance with planning permit conditions – ongoing.
- Building audit - ongoing.
- Service of Building and Planning Notices.
- Prosecution for illegal buildings and works ongoing as required.
- Signage.
- Election signage.
- Follow up dog registrations and compliance with kennel and dangerous dog restrictions.
- Regular inspection visits to Mill Dam.
- Campaign re picking up after dogs.
- Active review of dogs not previously registered.
- Promote consistent processes across region.
- Fire Abatement inspections and notices.
- Overhanging tree inspections - Implementation of Policy.
- Overnight camping site in Campbell Town.

### **f. Planning**

- Participation in the TRANSlink working group.
- Consideration of TRANSlink rail hub development concept.
- Participation in Regional Planning Scheme issues.
- Consideration of Planning Directives.
- Consideration of proposed planning legislative amendments.
- Ongoing review of procedures and physical office environment.
- Brief for Heritage Streetscape project.
- Participation in Perth Structure Plan project.
- NMC Land Use Strategy.
- Active response to enquiries and development opportunities.
- Amendments to interim scheme.
- Assessment of development proposals.

### **g. Animal Control**

- Continued follow up of dog registrations.
- Follow up of kennel licences
- After hours call outs for dog at large etc.
- Review of procedures.
- Dog attacks.
- Dangerous Dog declarations.
- Cat management.
- Service of related notices and infringements.

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



- Court attendance.

### 4. WORKS & INFRASTRUCTURE UNIT

In conjunction with INFO 5 – Works & Infrastructure Report.

#### a. Asset Management

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

#### b. Traffic Management

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

#### c. Development Work

- McShane subdivision, stage 2, (Seccombe Street, Perth) has reached final completion.
- 4 Lot Pegasus subdivision Ross at practical completion.
- Stage 2 of Holliejett subdivision (3 lots) in Edward Street, Perth has reached practical completion.
- 3 lot Gadsby subdivision in Cromwell Street, Perth has reached practical completion.
- 5 lot Chugg subdivision in Malcombe Street, Longford has reached practical completion.
- 13 lot Shervan subdivision between Norfolk Street and Drummond Crescent, Perth has reached final completion.
- Stage 2 of the Kerr/Bean/Shervan subdivision, Mulgrave and Seccombe Street, Perth has reached practical completion.
- 9 Lot Shervan Subdivision in Fairtlough Street, Perth has reached practical completion.

#### d. Waste Management

- Input into Regional Waste Management discussions – ongoing.
- Regular safety audits of all sites - ongoing

#### e. Tenders and Contracts

- Work progressing on site at Lake River Bridge, Macquarie Road.

#### f. Flood levee

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

#### g. Engineering

- Input into Northern Regional Infrastructure group – ongoing.
- Hydraulic modelling of stormwater system in Western Junction Industrial Area – ongoing.
- Development of stormwater plans for all towns as required by the *Urban Drainage Act 2013* – ongoing.

#### h. Capital works

- None to report.

## 17 RESOURCE SHARING SUMMARY FROM 01 JULY 2016

*Attachments: Section 1 – Page 66*

Prepared by: *Martin Maddox, Accountant/Executive Officer*

Resource sharing summary for the period 1 July 2016 to 30 June 2017 was circulated in the Attachments.

## 18 VANDALISM

Prepared by: *Jonathan Galbraith; Engineering Officer*

| Incident                                              | Location | Estimated Cost of Damages |                 |                 |
|-------------------------------------------------------|----------|---------------------------|-----------------|-----------------|
|                                                       |          | July 2016                 | Jan – July 2016 | July 2015       |
| Door kicked in at Train Park toilets                  | Perth    | \$ 200                    |                 |                 |
| Drain blocked at Talisker Street toilets              | Perth    | \$ 200                    |                 |                 |
| Signs damaged in High Street and Burghley Street area | Longford | \$ 400                    |                 |                 |
| <b>TOTAL COST VANDALISM</b>                           |          | <b>\$ 800</b>             | <b>\$ 7,770</b> | <b>\$ 1,700</b> |

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### 19 YOUTH PROGRAMME UPDATE: JULY 2016

*Prepared by: Lorraine Green, Project Officer*

#### **Youth Activity Programs**

Council has contracted the Longford and Launceston PCYCs to continue to provide youth programs weekly across the current school year term. The Longford and Perth programs assist high school-aged students to learn life and interpersonal skills through physical activity-based programs.

**The Perth** Youth Program on Thursdays 6.30-8.30pm had four sessions in July, with an average of 8.5 participants at each session.

**The Longford** Friday evening Youth Program at the Sports Centre had 45 participants across the four July sessions: averaging 11 participants at each session.

**The Evandale** afterschool program for primary-aged students involves students in physical activity that encourages the learning and practise of appropriate social and interpersonal skills. There were two sessions in June; averaging 12 participants at each session.

#### **Youth Mentoring Program**

Council contracted National Joblink (NJL) to provide fortnightly mentoring sessions at Campbell Town and Cressy District High Schools for students referred by school staff for assistance with primarily managing behavioural and socialisation issues. These sessions commenced early in Term One and are continuing in Term Two.

At Cressy District High School, the NJL mentor is working with grade 7 and 8 students, and at Campbell Town District High School he is working with students from grades 7-12.

### 20 AUSTRALIA DAY 2017

*Prepared by: Amanda Bond, Governance & Community Development Officer*

The 2017 Northern Midlands Council Australia Day event is scheduled to be held in Perth. Earlier this month Council's Governance and Community Development Officer met with community groups and organisations in Perth to gauge support for assistance in the preparation of the event. The general feedback received has been extremely positive and already a large number of ideas have been put forward for making the 2017 Northern Midlands Council Australia Day event the best yet.

The present focus of the stakeholders is to think of a "Great Idea" for the event to enable Council to apply for funding through the State Government's Australia Day Great Ideas Grants program. Contribution and ideas are also being sought from the students at the Perth Primary School.

It is anticipated the stakeholders will meet regularly in the lead up to the event. Input from other volunteers and members of the community who have not already been approached is very welcome.

### 21 HERITAGE PRESERVATION FUND

*Prepared by: Duncan Payton, Planning & Development Manager*

In June 2016 the Longford Local District Committee asked that Council investigate the establishment of a Heritage Building Preservation Fund for future budgetary consideration.

Currently Council has a Heritage Incentive Policy which is designed to provide an incentive for property owners to undertake improvements to their property that will result in an improvement to the heritage character of the streetscape. This Policy has only limited funds (\$5,000) and is distributed to successful applicants until it is spent for that financial year.

The Policy does not provide funding for internal works or routine maintenance.

Council is presently in the process of renewing, through an expression of interest process, its Heritage Advisor contract. Once the successful candidate is contracted, it is proposed to undertake a review of the current Policy and investigate opportunities and the merits of a preservation fund.

#### **DECISION**

**Cr**

**That the Information items be received.**

# AGENDA – ORDINARY MEETING

15 AUGUST 2016



## GOV 6 RECOGNITION OF ORDER OF AUSTRALIA MEDALS DURING CITIZENSHIP AND AUSTRALIA DAY CELEBRATIONS

*Attachments: Section 1 – Page 67*

*Responsible Officer: Amanda Mason, Governance and Community Development Officer*  
*Report prepared by: Lorraine Green, Project Officer*

### 1 PURPOSE OF REPORT

The purpose of this report is to seek support from Council to provide information to new citizens regarding Australian Honours awards

### 2 INTRODUCTION/BACKGROUND

Council has received the attached letter from the Tasmanian Branch of the Order of Australia Association.

In summary, the letter is requesting Council provides information regarding Australian Honours awards to its new citizens.

It is noted that Council presently acknowledges any Order of Australia award recipients at its annual Australia Day celebrations.

### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following "Volume 1 – Mapping Our Direction" goals have relevance to this issue:

- 1.3 – Community dialogue

### 4 POLICY IMPLICATIONS

N/A

### 5 STATUTORY REQUIREMENTS

N/A

### 6 FINANCIAL IMPLICATIONS

There are no financial implications.

### 7 RISK ISSUES

There are no identified risks.

### 8 CONSULTATION WITH STATE GOVERNMENT

N/A

### 9 COMMUNITY CONSULTATION

N/A

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council has the option to authorise Council officers to progress discussions with the Order of Australia Association to provide information for new citizens, or take no further action.

### 11 OFFICER'S COMMENTS/CONCLUSION

Council presently acknowledges Order of Australia recipients at its annual Australia Day celebrations, and it is recognised that continuing this recognition is important for those within the community.

Council does not presently provide information to its new citizens regarding Australian Honours and it is recognised that this is an additional step Council could be taking when welcoming new citizens to the region.

### 12 ATTACHMENTS

12.1 Letter from Order of Australia Association dated 31 May 2016

#### RECOMMENDATION 1

That Council officers hold discussions with the Order of Australia Association, Tasmania Branch regarding the provision of printed material for new Australian Citizens.

#### DECISION

Cr

# AGENDA – ORDINARY MEETING

15 AUGUST 2016



## GOV 7 2016/17 TASMANIAN SKATE PARK LEAGUE AND COMMUNITY DEVELOPMENT PROGRAM

*Attachments: Section 1 – Page 69*

*Responsible Officer: Des Jennings, General Manager*  
*Report prepared by: Amanda Bond, Governance & Community Development Officer*

### 1 PURPOSE OF REPORT

The purpose of this report is to seek support from Council to participate in the 2016/17 Tasmanian Skate Park League and Community Development Program.

### 2 INTRODUCTION/BACKGROUND

Council has been contacted by YMCA / Youth Services from Victoria ("YMCA"). YMCA have been facilitating skate park competitions and activities across Victoria for the past 8 years. The program has grown from one series in Victoria to a now nationwide series of interconnected events. The YMCA held the first series of events in Tasmania in 2015. The events were held at Lauderdale, Hobart (x2), Bruny Island and Tolosa Park. The Tasmanian series highlights include:

- 264 participants across 6 events;
- 50% of the participants entered multiple events;
- 39 female participants
- 55 participants in the Skateboarding National Qualifier
- 8 participants from the region went on to participate in the National Final at Melbourne's Moomba Festival

YMCA have approached the Northern Midlands Council to be one of the hosts for the 2016/17 event.

### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following "Volume 1 – Mapping Our Direction" goals have relevance to this issue:

- 3.2 – Health
- 3.3 – Youth

### 4 POLICY IMPLICATIONS

N/A

### 5 STATUTORY REQUIREMENTS

N/A

### 6 FINANCIAL IMPLICATIONS

The YMCA are seeking support from Council to cover selected programs costs. The funding amount being sought is \$2,000 exclusive of GST and this is allocated to the cost of:

- 1 Program Leader (event day, travel time and preparation);
- 2 Casual staff (event day, travel time and preparation);
- Van hire (equipment and staff transport);
- Event equipment and consumables (including fuel);
- Insurance;
- Admin & Management.

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



Advice has been received that in some instances Councils have applied to external funding bodies to cover the cost as identified above.

At present, no funding streams have been identified that could be applied to cover this cost.

Council could allocate the funding sought through its annual event funding, Round 2.

### **7 RISK ISSUES**

Holding a skate boarding and BMX event comes with the obvious risk of accident. The YMCA produces a Risk Management Plan for the competition. The YMCA also provides professional indemnity insurance to the value of \$10,000,000 and public liability insurance to the value of \$50,000,000 for the event.

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

N/A

### **9 COMMUNITY CONSULTATION**

To date there has not been any community consultation in respect to this proposed event. However, the statistics provided above indicate it has previously been successful in other areas of the state.

It has been recommended by the YMCA that the Longford Skate Park would be the first venue choice, with Perth being the second choice.

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

Council has the option to decide whether to support this potential program, or not action at this time.

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

This is an excellent opportunity for the Northern Midlands. These events have been held in the south of the state and this is an opportunity for the Northern Midlands to be a host for northern events.

### **12 ATTACHMENTS**

12.1 2016/17 Tasmanian Skate Park League and Community Development Program presentation

#### **RECOMMENDATION 1**

That Council discuss the matter.

#### **RECOMMENDATION 2**

That Council does/does not support the 2016/17 Tasmanian Skate Park League and Community Development Program.

#### **DECISION**

Cr

Cr

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### GOV 8 IMPACT OF THE EDUCATION BILL 2016 ON THE STARTING AGE OF SCHOOL CHILDREN

*Attachments: Section 1 – Page 76*

*Responsible Officer: Amanda Bond, Governance and Community Development Officer*  
*Report prepared by: Lorraine Green, Project Officer*

#### 1 PURPOSE OF REPORT

This report:

- i) provides Council with background on the Education Bill 2016 and its impact on the starting age of school children;
- ii) provides Council with the response of the Burnie City Council to this issue;
- iii) seeks Council's response to the Education Bill 2016 with regard to the proposed younger compulsory school starting age.

#### 2 INTRODUCTION/BACKGROUND

The Tasmanian Government's review of the Education Act 1994 resulted in the release of the Education Bill 2016. The proposed changes to the Act documented in the Bill aim to address Tasmania's significant social, economic and educational challenges, particularly through extending the compulsory years of education and training, and lowering the age that children are required to commence schooling.

Currently, the compulsory school starting age in Tasmania is five years, when children commence their first year of full-time school in Prep. The review of the Act proposes to lower the compulsory school starting age by six months, to four years and six months. As a consequence of the changes to the compulsory starting age, the non-compulsory starting age for Kindergarten would be lowered to three years and six months.

The Bill argues that introducing compulsory school earlier in a child's life is expected to have a positive impact on a child's future achievements at school and the extent to which they are able to take advantage of opportunities later in life.

The consultative period on the proposed changes commenced in March 2016 and closed on 13 May 2016.

A number of submissions made during the review process challenged the proposed change to the compulsory school starting age, arguing that young children needed to be in a play-based environment; not a school-based learning environment.

Burnie City Council at its 26 July 2016 meeting considered a "Motion on Notice – Starting Age of Tasmanian School Children." The extract from the meeting minutes regarding this Motion on Notice and the accompanying review fact sheets are held as an Attachment. Councillor Lambert brought this Motion on Notice to the attention of the General Manager and requested this agenda item be prepared.

The Government is required to prepare a Regulatory Impact Statement (RIS) when the introduction of primary legislation imposes a major restriction on competition or a significant impact on business. Given that the Education Bill 2016 will have a significant impact on non-school early childhood education and care services, a RIS was prepared to form the basis for consultation with key stakeholders and the broader Tasmanian community across March – May 2016.

The RIS states the impact on early childhood services is expected to result from a decrease in demand for child care services (both long day care and family day care) for children between three and four years, as these children move into kindergarten at the new starting age of three years and six months. It was noted that the reduction in the numbers of three to five year olds in child care services could affect the financial viability of some services, particularly those in rural and regional areas. Further the RIS noted that child care services could find it difficult to recruit university-qualified early childhood education teachers who may,

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under the proposed legislation, seek to work with children in kindergarten due to potentially more favourable salaries and conditions.

### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following “Volume 1 – Mapping Our Direction” goal is relevant to this issue: 3.4 Children’s Services: “To facilitate care, learning and support services which benefit Northern Midlands children and their families.”

### 4 FINANCIAL IMPLICATIONS

If the changes proposed in the Education Bill 2016 are implemented the financial viability of Council’s child care services at Avoca and Cressy is likely to be significantly impacted, and the Perth Child Care Centre to a lesser degree.

### 5 RISK ISSUES

The introduction of a younger compulsory school starting age may have a negative impact on the health and wellbeing of some Northern Midlands’ children. Should any of Council’s child care centres no longer be financially viable, the closure of these services would lead to more informal care, or parents who are unable to remain in the workforce or undertake further education and training.

### 6 CONSULTATION WITH STATE GOVERNMENT

The consultative period on the proposed changes commenced in March 2016 and closed on 13 May 2016.

### 7 COMMUNITY CONSULTATION

Community members had the opportunity to make submissions during the consultative period.

### 8 OPTIONS FOR COUNCIL TO CONSIDER

Council can either resolve to take action with regard to the proposal to lower the school starting age to four years and six months , or to not take action with regard to this matter.

### 9 OFFICER’S COMMENTS/CONCLUSION

The Government position is that the changes to the compulsory school starting age proposed in the Education Bill 2016 are about equity in education and creating more options for families by offering every Tasmanian child access to quality early learning sooner. The general consensus of those opposed to the change in school starting age is that young children need to be in a play-based environment; not a school-based learning environment.

### 10 ATTACHMENTS

In addition to the following attachments additional information, which is subject to copyright, will be circulated at the meeting.

- 10.1 Burnie City Council: Motion on Notice AO178-16 Starting Age of Tasmanian School Children
- 10.2 Media Statement
- 10.3 Breakdown by State of Compulsory School Starting Ages

### RECOMMENDATION

That the matter be discussed.

### DECISION

Cr

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### GOV 9 TASWATER – DISPOSAL OF SHAREHOLDING

*Attachments: Section 1 – Page 89*

*Responsible Officer: Des Jennings, General Manager*  
*Report prepared by: Amanda Bond, Governance & Community Development Officer*

#### 1 PURPOSE OF REPORT

The purpose of this report is to seek Council's position in respect to a proposal by Derwent Valley Council to sell a portion of the Derwent Valley Council shareholding of TasWater.

#### 2 INTRODUCTION/BACKGROUND

Council received the attached letter from Derwent Valley Council dated 15 July 2016. The purpose of the letter is to seek Council's consideration of purchasing the Derwent Valley shareholding (or a portion thereof) of its TasWater shares.

#### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following "*Volume 1 – Mapping Our Direction*" goals have relevance to this issue:

- 1.1 – Governance
- 1.9 – Financial Management

#### 4 POLICY IMPLICATIONS

N/A

#### 5 STATUTORY REQUIREMENTS

##### 5.1 *Water & Sewerage Industry Act 2008 (Tas) and Corporations Act 2001 (Cth)*

Section 5 of the *Water & Sewerage Industry Act 2008 (Tas)* states that "The councils are to form, or participate in the formation of, a proprietary company limited by shares that is to be incorporated under the Corporations Act."

The Tasmanian Water Corporation Pty Ltd was formed in 2013 after the amalgamation of the four existing water corporations.

The Northern Midlands Council is a member of the Tasmanian Water Corporation.

Section 10(3) of the *Water & Sewerage Industry Act 2008* states that "A member of the Corporation must not dispose of the shares or other securities in the Corporation held by that member."

On this basis, it appears that legislative change is required to enable Derwent Valley Council to dispose of its shareholding in TasWater.

#### 6 FINANCIAL IMPLICATIONS

Should it be possible, and Council wished to take up the option of purchasing the Derwent Valley Council shareholding in TasWater, the financial implications would be the cost of the share value.

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By increasing Council's shareholding this would also increase its entitlement to dividend payments. However, it is noted that Council recently agreed to freeze the receipt of dividend payments indexation for a period of 10 years.

### **7 RISK ISSUES**

There is a risk that legislative change will result in more than one Council taking up the option to dispose of its TasWater shareholding.

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

It is understood that Minister Peter Gutwein has been notified of the proposal.

### **9 COMMUNITY CONSULTATION**

N/A

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

Council has the option to support or object to proposed legislative change enabling member Councils to sell their shareholding in TasWater.

### **11 ATTACHMENTS**

11.1 Letter from Derwent Valley Council to Mayor Downie dated 15 July 2016

### **RECOMMENDATION 1**

That Council discuss the matter.

### **RECOMMENDATION 2**

That Council does/does not support legislative change to enable member Councils to sell their shareholding in TasWater.

### **DECISION**

Cr

Cr

# AGENDA – ORDINARY MEETING

15 AUGUST 2016



## GOV 10 ENDORSEMENT OF LONGFORD LOGO

*Attachments: Section 1 – Page 90*

*Responsible Officer: Amanda Bond, Governance & Community Development Officer*  
*Report prepared by: Anna Coxen, Project Champion*

### 1 PURPOSE OF REPORT

To present Council with the Longford town logo, developed by the Longford Activation Team.

### 2 INTRODUCTION/BACKGROUND

One of the projects identified by the Longford Activation Team was to develop a logo/identity for Longford. The brand values for Longford were initially developed by Village Well in consultation with the community. This information in conjunction the Longford Activation Team and a graphic designer were used to formulate the logo/visual identity for the town. There has been extensive consultation with the activation team. Their ideas, input and feedback has determined the ultimate design.

### 3 STRATEGIC PLAN 2007/2017

**Aligns with the Vision for Council** (page 8)

*Northern Midlands communities will be vibrant, sustainable and resilient, promoting their diversity and conserving the heritage values of our towns.*

*Our competitive strengths will promote tourism, business and agricultural activity, attract more people to the municipality, and increase employment and youth education.*

*Our community pride will be based on cooperation and self help.*

**1.3 Community Dialogue** *“Regular, accessible, and consistent communication between council and our communities on issues of direct interest to them”*

Part 2 – The Local Economy (P.19)

*“To facilitate sustainable and profitable tourism business opportunities through the provision of a series of distinct visitor experiences by engaging all communities in the development of their individual and complementary identities”.*

2.2 Tourism Industry Support (P.21)

*“To increase tourist visits, tourist spend, and length of stay, and enhance visitor experience”.*

### 4 POLICY IMPLICATIONS

It is recommended that the attached draft policy be adopted for use of the Longford logo.

### 5 STATUTORY REQUIREMENTS

N/A

### 6 FINANCIAL IMPLICATIONS

There is no cost to Council to distribute the logo for use by businesses and organisations who wish to promote Longford or an event in Longford.

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### 7 RISK ISSUES

Other towns may see the logo, and request the development of one for their own town. This could potentially cause conflict in the future.

There may be some resistance by the rest of the community to the design. The town at large may not be supportive of the final design.

### 8 CONSULTATION WITH STATE GOVERNMENT

The development of an identity for Longford sits well within the guidelines for Tourism Northern Tasmania (TNT) brand, which sits within the brand values for Tourism Tasmania.

### 9 COMMUNITY CONSULTATION

The Longford Activation Team has been extensively consulted throughout this entire process. There have been workshops, emails, and many meetings gathering feedback and ideas. The direction that the designer took when undertaking the design for the logo was a direct result of the feedback provided by the group. The Project Champion (Anna Coxen) facilitated this process, however the ideas and design suggestions were directed by the Longford Activation Team.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

The purpose of this report is for Council to endorse the logo design for Longford.

### 11 OFFICER'S COMMENTS/CONCLUSION

The process of developing this logo has been a positive journey. Design by committee often presents with enormous challenges, however, the committee worked well on this project and have produced a logo that reflects the identity of Longford. The group should be proud of their achievements, working cohesively and producing a logo that reflects the towns past and portrays a sense of sophistication and charm, that is distinctly Longford. This is a small step, however it is significant for the future of Longford and hopefully ultimately results in increased commercial confidence in the town.

### 12 ATTACHMENTS

12.1 Longford Logo

12.2 Draft Policy for the use of the Longford Logo.

### RECOMMENDATION 1

That Council discuss the matter.

### RECOMMENDATION 2

That Council adopts the Use of Longford Logo Policy and authorises officers to distribute the Longford logo in accordance with that policy.

### DECISION

Cr

Cr

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### W&I 1 BROWN'S CAR PARK – ONE WAY VEHICLE ACCESS

*Responsible Officer:* Arend Boog, Works & Infrastructure Manager

*Report prepared by:* Arend Boog; Works & Infrastructure Manager

#### 1 PURPOSE OF REPORT

The purpose of this report is for Council to be able to respond to a customer request asking Council to give consideration to an alternative vehicular exit from Browns shopping complex.

#### 2 INTRODUCTION/BACKGROUND

The Longford Local District Committee have requested Council determine a one-way vehicular exit from Browns Shopping Complex via Union Street to Wellington Street.

Land between the Browns Shopping Complex at Union Street is privately owned by Stagar Pty Ltd (The Country Club Hotel) and Jeremy Cox (Longford Irrigation). A right of way exists over the land at 8 Union Street, in favour of the owner of the Browns Shopping Complex.

There are no Council roads or easements in the immediate relevant area.

Wellington Street is maintained by the Department of State Growth. They approved the development proposal and existing access. The access arrangements have previously been reviewed at Traffic Committee meetings and officers from the Department of State Growth have advised that they still believe the existing access to be satisfactory. The access has also been reviewed by Council's Consultant Traffic Engineer, Terry Eaton, who has advised that he believes the current access arrangements are suitable.

#### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following "Volume 1 – Mapping Our Direction" goals have relevance to this issue:

- 5.1 Transport Infrastructure Operations  
Ensure that council's roads, bridges, footpaths and related assets are planned, designed, developed, constructed and maintained to meet service, safety, and efficiency standards acceptable to the community.

#### 4 POLICY IMPLICATIONS

N/A

#### 5 STATUTORY REQUIREMENTS

N/A

#### 6 FINANCIAL IMPLICATIONS

Significant – potential property acquisition, drainage construction, road construction, sealing and maintenance place the cost of the project in the \$100,000's.

The benefit of any work that goes ahead would directly benefit a private developer and there would be little recourse for Council to recoup any of their investment.

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### 7 RISK ISSUES

The existing arrangements have been deemed satisfactory, but there is the potential for this to change in the future and pose a safety risk for safe vehicle movements

### 8 CONSULTATION WITH STATE GOVERNMENT

No further consultation has taken place with the State Government beyond the previous communications outlined above.

### 9 COMMUNITY CONSULTATION

No further consultation has taken place in order to prepare this report.

### 10 OFFICER'S COMMENTS/CONCLUSION

Works and Infrastructure believes that the current access is suitable. The development was approved by all relevant stakeholders and the conditions of that approval have not altered significantly. Constructing a new access to Union Street will be expensive to construct and unlikely to achieve the outcomes desired. The access is unlikely to improve traffic flow within the development and would add additional traffic load to the intersection of Union Street and Wellington Street.

The current carpark is privately owned, and any variations should be the responsibility of the property owner. Works and Infrastructure cannot see the benefit to Council of assuming ownership of this asset and cannot recommend that such as asset be constructed and financed by Council.

### RECOMMENDATION 1

No further action to be taken by Council.

### DECISION

Cr

Cr

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### W&I 2 LONGFORD CARAVAN PARK & CARINS PARK FENCE

*Responsible Officer:* Arend Boog, Works & Infrastructure Manager

*Report prepared by:* Arend Boog; Works & Infrastructure Manager

#### 1 PURPOSE OF REPORT

The purpose of this report is for Council to give consideration to the requirements for replacing the fence between Carins Park and the Longford Caravan Park.

#### 2 INTRODUCTION/BACKGROUND

The existing cyclone wire fence was severely damaged in several recent floods and cannot be viably repaired.

The Longford Local District Committee have requested Council investigate the installation of a Hawthorn hedge in place of, or in addition to, the erection of a fence between the Longford Caravan Park and Carins Park.

The Caravan Park would like to see existing or improved levels of security achieved.

#### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following “Volume 1 – Mapping Our Direction” goals have relevance to this issue:

- 5.3 Community Facilities  
Provide reserves, public open spaces, recreational facilities, cemeteries, public buildings and other council amenities which are designed, developed and maintained to meet the needs of the Northern Midlands community.

#### 4 POLICY IMPLICATIONS

N/A

#### 5 STATUTORY REQUIREMENTS

N/A

#### 6 FINANCIAL IMPLICATIONS

Estimated costs for building a structural fence range between \$6,000 and \$10,000. If the fence is unable to withstand a future flood event, then replacement costs will also be in this range. Several possible designs are being investigated that would be capable of withstanding structural flood damage and necessitate only minor repairs/replacement.

There are substantial additional costs associated with planting a Hawthorn Hedge, including the time required to establish and maintain in the future, and potential requirements to replace in the event of damage during a flood.

#### 7 RISK ISSUES

There are two competing priorities in the design of the fence:

- The capacity to structurally withstand a flood event (let water and debris through)

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- The ability to provide security for the Caravan Park (keep people out)

The risk is that one or both of these criteria may not be met with the approved design.

### 8 CONSULTATION WITH STATE GOVERNMENT

N/A

### 9 COMMUNITY CONSULTATION

Works and Infrastructure has consulted with the Longford Local District Committee and the management of the Caravan Park, the results of which have motivated this report.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

- i) Style of Fence to install, recognising the competing priorities of flood capability and security.
- ii) Whether to install a Hawthorn hedge in place of or in addition to a fence.

### 11 OFFICER'S COMMENTS/CONCLUSION

The writer believes the criterion of being capable of withstanding a flood event should be given greater consideration than the requirement for security. The site can be accessed from other locations and the fence will not effectively prevent people gaining access.

Further the installation of a hedge within a recognised flood zone carries inherent maintenance risk and could potentially cost significant amounts of money if replacement is required.

### RECOMMENDATION 1

That the matter be discussed.

### RECOMMENDATION 2

That council refuses the installation of a Hawthorn hedge and confirms the design principles of the fence to be installed.

### DECISION

Cr

Cr

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## CORP 1 MONTHLY FINANCIAL STATEMENT

Attachments: Section 1 – Page 96

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

### 1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 31 July 2016.

### 2 INTRODUCTION/BACKGROUND

The Corporate Services Manager circulated a copy of the Monthly Financial Summary for the period ended 31 July 2016.

#### SUMMARY FINANCIAL REPORT

For Month Ending: 31-Jul-16 1

| A. Operating Income and Expenditure              |               |                     |              |          |             |                                     |
|--------------------------------------------------|---------------|---------------------|--------------|----------|-------------|-------------------------------------|
|                                                  | Budget        | Year to Date Budget | Actual       | (\$,000) | Target 100% | Comments                            |
| Rate Revenue                                     | -\$9,798,545  | -\$9,798,545        | -\$9,865,469 | \$67     | 100.7%      |                                     |
| Recurrent Grant Revenue                          | -\$4,183,750  | -\$348,646          | \$3,664      | -\$352   | -1.1%       | Not yet received                    |
| Fees and Charges Revenue                         | -\$1,787,851  | -\$148,988          | -\$138,008   | -\$11    | 92.6%       |                                     |
| Interest Revenue                                 | -\$435,842    | -\$36,320           | \$50,718     | -\$87    | -139.6%     | Accrued revenue adjustment included |
| Reimbursements Revenue                           | -\$96,867     | -\$8,072            | -\$293       | -\$8     | 3.6%        |                                     |
| Other Revenue                                    | -\$1,655,334  | -\$137,945          | -\$15,200    | -\$123   | 11.0%       |                                     |
|                                                  | -\$17,958,189 | -\$10,478,515       | -\$9,964,588 | -\$514   | 95.1%       |                                     |
| Employee costs                                   | \$5,165,838   | \$430,487           | \$430,642    | \$0      | 100.0%      |                                     |
| Material & Services Expenditure                  | \$4,554,669   | \$379,556           | \$170,671    | \$209    | 45.0%       |                                     |
| Depreciation Expenditure                         | \$5,327,234   | \$443,936           | \$443,564    | \$0      | 99.9%       |                                     |
| Government Levies & Charges                      | \$685,419     | \$57,118            | \$0          | \$57     | 0.0%        |                                     |
| Councillors Expenditure                          | \$190,097     | \$15,841            | \$7,928      | \$8      | 50.0%       |                                     |
| Other Expenditure                                | \$1,230,239   | \$467,770           | \$416,351    | \$51     | 89.0%       |                                     |
| Plant Expenditure Paid                           | \$497,495     | \$41,458            | \$44,013     | -\$3     | 106.2%      |                                     |
|                                                  | \$17,650,991  | \$1,836,166         | \$1,513,169  | \$323    | 82.4%       |                                     |
|                                                  | -\$307,198    | -\$8,642,349        | -\$8,451,419 |          |             |                                     |
| Gain on sale of Fixed Assets                     | \$0           | \$0                 | \$0          | \$0      | 0.0%        |                                     |
| Loss on Sale of Fixed Assets                     | \$300,000     | \$25,000            | \$0          | \$25     | 0.0%        |                                     |
| Underlying (Surplus) / Deficit                   | -\$7,198      | -\$8,617,349        | -\$8,451,419 |          |             |                                     |
|                                                  | \$0           |                     | \$0          |          |             |                                     |
| Capital Grant Revenue                            | -\$2,267,676  | -\$188,973          | \$0          | -\$189   | 0.0%        |                                     |
| Subdivider Contributions                         | -\$430,000    | -\$35,833           | 0            | -\$36    | 0.0%        |                                     |
| Capital Revenue                                  | -\$2,697,676  | -\$224,806          | \$0          |          |             |                                     |
|                                                  | -             |                     | -            |          |             |                                     |
| <b>Budget Alteration Requests</b>                |               |                     |              |          |             |                                     |
| - For Council authorisation by absolute majority |               |                     |              |          |             |                                     |
| Bridge 2380 Royal George Road                    | \$120,000     |                     |              |          |             | A/c 741300                          |
| Replacement deferred to 2017/18                  |               |                     |              |          |             |                                     |
| Bridge 1300 Rossarden Road                       | -\$120,000    |                     |              |          |             | A/c 742380                          |
| Replacement brought forward from 2017/18         |               |                     |              |          |             |                                     |

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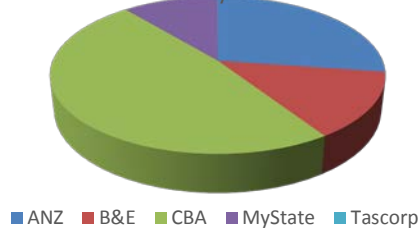
## 15 AUGUST 2016



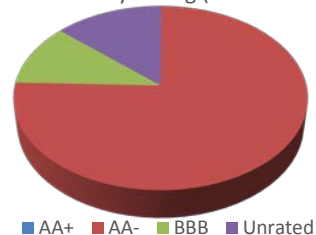
### B. Balance Sheet Items

|                                      | Year to Date<br>Actual |                  | Monthly<br>Change |                   | Same time<br>last year | Comments |
|--------------------------------------|------------------------|------------------|-------------------|-------------------|------------------------|----------|
| Cash & Cash Equivalents Balance      |                        |                  |                   |                   |                        |          |
| - Opening Cash balance               | \$10,346,046           |                  | \$10,346,046      |                   |                        |          |
| - Cash Inflow                        | \$504,540              |                  | \$504,540         |                   |                        |          |
| - Cash Payments                      | -\$1,821,699           |                  | -\$1,821,699      |                   |                        |          |
| - Closing Cash balance               | \$9,028,887            |                  | \$9,028,887       |                   |                        |          |
|                                      | -                      |                  | -                 |                   |                        |          |
| Account Breakdown                    |                        |                  |                   |                   |                        |          |
| - Trading Accounts                   | \$420,753              |                  |                   |                   |                        |          |
| - Investments                        | \$8,608,134            |                  |                   |                   |                        |          |
|                                      | \$9,028,887            |                  |                   |                   |                        |          |
|                                      | -                      |                  |                   |                   |                        |          |
| Summary of Investments               | Investment<br>Date     | Maturity<br>Date | Interest<br>Rate% | Purchase<br>Price | Maturity<br>Value      |          |
| Tasmanian Public Finance Corporation |                        |                  |                   |                   |                        |          |
| Call Account                         | 1/07/2016              | 31/07/2016       | 1.75              | \$5,116           | \$5,124                |          |
| CBA Call Account                     | 13/07/2016             | 31/07/2016       | 1.65              | \$73              | \$73                   |          |
| CBA                                  | 3/05/2016              | 2/08/2016        | 2.83              | \$1,500,000       | \$1,510,583            |          |
| CBA                                  | 2/06/2016              | 31/08/2016       | 2.75              | \$1,500,000       | \$1,510,171            |          |
| CBA                                  | 14/06/2016             | 14/09/2016       | 2.80              | \$1,000,000       | \$1,007,058            |          |
| ANZ                                  | 2/04/2016              | 2/10/2016        | 3.05              | \$1,533,691       | \$1,557,144            |          |
| Bass & Equitable                     | 15/07/2016             | 23/11/2016       | 3.00              | \$609,734         | \$616,299              |          |
| My State Financial                   | 25/12/2015             | 25/12/2016       | 3.75              | \$1,146,152       | \$1,189,250            |          |
| ANZ                                  | 14/05/2016             | 14/05/2017       | 2.70              | \$1,313,367       | \$1,348,828            |          |
| Total Investments                    |                        |                  |                   | \$8,608,134       | \$8,744,531            |          |

Investments by Institution

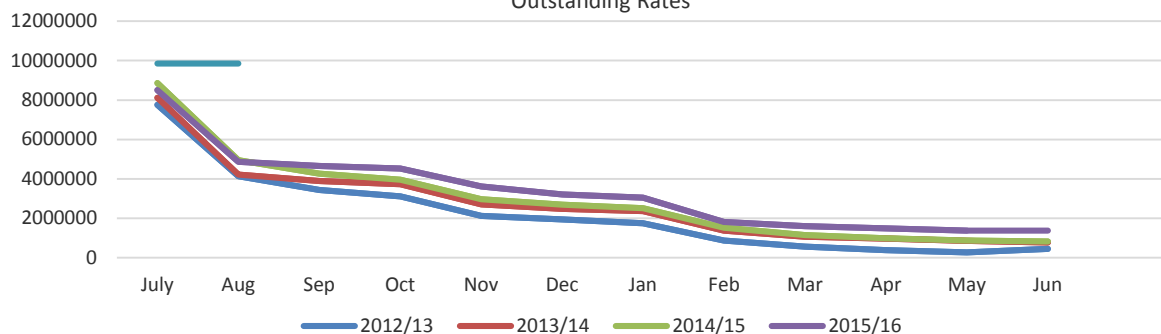


Total Investments by Rating (Standard & Poor's)



| Rate Debtors              | 2016/17      | % to Raised | Same Time Last Year | % to Raised |
|---------------------------|--------------|-------------|---------------------|-------------|
| Balance b/fwd             | \$1,017,753  | 11.2%       | \$933,431           |             |
| Rates Raised              | \$9,416,724  |             | \$9,096,312         |             |
|                           | \$10,434,477 |             | \$10,029,742        |             |
| Rates collected           | \$8,843,505  | 92.4%       | \$8,636,177         | 93.6%       |
| Pension Rebates           | \$410,211    | 4.4%        |                     |             |
| Discount & Remissions     | \$25,832     | 0.5%        | \$526,287           | 5.8%        |
|                           | \$9,279,548  |             | \$9,162,463         |             |
| Rates Outstanding         | \$1,383,330  | 15.9%       | \$1,052,616         | 12.7%       |
| Advance Payments received | -\$228,400   | 2.1%        | -\$185,337          | 1.8%        |

Outstanding Rates



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### Trade Debtors

|                                        |          |                           |
|----------------------------------------|----------|---------------------------|
| Current balance                        | \$80,811 |                           |
| - 30 Days                              | \$19,884 |                           |
| - 60 Days                              | \$30,975 |                           |
| - 90 Days                              | -\$3,879 |                           |
| - More than 90 days                    | \$33,831 |                           |
| Summary of Accounts more than 90 days: | -        | -                         |
| - Norfolk Plains Book sales            | 1,262    | Paid by outlet as sold    |
| - Hire/lease of facilities             | 5,747    |                           |
| - Removal of fire hazards              | 2,521    |                           |
| - Dog Registrations & Fines            | 18,425   | Sent to Fines Enforcement |
| - Sales                                | 3,500    | Arrangement to pay        |
| - Building Plumbing Engineering Fees   | 318      |                           |
| - Private Works                        | 2,059    | Arrangement to pay        |
|                                        | -        |                           |

### C. Capital Program

|                                           | Budget       | Actual (\$,000) | Target 8% | Comments                 |
|-------------------------------------------|--------------|-----------------|-----------|--------------------------|
| Renewal                                   | \$8,625,173  | \$33,861        | 0%        |                          |
| New assets                                | \$5,286,187  | \$39,492        | 1%        |                          |
| Total                                     | \$13,911,359 | \$73,352        | 1%        |                          |
| Major projects:                           |              |                 |           |                          |
| - Lake River Bridge Replacement           | \$1,430,000  | \$1,241,017     | 87%       | In progress              |
| - Campbell Town Recreation Ground Complex | \$1,500,000  | \$0             | 0%        | Design tender advertised |
| - Rossarden Bridge Replacement            | \$300,000    | \$0             | 0%        |                          |
| - Nile Road reconstruction                | \$264,000    | \$0             | 0%        |                          |
| - Woolmers Lane reconstruction            | \$510,000    | \$0             | 0%        |                          |
| - Longford Playspace Equipment            | \$253,000    | \$0             | 0%        |                          |
| - Longford Boat Ramp jetty replacement    | \$140,000    | \$0             | 0%        |                          |

\* Full year to date capital expenditure for 2015/16 provided as an attachment.

### D. Financial Health Indicators

|                                         | Target     | Actual     | Variance | Trend |  |
|-----------------------------------------|------------|------------|----------|-------|--|
| Financial Ratios                        |            |            |          |       |  |
| - Rate Revenue / Total Revenue          | 54.6%      | 93.1%      | -38.6%   | ↑     |  |
| - Own Source Revenue / Total Revenue    | 77%        | 100.0%     | -23.3%   | ↓     |  |
| Sustainability Ratio                    |            |            |          |       |  |
| - Operating Surplus / Operating Revenue | 0.0%       | 84.8%      | -84.8%   | ↓     |  |
| - Debt / Own Source Revenue             | 0.0%       | 0.0%       | 0.0%     | ↔     |  |
| Efficiency Ratios                       |            |            |          |       |  |
| - Receivables / Own Source Revenue      | 10.6%      | 14.7%      | -4.1%    | ↓     |  |
| - Employee costs / Revenue              | 28.8%      | 4.3%       | 24.4%    | ↗     |  |
| - Renewal / Depreciation                | 161.9%     | 7.6%       | 154.3%   | ↗     |  |
| Unit Costs                              |            |            |          |       |  |
| - Waste Collection per bin              | \$10.58    | #DIV/0!    |          | ↔     |  |
| - Employee costs per hour               | \$43.05    | \$39.37    |          | ↗     |  |
| - Rate Revenue per property             | \$1,405.82 | \$1,351.04 |          | ↔     |  |
| - IT per employee hour                  | \$3.17     | \$6.24     |          | ↓     |  |

### E. Employee & WHS scorecard

|                                     | YTD   | This Month |  |
|-------------------------------------|-------|------------|--|
| Number of Employees                 | 82    | 82         |  |
| New Employees                       | 1     | 1          |  |
| Resignations                        | 0     | 0          |  |
| Total hours worked                  | 10938 | 10938      |  |
| Lost Time Injuries                  | 0     | 0          |  |
| Lost Time Days                      | 0     | 0          |  |
| Safety Incidents Reported           | 1     | 1          |  |
| Hazards Reported                    | 3     | 3          |  |
| Risk Incidents Reported             | 1     | 1          |  |
| Insurance claims - Public Liability | 0     | 0          |  |
| Insurance claims - Industrial       | 0     | 0          |  |
| Insurance claims - Motor Vehicle    | 1     | 1          |  |
| IT - Unplanned lost time            | 0     | 0          |  |
| Open W/Comp claims                  | 1     | 1          |  |

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### 3 ALTERATIONS TO 2016-17 BUDGET

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

- Defer Bridge 2380 Royal George Road replacement until 2017/18 (\$120,000), and bring forward Bridge 1300 Rossarden Road replacement to 2016/17 \$120,000 due to heavy truck traffic damage.

The following alteration has been approved by the General Manager under delegation:

- No items identified for month of July 2016.

### 4 OFFICERS COMMENTS

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

### 5 ATTACHMENTS

- 5.1 Income & Expenditure Summary for period ending 31 July 2016.
- 5.2 Account Management Report to end July 2016.

### RECOMMENDATION

That Council receive and note the Monthly Financial Report for the period ending 31 July 2016 and approve budget alteration as detailed in section 3.

### DECISION

Cr

# AGENDA – ORDINARY MEETING

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## **P&D 1      MAKING OF BY-LAW: PLACEMENT OF SHIPPING CONTAINERS BY-LAW**

*Attachments: Section 1 – Page 105*

*Responsible Officer:      Duncan Payton, Planning & Development Manager*

*Report prepared by:      Tammi Axton, Animal Control Officer & Duncan Payton, Planning & Development Manager*

### **1      PURPOSE OF REPORT**

The purpose of this report is to discuss the potential for making a by-law to regulate the placement of shipping containers, both permanent and temporary, within the municipal area of the Northern Midlands.

### **2      INTRODUCTION/BACKGROUND**

At its June 2016 meeting, Council resolved that a draft by law and Regulatory Impact Statement (RIS), dealing with the placement of shipping containers on land throughout the municipal area, be prepared.

At that meeting, Councillors were advised:

*With a combination of easier access and reduced regulation, the use of storage containers as permanent outbuildings, often in a residential setting, has become more common.*

*Changes to planning provisions, driven by the State, and to the building legislation and regulations have effectively exempted many such containers from the approval process. This has resulted in a number of containers being located in prominent locations with little or no effort to reduce their visual impact.*

*One way to resolve this ongoing issue, although not able to be applied retrospectively, is the introduction of a by-law to provide some guidance and regulation in regard to where such shipping containers may be used, what measures might be taken to minimise visual impact and penalties for non-compliance.*

Councillors were further advised of the lengthy process required to introduce a by-law and the constraints attached to what a by-law may regulate.

Relevantly, the six Good Practice Guidelines released by the Local Government Division of the Department of Premier and Cabinet were attached to the June agenda item.

The following steps in the by-law process are identified in Guideline 2:

- 1) Consider the need for regulation, in the context of existing regulation, and with regard to the alternatives to making a by-law.
- 2) Prepare a draft by-law.
- 3) Undertake initial consultation on the by-law with key stakeholders. This may include inviting comments or submissions and holding meetings or workshops;
- 4) Adjust the by-law to reflect comments received during the initial consultation process.
- 5) Council passes a formal resolution (by an absolute majority) of its intention to make a by-law. This can occur at any stage in the process up to this point. However, at this point the by-law consultation draft should be finalized and the council may wish to see it.
- 6) Council prepares a draft Regulatory Impact Statement (RIS) if required.
- 7) The RIS and by-law are referred to the Director of Local Government for consideration.
- 8) If satisfied that the RIS meets all statutory requirements, the Director will issue a certificate of approval to the council.

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- 9) Council gives notice of the proposed by-law and carries out its public consultation.
- 10) Notice of the proposed by-law is advertised in print media.
- 11) Copies of the RIS and by-law are to be made available for public inspection/purchase, and displayed on the council's website, as required under Section 158 of the Act.
- 12) Submissions are invited from the community and key stakeholders. Section 159 of the Act requires that all submissions are to be considered by the council.
- 13) If required, alterations to the draft by-law are to be made only by an absolute majority. If the alteration substantially changes the purpose of the proposed by-law, or its effect on the public, the council will provide public notice.
- 14) Council makes the by-law under its common seal.
- 15) The by-law is certified by a legal practitioner and the general manager of the council.
- 16) The by-law must be published in the *Tasmanian Government Gazette* within 21 days of being made by the council and be titled with reference to the municipal area, subject matter and the year in which it is made.
- 17) The general manager of the council is to make the by-law available for purchase and should put it on the council's website.
- 18) The by-law is submitted to the Subordinate Legislation Committee as required within seven working days of publication in the Gazette.
- 19) The by-law is tabled in parliament within 10 sitting days of publication in the Gazette, as required under Section 47 of the *Acts Interpretation Act 1931*.
- 20) Council sends the Director of Local Government a sealed copy of the by-law, the certifications under Section 162 of the Act and a statement explaining:
  - The purpose and effect of the by-law
  - The outcomes of public consultations in respect of the by-law

A by-law cannot:

- a) Apply retrospectively;
- b) Shift the burden of proof unless specifically provided for in an Act;
- c) Be contrary to law, or conflict with a planning scheme in the municipal area;
- d) Restrict competition or have a significant impact on business, unless the outcome is justified in the public interest;
- e) Exempt a person from prosecution for nuisance under common law;
- f) Exempt a council from any liability; or
- g) Permit rates, charges, fees or fines to be set, altered or substituted other than by amending the by-law.

### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following "*Volume 1 – Mapping Our Direction*" goals have relevance to this issue: Part 1:

- 1.4 – Community Agendas;
- 4.5 – Built Heritage.

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### 4 POLICY IMPLICATIONS

Council does not currently have a formal policy dealing with the use and location of shipping containers, nor is this considered to be a matter that can be resolved by policy rather than regulation.

### 5 STATUTORY REQUIREMENTS

The introduction of a by-law is regulated by the *Local Government Act 1993*.

### 6 FINANCIAL IMPLICATIONS

The preparation and implementation of a by-law to regulate the use of shipping containers will require a relatively significant input of staff hours over the coming months plus a relatively minor cost for review by a legal practitioner.

The operation of the by-law will seek to be cost neutral with licence fees set to achieve nominal cost recovery. There will be initial costs associated with the identification and registration of all existing containers,

### 7 RISK ISSUES

It is noted that a by-law cannot be retrospective. Therefore, the benefits of the by-law will be somewhat diluted by the pre-existence of shipping containers in relatively prominent areas.

### 8 CONSULTATION WITH STATE GOVERNMENT

Not applicable at this time. Referral to the Director of Local Government and tabling in Parliament are stipulated in the Act.

### 9 COMMUNITY CONSULTATION

The Act recommends early consultation with stakeholder groups and requires formal consultation once certified by the Director of Local Government.

Effectively, the draft by-law is at stage three of the above process and stakeholder consultation is now required.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council may consider:

- Endorse the attached draft by-law for stakeholder consultation;
- Require the removal or addition of matters to be addressed by the by-law; or
- Elect not to pursue the by-law.

### 11 OFFICER'S COMMENTS/CONCLUSION

As detailed above, the preparation of a by-law is not a simple process.

In considering the need for a by-law, Council should have regard to the frequent comments made by local committees, expressing their concerns in regard to the visual impact of many shipping containers and their inappropriate and highly visible locations, often within, or close to, heritage precincts.

Added to this is consideration of recent regulatory changes:

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- The introduction of PD4 requiring many residential developments to be permitted, often without permit, means that in many cases an outbuilding – which could be a shipping container – must be viewed as part of the residential development and be likewise permitted, subject only to some very basic provisions.
- Changes to the Building Act 2000, increasing the size of exempt outbuildings to 18m<sup>2</sup> has made many shipping containers exempt from the need for building approval and noting further that the issue of building approval does not provide the opportunity to consider or address matters such as visual impact.

The effect of these changes is that, in many cases, Council has no opportunity to guide the placement of such shipping containers to protect streetscapes and the visual amenity for neighbours and visitors to the area. Given that Council will be unable to alter the mandatory State Planning Provisions, the only practical solution available is likely to be the introduction of a by-law.

Consistent with Council's direction at the June meeting, a draft by-law and draft RIS is attached for consideration prior to the commencement of stakeholder consultation.

### 12 ATTACHMENTS

Draft Placement of Shipping Containers By-Law

#### RECOMMENDATION 1

That the item be discussed.

#### RECOMMENDATION 2

That Council undertake initial consultation on the Draft Placement of Shipping Containers By-Law with key stakeholders and that a report be brought to a future meeting of Council.

#### DECISION

Cr

Cr

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## P&D 2 MAKING OF BY-LAW: ANIMAL MANAGEMENT BY-LAW

*Attachments: Section 1 – Page 113*

*Responsible Officer: Duncan Payton, Planning & Development Manager*  
*Report prepared by: Tammi Axton, Animal Control Officer*

### 1 PURPOSE OF REPORT

The purpose of this report is to discuss the potential for making a by-law to regulate and provide guidance for the keeping of animals within the municipal area of the Northern Midlands.

### 2 INTRODUCTION/BACKGROUND

Council receives numerous complaints on a regular basis relating to animals causing a nuisance either in the manner in which they are controlled or in the manner in which they are housed. Many complaints received from the community relate to certain types of animals which are generally not suited to an urban environment due to the close proximity of residences and denser population, such as roosters, horses, pigs etc.

The proposed introduction of this by-law is to provide some guidance and regulation in regard to where such animals can be kept, what measures might be taken to minimize the impact on neighbours, the introduction of a licence/permit for keeping certain animals in urban areas and penalties for offences and non-compliance.

However, the making of a by-law is not a simple process and is regulated by the Local Government Act 1993. Attached are the six Good Practice Guidelines, provided by the Local Government Division of the Department of Premier and Cabinet, to assist in the making of by-laws.

The following steps in the by-law process are identified in Guideline 2:

- 1) Consider the need for regulation, in the context of existing regulation, and with regard to the alternatives to making a by-law.
- 2) Prepare a draft by-law.
- 3) Undertake initial consultation on the by-law with key stakeholders. This may include inviting comments or submissions and holding meetings or workshops.;
- 4) Adjust the by-law to reflect comments received during the initial consultation process.
- 5) Council passes a formal resolution (by an absolute majority) of its intention to make a by-law. This can occur at any stage in the process up to this point. However, at this point the by-law consultation draft should be finalized and the council may wish to see it.
- 6) Council prepares a draft Regulatory Impact Statement (RIS) if required.
- 7) The RIS and by-law are referred to the Director of Local Government for consideration.
- 8) If satisfied that the RIS meets all statutory requirements, the Director will issue a certificate of approval to the council.
- 9) Council gives notice of the proposed by-law and carries out its public consultation.
- 10) Notice of the proposed by-law is advertised in print media.
- 11) Copies of the RIS and by-law are to be made available for public inspection/purchase, and displayed on the council's website, as required under Section 158 of the Act.
- 12) Submissions are invited from the community and key stakeholders. Section 159 of the Act requires that all submissions are to be considered by the council.
- 13) If required, alterations to the draft by-law are to be made only by an absolute majority. If the alteration substantially changes the purpose of the proposed by-law, or its effect on the public, the council will provide public notice.

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- 14) Council makes the by-law under its common seal.
- 15) The by-law is certified by a legal practitioner and the general manager of the council.
- 16) The by-law must be published in the *Tasmanian Government Gazette* within 21 days of being made by the council and be titled with reference to the municipal area, subject matter and the year in which it is made.
- 17) The general manager of the council is to make the by-law available and should put it on the council's website.
- 18) The by-law is submitted to the Subordinate Legislation Committee as required within seven working days of publication in the Gazette.
- 19) The by-law is tabled in parliament within 10 sitting days of publication in the Gazette, as required under Section 47 of the *Acts Interpretation Act 1931*.
- 20) Council sends the Director of Local Government a sealed copy of the by-law, the certifications under Section 162 of the Act and a statement explaining:
  - The purpose and effect of the by-law
  - The outcomes of public consultations in respect of the by-law

A by-law cannot:

- a) Apply retrospectively;
- b) Shift the burden of proof unless specifically provided for in an Act;
- c) Be contrary to law, or conflict with a planning scheme in the municipal area;
- d) Restrict competition or have a significant impact on business, unless the outcome is justified in the public interest;
- e) Exempt a person from prosecution for nuisance under common law;
- f) Exempt a council from any liability; or
- g) Permit rates, charges, fees or fines to be set, altered or substituted other than by amending the by-law.

## 4 POLICY IMPLICATIONS

Council does not currently have a formal policy dealing with the keeping of animals in urban areas. nor is this considered to be a matter that can be resolved by policy rather than regulation.

## 5 STATUTORY REQUIREMENTS

The introduction of a by-law is regulated by the *Local Government Act 1993*.

## 6 FINANCIAL IMPLICATIONS

The preparation and implementation of a by-law to regulate Animal Management will require a relatively significant input of staff hours over the coming months plus a relatively minor cost for review by a legal practitioner.

## 7 CONSULTATION WITH STATE GOVERNMENT

Not applicable at this time. Referral to the Director of Local Government and tabling in Parliament are stipulated in the Act.

## 8 COMMUNITY CONSULTATION

The Act recommends early consultation with stakeholder groups and requires formal consultation once certified by the Director of Local Government.

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### 9 OPTIONS FOR COUNCIL TO CONSIDER

Council may consider:

- Endorse the proposed draft by-law based on the outline discussed below;
- Require the removal or addition of matters to be addressed by the by-law; or
- Elect not to pursue the by-law.

### 11 OFFICER'S COMMENTS/CONCLUSION

As detailed above, the preparation of a by-law is not a simple process.

In considering the need for a by-law, Council should have regard to the frequent complaints received regarding animals in urban areas and the impact the keeping of animals has on neighbours.

The only practical solution available is likely to be the introduction of a by-law.

It is proposed that Council consider a by-law that would:

- Regulate the keeping of animals in urban areas throughout the Northern Midlands but would exempt farm land and larger low density areas.
- Require the issue of a licence/permit for keeping certain types of animals.
- Require licences to be renewed annually;
- Provide for applications to be on a prescribed form;
- Provide the ability to refuse the issue of a licence based on size of property, number of animals to be kept and the way in which animals are to be housed.
- Establish penalties for offences.

### 12 ATTACHMENTS

12.1 Draft Animal Management By-Law

#### RECOMMENDATION 1

That the matter be discussed.

#### RECOMMENDATION 2

That Council undertake initial consultation on the Draft Animal Management By-Law with key stakeholders and that a report be brought to a future meeting of Council.

#### DECISION

Cr

Cr

# AGENDA – ORDINARY MEETING

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## P&D 3 TRUCKS PARKING ON RESIDENTIAL PROPERTIES

Responsible Officer: Duncan Payton, Planning & Development Manager

Report prepared by: Duncan Payton, Planning & Development Manager

### 1 PURPOSE OF REPORT

The purpose of this report is to provide Council with advice in regard to the parking of trucks and other unregistered vehicles on residential land.

### 2 INTRODUCTION/BACKGROUND

Recently, Councillors have expressed concern in regard to the parking of trucks, commercial vehicles and indeed multiple unregistered vehicles on land within the residential areas of our towns.

Whilst the Road Rules 2009, at section 200, provide a limit of one hour (unless dropping off or picking up goods) for heavy or long (over 7.5m) vehicles to stop on a length of road within a built up area, there is no rule or regulation dealing with the parking of vehicles on private residential land.

Advice on this was sought from Council's solicitor, Mr McElwaine in July 2016. Mr McElwaine advised:

*There is no quantitative limit which is determinative of the question whether the parking of registered or unregistered vehicles at a residential property constitutes a separate use. By separate use I mean that which is beyond the incidental residential use of the property. This question is only able to be answered upon the facts and circumstances of individual cases.*

In essence, Mr McElwaine advises that each instance of the parking of vehicles on private residential land must be assessed on its own merits.

In most cases, it is likely that the parking of such vehicles will be considered as an incidental function of the residential use of the property.

However, in cases where it is determined that the parking of such vehicles is not incidental to the residential use, it becomes necessary to classify the use in accordance with the planning scheme. Such classification may result in a use class that requires further approval or may be prohibited in the zone. In such cases, Council can seek to take action in accordance with the provisions of the *Land Use Planning and Approvals Act 1993*.

As Mr McElwaine points out, the issue with this is that in many cases this will be simply a matter of opinion and degree and there is no certainty that a magistrate would agree with Council's assessment of the use as other than incidental to the principal residential use of the land.

Council could determine that such parking of vehicles, particularly numerous dilapidated and unregistered vehicles, may be a nuisance (i.e. constitutes an unsightly article or rubbish) under the *Local Government Act 1993*. Similarly, this is a matter of opinion and arguable "beauty is in the eye of the beholder". As such, individual cases should be considered on their own merits and in situations where Council is certain – as far as reasonably practicable – that a nuisance exists, the matter could be referred to our solicitors to commence proceedings. The outcome of such action is then a matter for the courts.

### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 provides the guidelines within which Council operates. The following "Volume 1 – Mapping Our Direction" goals have relevance to this issue: Part 1:

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- 4.3 Development Control

### 4 POLICY IMPLICATIONS

Council does not have an applicable policy at this time. However, development of such a policy may be able to provide some guidelines to assist in encouraging a reduction in unsightly collections.

### 5 STATUTORY REQUIREMENTS

Use and development of land is regulated by the *Land Use Planning and Approvals Act 1993* which is given effect through the Northern Midlands Interim Planning Scheme 2013.

Matters of nuisance are provided for under the *Local Government Act 1993*.

### 6 FINANCIAL IMPLICATIONS

Following up and investigating complaints in regard to the parking of heavy, commercial or dilapidated vehicles on residential or other land is an expense to council through the use of limited staff resources and at times referral for legal advice or action.

### 7 RISK ISSUES

Risk issues identified:

- There is potential for a lowering of community respect for Council when sites continue to be used in a manner considered unacceptable by the community.
- There is potential for the creation of ill will in the community when taking people to task over what they may consider little more than a hobby or an irrelevant matter.
- There is potential for dissatisfaction as time lines for other work will increase as resources are redirected to this.

### 8 CONSULTATION WITH STATE GOVERNMENT

There is no specific discussion with the State Government at this time. However, a legislative response to the number and type of vehicles allowed on land would assist in resolution of this issue.

### 9 COMMUNITY CONSULTATION

No specific community consultation has been undertaken at this time. However, it is noted that awareness of individual sites is usually raised by members of the community in the first instance.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council may choose to ignore the matter or consider potential courses of action such as:

- Lobby State Government to provide a solution;
- Raise the matter with LGAT to lobby on Council's behalf; or
- Commit resources to test some cases through the courts.

### 11 OFFICER'S COMMENTS/CONCLUSION

The issue of vehicles stored or parked on land, as discussed above, is a particularly grey area and one that is likely to raise the ire of many residents if action is taken.

Because of the emotional nature and the uncertainty of being able to take any effective action, Council officers normally seek to discuss concerns with participants and seek a cooperative outcome.

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For any effective and efficient resolution, it is likely that some legislative support is needed.

### 12 ATTACHMENTS

Nil.

### RECOMMENDATION 1

That the matter be discussed.

### DECISION

Cr

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### **P&D 4      LAUNCESTON GATEWAY PRECINCT MASTER PLAN – FINAL REPORT DEMAND ANALYSIS**

*Responsible Officer:*      *Des Jennings, General Manager*

*Report prepared by:*      *Duncan Payton, Planning & Development Manager*

#### **1      PURPOSE OF REPORT**

The purpose of this report is to provide Council with an update of the status of the Gateway Precinct Master Plan project.

#### **2      INTRODUCTION/BACKGROUND**

In early 2015 the General Manager, Des Jennings, established a Management Committee to advance a project of regional and State significance. Specifically, this project was the future master planning of the TRANSLink precinct, recognised as the industrial and logistics jewel in the crown of Northern Tasmania.

The Committee incorporated senior representatives from:

- Northern Midlands Council;
- Meander Valley Council;
- Launceston City Council;
- Launceston Airport;
- Department of State Growth;
- Tourism Tasmania
- Tasmania Irrigation;
- Tas Rail;
- Tas Ports;
- Regional Development Australia; and
- Northern Tasmania Development.

The potential scope of the project rapidly grew to include regional and State wide logistics assets of the Launceston Airport and Tas Rail's Western Junction and the project became a master plan for the Gateway Precinct.

Acknowledging that a master plan of this magnitude will have a significant cost, it was agreed by the stakeholders that, as a first stage, it would be necessary and prudent to commission a demand analysis to determine whether or not it was realistic to commit to the broader project.

To this end, a brief was prepared (see attachments) for a demand analysis and expressions of interest sought. Three proposals were received from:

- Hill PDA;
- SGS Economics and Planning;
- GHD.

SGS Economics and Planning were the successful tenderer.

#### **3      STRATEGIC PLAN 2007/2017**

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following "Volume 1 – Mapping Our Direction" goals have relevance to this issue: Part 1:

- 4.3      Development Control

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- 4.4 Planning Practice

### 4 POLICY IMPLICATIONS

None applicable.

### 5 STATUTORY REQUIREMENTS

Use and development of land is regulated by the *Land Use Planning and Approvals Act 1993* which is given effect through the Northern Midlands Interim Planning Scheme 2013. The Launceston Airport is on Commonwealth land and is not subject to the Interim Planning Scheme. However, it is governed by Commonwealth legislation and its statutory Master Plan.

Tas Rail, Tas Ports and Tasmania Irrigation all have their own specific governance regimes.

### 6 FINANCIAL IMPLICATIONS

Whilst the total cost of the Gateway Master Plan Project is expected to be substantial, the stakeholders have indicated willingness to contribute, some having already made firm commitments.

Notwithstanding the commitment of others, it was determined that Council cover the cost of Stage 1 the Demand Analysis and save funding calls upon the other stakeholders for the more expensive Master Plan component.

### 7 RISK ISSUES

Risk issues identified:

- Council does not have a clearly defined and articulated master plan that is supported by stakeholders and meets the optimal future requirements of the Launceston Airport.
- A series of priority projects and key initiatives are not identified.
- No coordinated plan for the sustainable consolidation of TRANSlink precinct as Tasmania's preeminent logistics precinct within the broader Gateway precinct linking air and rail access to the national highway network.

### 8 CONSULTATION WITH STATE GOVERNMENT

There is ongoing consultation with State Government at senior management and Ministerial levels.

### 9 COMMUNITY CONSULTATION

SGS Economics and Planning undertook community and stakeholder consultation during the preparation of the Demand Analysis report.

Further community consultation will be included within further stages of the Gateway Precinct Master Planning project as it proceeds.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council is asked to note the Demand Analysis report and to endorse the continued participation in the broader project.

Alternatively, Council may wish to make specific comment on the report prior to its consideration by the Management Committee or to withdraw from further participation.

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### 11 OFFICER'S COMMENTS/CONCLUSION

Councillors have been provided a copy of the final report by SGS Economics and Planning. This report will be considered by the Management Committee at its meeting on Thursday 01 September 2016.

Recommendations arising from the Committee meeting will be reported back to Council.

### 12 ATTACHMENTS

Nil.

### RECOMMENDATION 1

That the item be noted.

### DECISION

Cr

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## P&D 5 RENEWAL PROCESS: KENNEL LICENCES

*Responsible Officer:* Duncan Payton, Planning & Development Manager

*Report prepared by:* Tammi Axton, Animal Control Officer and Duncan Payton, Planning & Development Manager

### 1 PURPOSE OF REPORT

The purpose of this report is to advise Council that, during the kennel licence renewal process, it has come to light that a number of approved kennels are currently keeping a greater number of dogs than specified in their licences and are in breach of the *Dog Control Act 2000*.

### 2 INTRODUCTION/BACKGROUND

The following provisions of the *Dog Control Act 2000* are relevant:

- s.50 A person, without a licence, must not keep or allow to be kept on any premises –*
  - (a) more than 2 dogs over the age of 6 months; ...*
- s.51(3) ... an applicant, by public notice, must notify –*
  - (a) the intention to apply for a licence; and*
  - (b) the address and details of the premises and the number and breed of dogs to which the application relates.*
- s. 55(2) A general manager is to issue a licence specifying –*
  - (a) the maximum number of dogs that can be kept of the premises; and*
  - (b) the breed and kind of dog to which it applies; ...*
- s.55(4) A person must not keep more than the maximum number of dogs specified in the licence.*  
*Penalty. Fine not exceeding 5 penalty units.*
- s.57(2) A general manager may refuse to renew a licence if of the opinion that –*
  - (a) the provisions of this Act or any other relevant Act are not being complied with; ...*
- s.58(1) A general manager may refuse to renew a licence if of the opinion that –*
  - (a) the provisions of this Act or any other relevant Act are not being complied with; ...*

During the current renewal process, Council has received a number of applications to renew licences where the number of dogs being kept has been increased.

There is no provision in the Act for such a variation to be made and the keeping of a greater number of dogs than that specified in the licence is an offence.

Notwithstanding this, some licence holders have suggested that they had been previously advised that an amendment to increase the number of dogs on a kennel licence was allowable.

This report suggests an amnesty period to allow all kennel licence holders, who have increased the number of dogs at their premises, to undertake the required public notification and make application for a new licence. Alternatively, they may wish to reduce the number of dogs to accord with their licence.

### 3 STRATEGIC PLAN 2007/2017

The Strategic Plan 2007/2017 (2012/2013 Revision) provides the guidelines within which Council operates. The following “Volume 1 – Mapping Our Direction” goals have relevance to this issue: Part 1:

- 1.10 – Customer Service;
- 4.3 – Development Control.

### 4 POLICY IMPLICATIONS

There are no policy implications.

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### 5 STATUTORY REQUIREMENTS

The issue and renewal of kennel licences is regulated by the Dog Control Act 2000, specifically the provisions listed above.

### 6 FINANCIAL IMPLICATIONS

Applicants for a kennel licence are required by the legislation to place an advertisement in the newspaper. This usually costs the applicant some \$200.00.

Additionally, there is an application fee of \$69.00, payable to Council.

Council officers assess the application and any comments received in response to the exhibition.

### 7 RISK ISSUES

Increases in the number of dogs, beyond that advised to the neighbours and approved by licence, without further public notification could lead to increased neighbourhood conflict and a negative impact on community satisfaction and trust in Council.

### 8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

### 9 COMMUNITY CONSULTATION

The Act requires that applications for kennel licences be placed on public exhibition and that such exhibition clearly indicate the number and breed of dogs proposed to be kept. Whilst renewal of a licence does not require exhibition, the Act makes no provision for amendment to a licence beyond transfer to another individual at the same location.

An increase in the number of dogs therefore requires a new licence and the exhibition provisions will apply.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council may consider:

- i) Take action and issue infringement notices to all kennel licence holders in breach of their licence conditions;
- ii) Offer an amnesty period in which all kennel licence holders may ensure they are in compliance with their licence conditions;
- iii) Offer an amnesty period and assist with the notification requirement through a single coordinated public notice.

### 11 OFFICER'S COMMENTS/CONCLUSION

Clearly, Council cannot condone the keeping of dogs in excess of the number provided for in licences.

However, given the likelihood that some licence holders have increased their numbers based on incorrect advice, it would not be equitable for Council to issue infringement notices at this time.

Consequently, the offer of an amnesty period to enable kennel licence holders to either reduce their dog numbers or seek a new licence seems reasonable. Equally, the major cost in the process is the requirement

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for a public notice in the newspaper.

On the basis that there is likely to be a number, albeit relatively small, of licence holders needing to place such an advertisement, the cost burden could be reduced by Council coordinating the process and consolidating all notices into a single advertisement. Such reduced unit cost could then be levied against the individual applicants.

It is proposed that Council officers contact all kennel licence holders to reinforce the need to comply with licence provisions and offer an amnesty from infringement action for three months plus the cost saving measure of consolidated public notification to be coordinated by Council.

### 12 ATTACHMENTS

N/a

### RECOMMENDATION

That Council officers contact all kennel licence holders to reinforce the need to comply with licence provisions and offer an amnesty from infringement action for three months plus the cost saving measure of consolidated public notification to be coordinated by Council.

### DECISION

Cr

Cr

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### PUBLIC QUESTIONS & STATEMENTS

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

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

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

### 1 PUBLIC QUESTIONS

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### COUNCIL ACTING AS A PLANNING AUTHORITY

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

#### DECISION

Cr

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda item PLAN 1 - 4.

### 2 STATEMENTS

|        |                                                                      |
|--------|----------------------------------------------------------------------|
| PLAN 1 | P16-130: 12 Badajos Street, ROSS                                     |
| PLAN 2 | P16-105: 437 Woolmers Lane, LONGFORD                                 |
| PLAN 3 | P16-119: 75 Wellington Street, LONGFORD                              |
| PLAN 4 | P16-137: 1397 Bishopsbourne Road & 2060 Maitland Road, BISHOPSBOURNE |

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### PLAN 1 PLANNING APPLICATION P16-130 12 BADAJOS STREET, ROSS

*Attachments: Section 1 – Page 130*

*Responsible Officer:* Duncan Payton, Planning & Development Manager  
*Report prepared by:* Melissa Cunningham, Planner  
*File Number:* 400300.13 CT7643/1

#### 1 INTRODUCTION

This report assesses an application for 12 Badajos Street, Ross to construct a carport with an attached shed at the rear of the carport.

#### 2 BACKGROUND

**Applicant:**

WP & PV Bewg

**Zone:**

Local Business

**Classification under the Scheme:**

Residential (Single Dwelling)

**Deemed Approval Date:**

25.7.16

**Owner:**

WP & PV Bewg

**Codes:**

Heritage precinct

**Existing Use:**

Dwelling

**Recommendation:**

Approve

#### Discretionary Aspects of the Application

- Heritage precinct
- Development standards (eastern side setback)

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013*

#### Preliminary Discussion

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

#### 3 STATUTORY REQUIREMENTS

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

#### 4 ASSESSMENT

##### 4.1 Proposal

It is proposed to construct a skillion roof carport (7.7m x 3.6m x 3.3m apex) with an attached shed at the rear (5m x 3.6m x 3.3m apex).

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Figure 1 – Site Plan

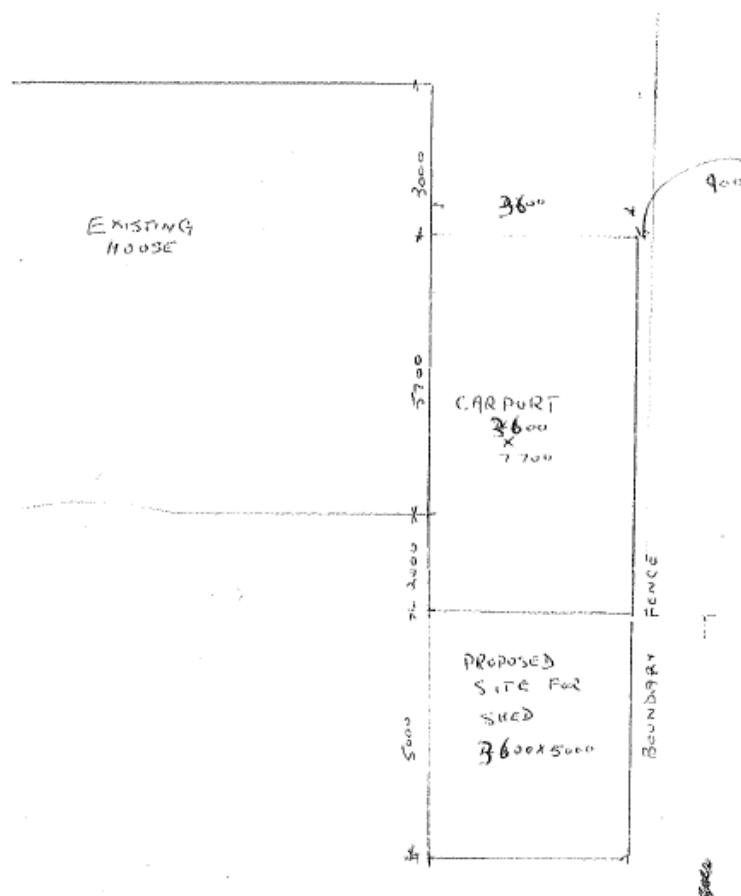
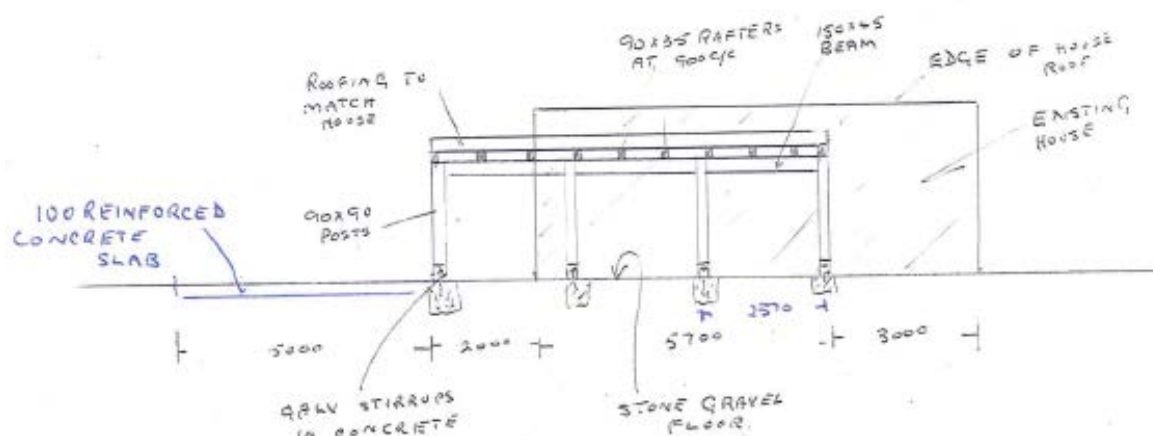
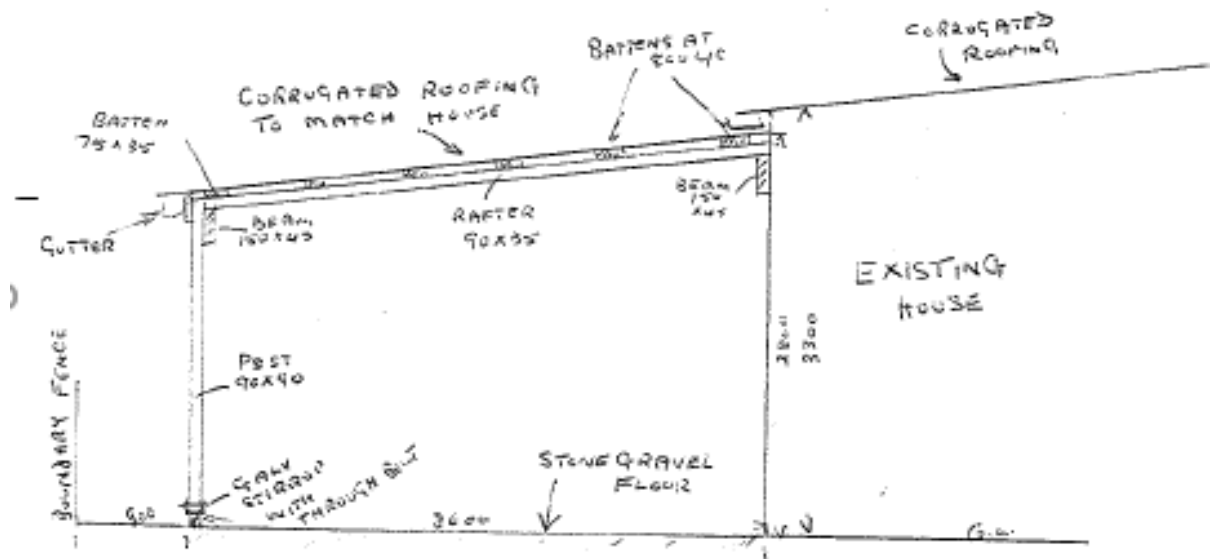


Figure 2 – Elevations



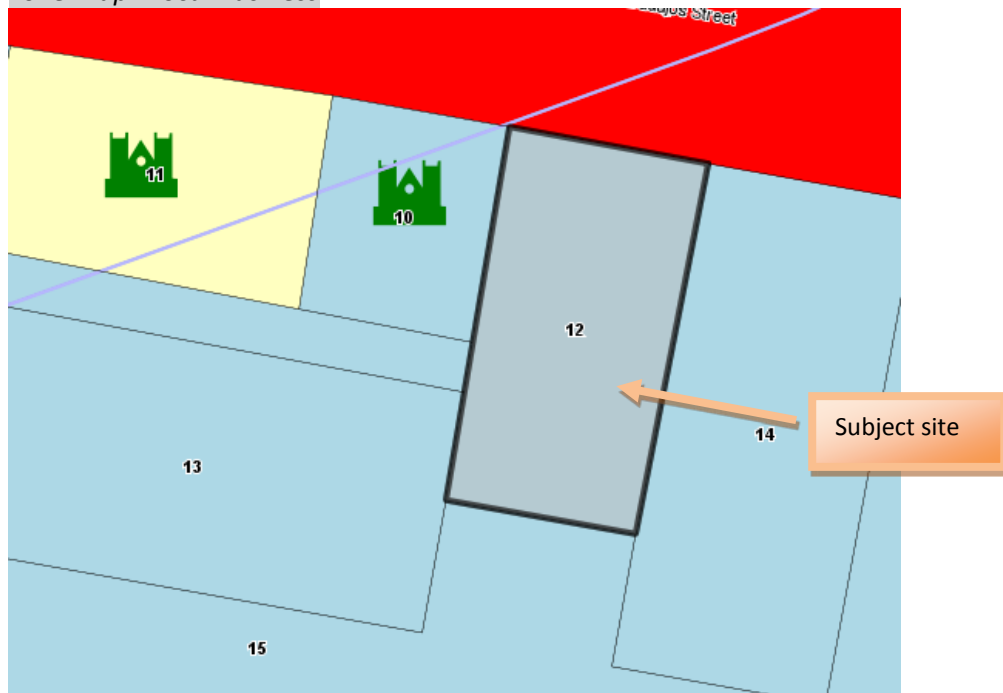
# AGENDA – ORDINARY MEETING

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## 4.2 Zone and land use

Zone Map –Local Business



The land is zoned Local Business, and is within the Heritage precinct. The relevant Planning Scheme definition is:

|                 |                                                                                                                                                            |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| single dwelling | means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated. |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|

Residential (Single Dwelling) is Discretionary in the zone. However, under Clause 9.2.1 of the Planning Scheme, the use becomes permitted as it is not establishing a new use or substantially increasing the use.

## 9.2 Development for Existing Discretionary Uses

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9.2.1 Notwithstanding clause 8.8.1, proposals for development (excluding subdivision), associated with a use class specified in an applicable Use Table, as a discretionary use, must be considered as if that use class had permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the use.

### 4.3 Subject site and locality

The author of this report carried out a site visit on 12 June 2016. The subject site is located towards the northern end of the Ross township and contains a 1960s, imitation-weatherboard dwelling, which has a low-pitched, hipped roof. The dwelling is situated amidst some significant heritage-listed buildings and is located in a wide, tree-lined street. The property to the west is a heritage-listed c.1890 stone dwelling (previously the Anglican Rectory), and the property to the east is a c.1954 weatherboard dwelling. The property across the road contains a c.1940 weatherboard dwelling and a stacked-stone store building. Further to the west, on the corner of Badajos and Church Streets is the St John's Anglican Church.

The dwelling has roughly the same setback as the neighbouring property to the east, but is well set back compared to the old rectory buildings, which sit on the front boundary. The rectory and church are the main focus point of the area, due to their design, location and stonework. A power pole is located within the proposed crossover location for the drive. The power pole was proposed to be relocated to align with the property boundary on 27 July 2016, but it was still not removed on 28 July 2016. A new crossover apron will need to be installed for the development.

*Aerial photograph of area*



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*Photographs of subject site*



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*View to the west from neighbouring property*



#### 4.4 Permit/site history

Relevant permit history includes:

- Dwelling constructed in 1960s
- Current owners purchased property in 2015
- P16-130 – Carport & shed (current application)

#### 4.5 Representations

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

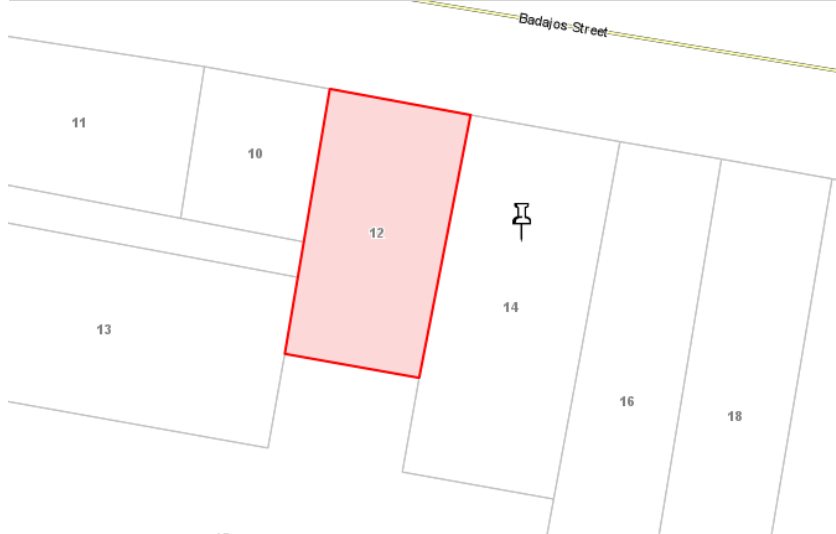
- C Williamson, 14 Badajos St, Ross

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



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

### **Issue 1**

- Lack of notification time

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

The application was advertised in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A site notice was placed on the property boundary, the application was advertised in the Examiner and neighbouring property owners/occupiers were notified.

### **Issue 2**

- Height of the shed and loss of views

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

The proposed carport and shed has an eaves height of 2.5m and an apex height of 3.3m. The existing boundary fence is 1.8m high; therefore, the eaves will protrude approximately 0.7m above the boundary fence. The neighbouring property owner was also concerned with the overshadowing from the proposed development; the specific requirement for overshadowing is covered in the building height provisions, which it meets the acceptable solution. There are no provisions within the Local Business zone that specifically restrict overshadowing as is the case in other zones; therefore, the application cannot be refused based on overshadowing.

The proposed extension does not meet the acceptable solutions for the side setback, as it is reducing the existing setback. Therefore, it relies on the performance criteria, with which it complies. The Local Business zone provisions do not have a mechanism for the protection or sharing of views between properties.

### **Issue 3**

- Cottage only moved there in last four years, temporary unsuitable structure not suitable to being located within a heritage precinct and to fix it up is becoming one mistake after another. The original carport has been redesigned, the driveway moved and it appears cold to past tenants and present tenants and owners.

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

The past and present ownership and tenancing of the property is not a valid planning concern.

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The dwelling was moved to the property in the 1960s, in the time of the Ross Council. The heritage protection provisions came into force after the Northern Midlands Council was created in 1993. Council has no retrospective legislation to make the dwelling comply to today's heritage standards, as it has existing-use rights.

## 4.6 Referrals

The only referrals required were:

### Heritage Adviser

Mr Denman's review is included as an attachment to this report.

### Local District Committee

At the time of writing this report, no comment had been received (No meeting held in July).

## 4.7 Planning Scheme Assessment

| LOCAL BUSINESS ZONE                                     |                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ZONE PURPOSE                                            |                                                                                                                                                                                                                                                                                                                                                                                     |
| 20.1.1.1                                                | <i>To provide for business, professional and retail services which meet the convenience needs of a local area.</i>                                                                                                                                                                                                                                                                  |
| 20.1.1.2                                                | <i>To limit use and development that would have the effect of elevating a centre to a higher level in the retail and business hierarchy. Limits are imposed on the sizes of premises to ensure that the established hierarchy is not distorted.</i>                                                                                                                                 |
| 20.1.1.3                                                | <i>To maintain or improve the function, character, appearance and distinctive qualities of each of the identified local business centres of Avoca, Cressy, Evandale and Ross and to ensure that the design of development is sympathetic to the setting and compatible with the character of each of the local business centres in terms of building scale, height and density.</i> |
| 20.1.1.4                                                | <i>To minimise conflict between adjoining commercial and residential activities.</i>                                                                                                                                                                                                                                                                                                |
| 20.1.1.5                                                | <i>To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.</i>                                                                                                                                                                                                                                       |
| 20.1.1.6                                                | <i>To provide for community interaction by encouraging developments such as cafes, restaurants, parks and community meeting places.</i>                                                                                                                                                                                                                                             |
| <b>Assessment:</b> The proposal meets the zone purpose. |                                                                                                                                                                                                                                                                                                                                                                                     |

| LOCAL AREA OBJECTIVES                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>To consolidate growth within the existing urban land use framework of Avoca, Cressy, Evandale, and Ross. In Evandale and Ross to manage development in the Local business zone so as to conserve and enhance the quality of the Heritage Precincts in these villages.</i> |
| <i>To ensure developments within street reservations contribute positively to the Heritage Precincts.</i>                                                                                                                                                                    |
| <b>Assessment:</b> The proposal meets the local area objectives.                                                                                                                                                                                                             |

## 20.3 USE STANDARDS

### 20.3.1 Amenity

Objective: To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.

| Acceptable Solutions                                                                                                                    | Performance Criteria                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday. | P1 Commercial vehicles (except for visitor accommodation and recreation) must not unreasonably impact on the amenity of any adjoining General Residential and Urban Mixed Use zones, having regard to:<br>a) traffic, the hours of delivery and despatch of goods and materials; and<br>b) hours of operation; and<br>c) light spill. |

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|                                                                                                                                                                                                                                                            |                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| A2.1 Noise levels at the boundary of the site with any adjoining land must not exceed:<br>a) 50dB(A) day time; and<br>b) 40dB(A) night time; and<br>A2.2 Noise levels in habitable rooms of nearby sensitive uses must not exceed 5dB(A) above background. | <del>P2 Noise must not cause unreasonable loss of amenity to nearby sensitive uses.</del> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|

**Comment:** The proposal will not cause the loss of amenity to neighbouring properties, the proposal is for a carport and a shed to be used in conjunction with the dwelling.

### 20.4 DEVELOPMENT STANDARDS

#### 20.4.1 Siting, Design and Built Form

| Objective: To ensure that development is visually compatible with surrounding area.                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                                                | Performance Criteria                                                                                                                                                                                                                                                                                                                                                      |
| <del>A1 The entrance of a building must:<br/>a) be clearly visible from the road or publically accessible areas on the site; and<br/>b) provide a safe access for pedestrians.</del>                | <del>P1 No performance criteria.</del>                                                                                                                                                                                                                                                                                                                                    |
| A2 Building height must not exceed:<br>a) 8m; or<br>b) 1m greater than the average of the heights of buildings on immediately adjoining lots.                                                       | P2 Building height must:<br>a) be consistent with the local area objectives if any, and<br>b) have regard to the streetscape and the desirability of a greater setback for upper floors from the frontage; and<br>c) avoid unreasonable levels of overshadowing to public places or adjoining properties.                                                                 |
| A3.1 Buildings must be:<br>the same as or less than the setback of an immediately adjoining building.<br>A3.2 Extensions or alterations to existing buildings must not reduce the existing setback. | P3 Building setbacks must:<br>a) provide for enhanced levels of public interaction or public activity; and<br>b) ensure the efficient use of the site; and<br>c) be consistent with the established setbacks within the immediate area and the same zone; and<br>d) be consistent with the local area objectives, if any; and<br>e) provide for emergency vehicle access. |

**Comment:** The proposed building is 3.3m high and complies with the acceptable solution for building height. As the proposed extension reduces the existing building setback to the eastern boundary, it relies on the performance criteria.

*P3 a) provide for enhanced levels of public interaction or public activity.*

The proposed use is for residential (private) use.

*P3 b) ensure the efficient use of the site*

The variation to the setback allows the site to be further developed for an existing use.

*P3 c) be consistent with the established setbacks within the immediate area and the same zone*

The proposed setback to the boundary is in keeping with other dwellings in the street. Properties in the immediate area at 10, 16 and 18 Badajos Street all have buildings set back to at least one boundary.

*P3 d) be consistent with the local area objectives, if any*

The proposal complies with the local area objectives.

*P3 e) provide for emergency vehicle access.*

Emergency vehicles can access the front of the property.

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### 20.4.2 Subdivision – Not applicable

| CODES                                           |                                              |
|-------------------------------------------------|----------------------------------------------|
| E1.0 BUSHFIRE PRONE AREAS CODE                  | N/a                                          |
| E2.0 POTENTIALLY CONTAMINATED LAND              | N/a                                          |
| E3.0 LANDSLIP CODE                              | N/a                                          |
| E4.0 ROAD AND RAILWAY ASSETS CODE               | Complies – no changes                        |
| E5.0 FLOOD PRONE AREAS CODE                     | N/a                                          |
| E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE | Complies – no changes                        |
| E7.0 SCENIC MANAGEMENT CODE                     | N/a                                          |
| E8.0 BIODIVERSITY CODE                          | N/a                                          |
| E9.0 WATER QUALITY CODE                         | N/a                                          |
| E10.0 RECREATION AND OPEN SPACE CODE            | N/a                                          |
| E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE  | N/a                                          |
| E12.0 AIRPORTS IMPACT MANAGEMENT CODE           | N/a                                          |
| E13.0 LOCAL HISTORIC HERITAGE CODE              | Complies - See Heritage Adviser's assessment |
| E14.0 COASTAL CODE                              | N/a                                          |
| E15.0 SIGNS CODE                                | N/a                                          |

### E4.0 ROAD AND RAILWAY ASSETS CODE

#### E4.6 Use Standards

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

Objective: To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

| Acceptable Solutions                                                                                                                                                                                                                                                                | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%. | P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day                                                                                                                                        | P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.                                                                                                | P3 For limited access roads and roads with a speed limit of more than 60km/h:<br>a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and<br>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and<br>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users. |

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## E4.7 Development Standards

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

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

| Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                             | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit. | P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.                                                                   | <p>P2 For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p> |

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

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

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

**Comment:** A new gravel apron is required to be constructed by the owner to allow access to the property and carport. Currently a power pole is located where the driveway and is required to be removed. Appropriate conditions have been placed upon the permit.

| SPECIFIC AREA PLANS                        |                                              |
|--------------------------------------------|----------------------------------------------|
| F1.0 TRANSLINK SPECIFIC AREA PLAN          | N/a                                          |
| F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN | Complies - See Heritage Adviser's assessment |

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| SPECIAL PROVISIONS                                                                                        |         |
|-----------------------------------------------------------------------------------------------------------|---------|
| 9.1 Changes to an Existing Non-conforming Use                                                             | N/a     |
| 9.2 Development for Existing Discretionary Uses                                                           | Applies |
| 9.3 Adjustment of a Boundary                                                                              | N/a     |
| 9.4 Demolition                                                                                            | N/a     |
| 9.5 Subdivision                                                                                           | N/a     |
| STATE POLICIES                                                                                            |         |
| The proposal is consistent with all State Policies.                                                       |         |
| OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993                                                      |         |
| The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> . |         |
| STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES                                                               |         |
| <b><i>Strategic Plan 2007-2017</i></b><br><i>4.3 – Development Control</i>                                |         |

### 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

### 6 OPTIONS

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

### 7 DISCUSSION

In determining the application, the Planning Authority can only take into account the applicable standards and requirements under the Planning Scheme, any valid representations; but only insofar as each such matter is relevant to the particular discretion being exercised. The Planning Authority must have regard to the purpose of the applicable zone, codes and specific area plan. As the proposed use becomes permitted under clause 9.2.1, the application cannot be refused on this ground. Therefore, discretion to refuse the application is limited to the variation to the side setback and any potential impacts that the development has on the heritage precinct.

The proposed setback to the eastern boundary meets the performance criteria of the Scheme, as it is an efficient use of the site, it is consistent with established setbacks within the area, consistent with local area objectives and access for emergency vehicles to the site is still available.

The proposal also meets the requirements of the Heritage Code and Heritage Precincts Specific Area Plan. The carport roof has the same pitch as the dwelling, it is set back 3m from the front of the dwelling and proposed colours are to match the dwelling. The shed is to be located at the rear of the carport and will blend into the background. Overall, the proposed development will not be a dominant feature of the site, nor will it impact on the streetscape.

Conditions that relate to any aspect of the application can be placed on a permit. A condition is required to be placed upon the permit to ensure that the existing power pole is removed out of the crossover apron to the property.

### 8 ATTACHMENTS

A Application & plans, correspondence with applicant

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



- B Representation
- C Heritage Adviser's review

### RECOMMENDATION

That land at 12 Badajos Street, Ross be approved to be developed and used for a carport & shed, in accordance with application P16-130, and subject to the following condition:

#### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P4** (*Hand drawn plans, Sheet No's: Site plan, Profile front of house & carport & shed, East aspect, West & south aspect*) and **D1** (*Planning submission - 3 pages*).

#### 2 Access

- a) Prior to commencement of use, a gravel apron shall be constructed from the edge of Badajos Street to the property boundary in accordance with Council standards.
- b) Prior to commencement of any works, a vehicular crossing application form shall be completed and approved by Council

#### 3 Power pole removal from access

- a) Prior to the application for a building permit, written approval from the relevant authority is required for the consent for the power pole to be relocated out of the access way.
- b) Prior to commencement of use, the power pole is to be removed out of the access way.

### DECISION

Cr

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## 15 AUGUST 2016



### PLAN 2 PLANNING APPLICATION P16-105 437 WOOLMERS LANE, LONGFORD

*Attachments: Section 1 – Page 156*

*Responsible Officer: Duncan Payton, Planning & Development Manager*  
*Report prepared by: Paul Godier, Senior Planner*  
*File Number: 114300.06 CT105810/1*

#### 1 INTRODUCTION

This report assesses an application for 437 Woolmers Lane, Longford to landfarm 512m<sup>3</sup> of soil containing hydrocarbons and metals. Landfarming is a recognised method of reducing the concentration of hydrocarbons in contaminated soil (see attached EPA Bulletin).

The applicant advises that:

- The contaminated soil was generated from two pits that were excavated at 6 Union Street, Longford during the initial response to the February 2012 tyre fire. The pits were excavated by local fire authorities to create a pond, used to 'dunk' burning tyres as an effective means to extinguish the fire.
- The soil was transported to a farm at Carrick for storage soon after excavation. The soil was windrowed at the Carrick site and aerated to assist remediation.
- The soil was separated from the tyres and tyre wire in February/March 2016 by sieving the stockpiles through a skeleton bucket with a 40 mm aperture.
- This land farming application is necessary because the current storage agreement has ended and a long term remediation option is required.
- It is proposed to grow Victorian Ryegrass in the contaminated soil and undertake annual slashing to encourage decomposition and bio consumption of the hydrocarbons.
- The grass will be slashed annually and all slashed material will be left to decompose with the repetition of this process continuing the consumption of the hydrocarbons. The decomposition process occurs because bugs populate and break down the slashings, then breakdown the soils – this is what will consume the hydrocarbons.

#### 2 BACKGROUND

**Applicant:**  
Tyre Recycle Tasmania

**Zone:**  
Rural Resource

**Classification under the Scheme:**  
Recycling and waste disposal

**Deemed Approval Date:**  
9/8/16 (Extension of time requested until 19 August but not received)

**Owner:**  
K Gatenby

**Codes:**  
Carparking code

**Existing Use:**  
Farm land

**Recommendation:**  
Approve/Refuse

#### **Discretionary Aspects of the Application**

- Recycling and waste disposal in Rural Resource zone.
- Reduction in required number of car parking spaces.

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**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013*

### **Preliminary Discussion**

Prior to submission of the application, the applicant held discussions with Council officers regarding the need for a planning permit for the use and development.

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

**Figure 1 – subject site**



### **3 STATUTORY REQUIREMENTS**

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

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

### **4 ASSESSMENT**

#### **4.1 Proposal**

It is proposed to:

- Landfarm 512m<sup>3</sup> of soil on agricultural property (level 1 activity under EMPCA).

**Figure 2 – Location plan**

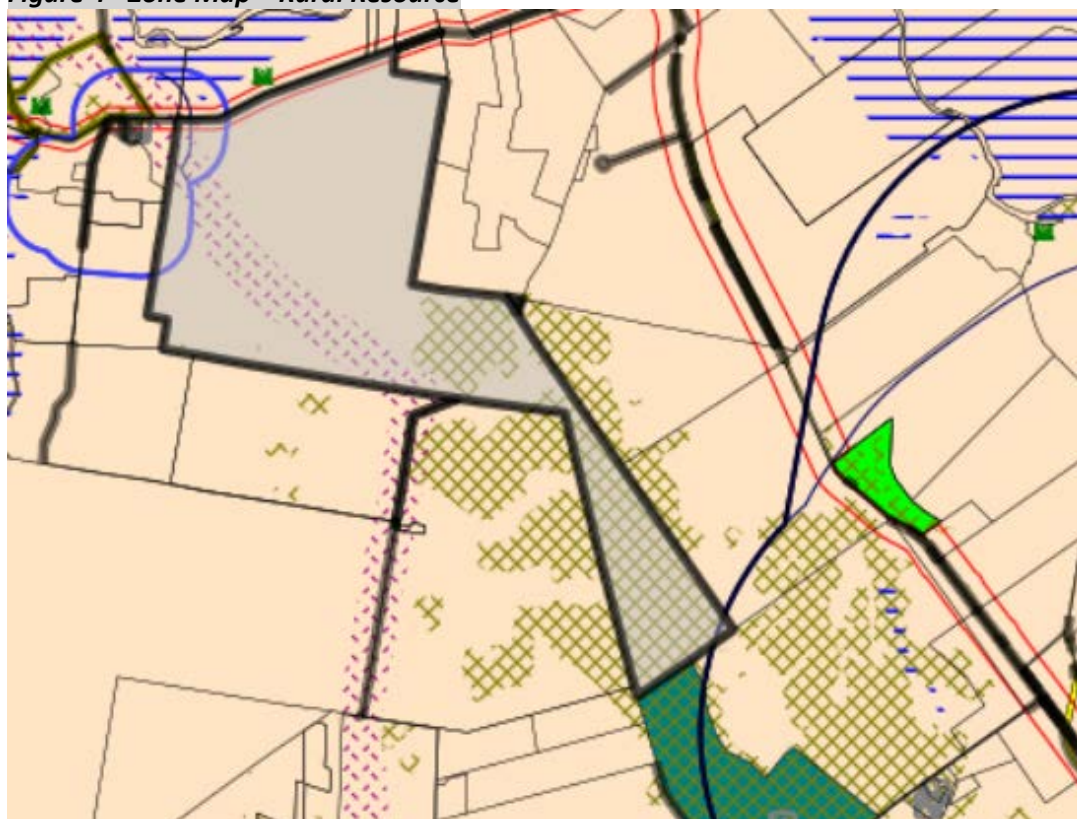


**Figure 3 – Location plan - detail**



### 4.2 Zone and land use

**Figure 4 - Zone Map – Rural Resource**



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

|                                     |                                                                                                                                                                                                                              |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Recycling and waste disposal</i> | <i>use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station.</i> |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Recycling and waste disposal is Discretionary in the zone.

#### 26.2 Use Table

| <i>Discretionary</i>                |                      |
|-------------------------------------|----------------------|
| <i>Use Class</i>                    | <i>Qualification</i> |
| <i>Recycling and waste disposal</i> |                      |

### 4.3 Subject site and locality

The author of this report carried out a site visit on 2<sup>nd</sup> August 2016. The site is a 1.1ha paddock within a 1,045 ha farming title. The paddock is fenced and approximately 100m from Woolmers Lane.

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Figure 5 - Photograph of subject site



Figure 6 - Photograph of subject site



## 4.4 Permit/site history

Relevant permit history includes:

- P10-354 – Temporary storage of scrap tyres
- P13-199 - Temporary storage of scrap tyres
- P15-287 – Tyre shredding facility
- P15-383 – Tyre recycling facility (pyrolysis) and storage of tyres
- P16-077 – application for tyre shredder and ongoing storage of tyres

## 4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's Records management system after completion of the public exhibition period revealed that no representations were received.

## 4.6 Referrals

### Environment Protection Agency

The EPA's Senior Environmental Officer (Waste Section) advised:

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*I have reviewed the proposal and consider that based on the report, this activity can be managed to avoid environmental impact.*

*This material is a controlled waste, but as you know, a LUPAA permit can approve the management of controlled wastes, therefore no approval is required from the EPA. Transport of the material to Woolmers Lane does require that the transporter is approved under the Environmental Management and Pollution (Controlled Waste Tracking) Regulations 2010.*

*The following is what we use, if you wished to point this out to the proponent in correspondence.*

*If controlled waste is to be moved to or off site, the transporter must be registered in accordance with the requirements of the Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010. To determine which transporters are suitably approved, please contact the EPA Division's Waste Transport Officer on 6165 4572.*

*I have thought about potential monitoring requirements, but as regards leaching, consider that the testing conducted is very conservative, and I agree that material that would leach, probably has by now. I did not observe any impacts when I visited the site at Carrick. There is potential for the grasses to take up contaminants. The fencing would be expected to keep domestic grazing stock out of the area. It was not clear if native animals would also be excluded based on the description of the fence (wire and pole). I imagine if hydrocarbons were taken up, the animals would find them unpalatable if they were in high concentrations. I not basing this on any literature, merely that it is a consideration.*

*Requiring a sample of grass for analyses for zinc and TPH would address this.*

*If you were to request this a condition could read*

*A sample of grasses growing in the remediated soil must be submitted to a NATA approved laboratory for analyses for metals and total petroleum hydrocarbons (TPH), and polycyclic aromatic hydrocarbons (PAH). The results of the analyses must be provided to the GM?? NMC within 14 days of receipt of the results.*

*If you chose this condition, I am happy to have a look at the results. As I noted above, it probably isn't a major issue, but it would provide reassurance that the grass wasn't presenting a risk to wildlife.*

## 4.7 Planning Scheme Assessment

See attachment C for an assessment against the planning scheme.

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

As a retrospective application, double application fees were charged as per council's fee schedule.

Given that the contaminated soil was placed on site without having received planning approval, it is recommended that an Infringement Notice be issued under S. 65A of LUPA for breach of s 63:

### **63. Obstruction of sealed schemes**

**(2) A person must not use land in a way, or undertake development or do any other act, that –**  
**(a) is contrary to a State Policy or a planning scheme.**

A penalty unit is currently \$157.

In accordance with the Land Use Planning & Approvals Regulations, the infringement penalty for a breach of s. 63 (3) of LUPA is 15 penalty units (\$2,355 individual) and 75 penalty units (\$11,775 body corporate).

Legal advice needs to be sought to determine who is responsible for having placed the contaminated soil on the site without approval.

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### 6 OPTIONS

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

### 7 DISCUSSION

Discretion to refuse the application is limited to:

- Recycling and waste disposal in Rural Resource zone.
- Reduction in required number of car parking spaces.

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

#### Recycling and waste disposal in Rural Resource zone.

Recycling and waste disposal is a discretionary use and development in the zone.

*The scheme requires it to be demonstrated that:*

- a) emissions are not likely to cause an environmental nuisance; and*
- b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations.*

The proposal is consistent with the zone purpose and local area objectives. The paddock will return to agricultural production in the long term and the proposal does not unreasonably confine or restrain the agricultural operation of the property.

EMPCA defines environmental nuisance as meaning –

- (a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and*
- (b) any emission, discharge, depositing or disturbance specified in an environment protection policy to be an environmental nuisance;*

The EPA has advised that

*Based on the report, this activity can be managed to avoid environmental impact.*

*I have thought about potential monitoring requirements, but as regards leaching, consider that the testing conducted is very conservative, and I agree that material that would leach, probably has by now. I did not observe any impacts when I visited the site at Carrick. There is potential for the grasses to take up contaminants. The fencing would be expected to keep domestic grazing stock out of the area. It was not clear if native animals would also be excluded based on the description of the fence (wire and pole). I imagine if hydrocarbons were taken up, the animals would find them unpalatable if they were in high concentrations. I not basing this on any literature, merely that it is a consideration.*

*Requiring a sample of grass for analyses for zinc and TPH would address this.*

*If you were to request this a condition could read*

*A sample of grasses growing in the remediated soil must be submitted to a NATA approved laboratory for analyses for metals and total petroleum hydrocarbons (TPH), and polycyclic aromatic hydrocarbons (PAH). The results of the analyses must be provided to the GM?? NMC within 14 days of receipt of the results.*

*If you chose this condition, I am happy to have a look at the results. As I noted above, it probably isn't a major issue, but it would provide reassurance that the grass wasn't presenting a risk to wildlife.*

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### Reduction in required number of car parking spaces.

The reduction in the required number of car spaces from 22 is considered acceptable given the nature of the use and the site on which it is located.

### Timeframes

Although there were no representations to the application this is a proposal for which Council is expected to have a particular interest and should be taken to the Council meeting of the 15<sup>th</sup> September 2016.

The statutory time period for council to decide on this application expires on Monday 8<sup>th</sup> August 2016.

A request for an extension of time until 19 August was emailed to the address provided in the application on 27 July. As of 5 August the extension of time had not been received.

On the 5<sup>th</sup> August I phoned the applicant and Mr Tim Chugg advised that he had not received our request for an extension of time. Mr Chugg asked why an extension of time is required, I advised that the application needs to go to the Council meeting on 15<sup>th</sup> September and our statutory timeframe expires before that. Mr Chugg asked why it needs to go to a Council meeting and I advised that Council has asked for all applications concerning used tyres on the site to go before Council. Mr Chugg said that is different to advice he got from the General Manager a few months ago and he would not grant the extension of time until he had spoken to his lawyer.

### Enforcement

Given that the contaminated soil was placed on site without having received planning approval, it is recommended that an Infringement Notice be issued under S. 65A of LUPA for breach of s 63:

#### **63. Obstruction of sealed schemes**

**(2)(a)** *A person must not use land in a way, or undertake development or do any other act, that is contrary to a State Policy or a planning scheme.*

In accordance with the Land Use Planning & Approvals Regulations, the infringement penalty for a breach of s. 63 (3) of LUPA is 15 penalty units (\$2,355 individual) and 75 penalty units (\$11,775 body corporate).

A penalty unit is currently \$157.

Legal advice needs to be sought to determine who is responsible for having placed the contaminated soil on the site without approval.

## **8 ATTACHMENTS**

- A Application & plans, correspondence with applicant
- B Responses from referral agencies
  - EPA
- C Planning scheme assessment

## **RECOMMENDATION**

That land at 437 Woolmers Lane, Longford be approved to be developed and used for landfarm 512m<sup>3</sup> of soil on agricultural property, in accordance with application P16-105, and subject to the following conditions:

### **1 Layout not altered**

The use and development shall be in accordance with the endorsed document numbered **D1** (*Landfarming Application Rev D by Jemrok Pty Ltd dated: 26.5.16 – 90 pages*).

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### 2 Sampling

A sample of grasses growing in the remediated soil must be submitted to a NATA approved laboratory 6 monthly for analyses for metals and total petroleum hydrocarbons (TPH), and polycyclic aromatic hydrocarbons (PAH). The results of the analyses must be provided to the Northern Midlands Council within 14 days of receipt of the results.

### DECISION

Cr

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### PLAN 3 PLANNING APPLICATION P16-119 75 WELLINGTON STREET, LONGFORD

*Attachments: Section 1 – Page 273*

*Responsible Officer: Duncan Payton, Planning & Development Manager*  
*Report prepared by: Paul Godier, Senior Planner*  
*File Number: 113600.3*

#### 1 INTRODUCTION

This report assesses an application for 75 Wellington Street, Longford to use the site and existing building as a warehouse.

#### 2 BACKGROUND

**Applicant:**

J Talbot

**Owner:**

Talbot Bare Pty Ltd

**Zone:**

General Business

**Codes:**

Heritage precinct, Road assets code, Carparking code

**Classification under the Scheme:**

Storage

**Existing Use:**

No approved use

**Deemed Approval Date:**

19 August 2016

**Recommendation:**

Approve subject to conditions

**Discretionary Aspects of the Application**

- Use of site and building for storage (warehouse) in General Business zone.
- Use and development within Heritage Precinct.
- Variation to number of parking spaces.

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013*

**Preliminary Discussion**

Prior to submission of the application, the applicant held discussions with Council officers regarding the proposal and the need for a planning permit.

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

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



**Figure 1 – Site from Wellington Street**



### 3 STATUTORY REQUIREMENTS

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

### 4 ASSESSMENT

#### 4.1 Proposal

It is proposed to:

- Use the site and existing building as a warehouse, as shown in the plan below.
- Construct a 1.8m high black steel picket type security fence and gate along the frontage.

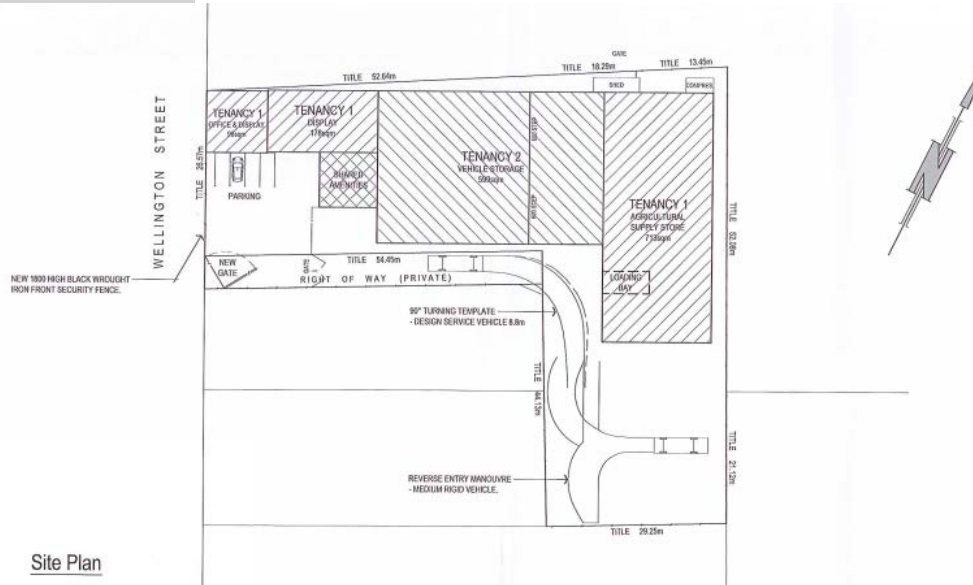
The proposed warehouse is to store agricultural supplies, mainly pipes and frames for irrigation systems in the large shed to the rear of the site. They will operate an office and display area in the front building. Two people will be employed on site – front office/sales/administration person and a warehouse/delivery person. The business will operate 9.00am to 5.00pm Monday to Friday and 9.00 am to 12 noon Saturdays (open for sales). Commercial vehicles will operate 7.30am – 6pm Monday to Friday.

# AGENDA – ORDINARY MEETING

15 AUGUST 2016



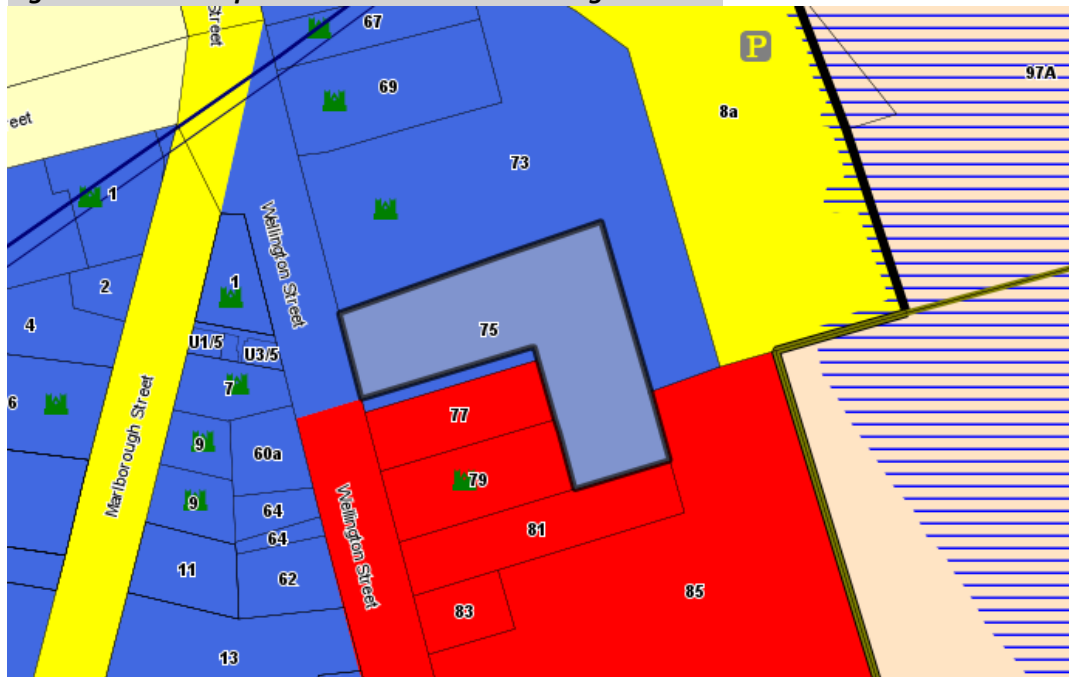
Figure 2 – Site Plan



Site Plan

## 4.2 Zone and land use

Figure 3 - Zone Map – General Business – Heritage Precinct



The land is zoned General Business, and is within the Heritage Precinct. The relevant Planning Scheme definition is:

|         |                                                                                                                                                                                                                                                                |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Storage | use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, <b>warehouse</b> and wood yard. |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Storage is Discretionary in the zone:

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### 21.2 Use Table

| Discretionary |               |
|---------------|---------------|
| Use Class     | Qualification |
| Storage       |               |

### 4.3 Subject site and locality

The author of this report carried out a site visit on 5<sup>th</sup> August 2016. The site is located on the eastern side of Wellington Street, Longford, to the south of the intersection with Marlborough Street and contains a building. To the north and east is the Mitre 10, to the south and west are residential dwellings.

**Figure 4 - Aerial photograph of area**



**Figure 5 – Photograph of subject site**



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### 4.4 Permit/site history

Relevant permit history includes:

- 100/78 Tyre Factory
- 15/85 Tyre Sales – factory addition / alterations
- 58/70 Tyre factory extension
- P11-243 Change of use of ex-tyre factory to plastics shredding and recycling
- P12-089 Second hand book and coffee shop
- P12-272 Illegal tyre storage
- P14-224 Optimo awnings (withdrawn)

### 4.5 Representations

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

- Mr D Chugg, 77 Wellington St, Longford

Figure 4 shows the location of the representor's property in relation to the subject site.

Mr Chugg is concerned about the proposed closing time of 6pm for the agricultural supplies warehouse, feeling that it is too late and that a slightly earlier close time would be preferable so as to not impact on the amenity of the area.

#### Planner's comment:

Mr Chugg's concerns were forwarded to the applicant for consideration, but a response was not received.

The Planning Scheme requires commercial vehicles to only operate between 6.00am and 10.00pm Monday to Sunday.

The proposal is for commercial vehicles to operate 7.30 a.m. to 6 p.m. Monday to Friday.

This is well within the scheme requirements and a condition limiting vehicles to these hours will be placed on the permit.

### 4.6 Referrals

#### **Council's Works & Infrastructure Department**

Council's Works & Infrastructure Department (Jonathan Galbraith) reported that no comment was required.

#### **TasWater**

Not applicable to this application

#### **Heritage Adviser**

Not applicable to this application as application is for use only (proposed fence prohibited by Scheme).

#### **Tasmanian Heritage Council**

Not applicable to this application

#### **Department of State Growth**

Not applicable to this application

#### **Launceston Airport**

Not applicable to this application

# AGENDA – ORDINARY MEETING

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**Tasrail (adjoining landowner)**

Not applicable to this application

**Environmental Health Officer**

Not applicable to this application

**Natural Resource Management Facilitator**

Not applicable to this application

**Environment Protection Agency (level 2 under EMPCA)**

Not applicable to this application

**Local District Committee**

Precis: At the time of writing this report, no comment had been received.

**General Manager**

Not applicable to this application

**Minister administering Crown Lands**

Not applicable to this application

### 4.7 Planning Scheme Assessment

See attachment C for an assessment against the planning scheme provisions

### 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

- Use of site and building for storage (warehouse) in General Business zone.
- Use and development within Heritage Precinct.
- Variation to number of parking spaces.

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

#### Use of site and building for storage in General Business zone

The proposed storage (warehouse) use in Tenancy 1 is to store agricultural supplies, mainly pipes and frames for irrigation systems in the large shed to the rear of the site. They will operate an office and display area in the front building. Two people will be employed on site – front office/sales/administration person and a warehouse/delivery person. The business will operate 9.00am to 5.00pm Monday to Friday and 9.00 am to 12 noon Saturdays (open for sales). Commercial vehicles will operate 7.30am – 6pm Monday to Friday.

It is proposed to store cars in Tenancy 2.

The proposal complies with the purpose of the zone to provide for business facilities serving a town, and the local area objective to consolidate growth within the existing land use framework of Longford.

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The Scheme requires that commercial vehicles must only operate between 6.00am and 10.00pm Monday to Sunday.

The proposal is for commercial vehicles to operate 7.30 a.m. to 6 p.m. Monday to Friday. This is within the scheme requirements and a condition limiting vehicles to these hours will be placed on the permit.

### Use and development within heritage precinct

The reuse of buildings within the heritage precinct is supported as it allows for their ongoing upkeep. The only development proposed is security fencing along the frontage. While the two options put by the applicant – 1800mm high wrought iron or black steel picket, could be appropriate to the heritage area, the scheme does not provide for consideration of these, providing only for a timber vertical picket fence with a maximum height of 1200mm.

As such the permit will have to be conditioned against the construction of the proposed fence.

The metal fences at Mitre 10 and Rural Supplies were approved under the previous planning scheme. An amendment to the heritage provisions has been prepared and is to be work-shopped with councilors, which seeks to allow consideration of fences such as that proposed.

### Variation to number of parking spaces

The planning scheme requires 1 car parking space per 200m<sup>2</sup> of the site or 1 space per 2 employees, whichever is greater.

With a site area of 3,681m<sup>2</sup> and two employees, 18.4 car parking spaces are required. Four parking spaces are proposed. The variation is supported as it will allow for at least two spaces for customers/sales reps which given the nature of the proposed business, is considered adequate.

### Conclusion

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

## 8 ATTACHMENTS

- A Application & plans, correspondence with applicant
- B Representation
- C Planning Scheme assessment

## RECOMMENDATION

That land at 75 Wellington Street, Longford be approved to be used as a warehouse, in accordance with application P16-119, and subject to the following conditions:

### 1 Layout not altered

The use and development must be in accordance with the endorsed plans numbered **P1** (*Drawing No: 16.007 Ad01 Dated: 05.07.16*) and **D1** (*PDS letter dated 8.7.16*), **except that the front fence is not approved.**

### 2 Hours of operation – commercial vehicles

Commercial vehicles must operate only between the hours of 7.30am - 6.00pm Monday to Friday.

### 3 Noise levels

Noise levels at the boundary of the site with any adjoining land must not exceed:

- a) 50dB(A) day time; and
- b) 40dB(A) night time; and
- c) 5dB(A) above background for intrusive noise.

## AGENDA – ORDINARY MEETING

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### 4 Exterior and security lighting

Any exterior Lighting and Security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.

### DECISION

Cr

# AGENDA – ORDINARY MEETING

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### PLAN 4 PLANNING APPLICATION P16-137 1397 BISHOPSBOURNE ROAD & 2060 MAITLAND ROAD, BISHOPSBOURNE

*Attachments: Section 1 – Page 297*

*Responsible Officer:* Duncan Payton, Planning & Development Manager  
*Report prepared by:* Erin Boer, Planning Officer  
*File Number:* 101000.21+; s753, CT167829/2; 204482/1; 65985/1

#### 1 INTRODUCTION

This report assesses an application for a re-subdivision between 3 lots (10.5ha lot for existing house, 48.5ha & 157ha lot) at 1397 Bishopsbourne Road & 2060 Maitland Road, Bishopsbourne.

#### 2 BACKGROUND

|                                                                                   |                                                                       |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Applicant:</b><br>Michell Hodgetts & Associates Pty Ltd (obo Reader & Lindsay) | <b>Owner:</b><br>Reader Investments Pty Ltd, P&J Reader & C&G Lindsay |
| <b>Zone:</b><br>Rural Resource                                                    | <b>Special Areas:</b><br>Bushfire-prone area                          |
| <b>Classification under the Scheme:</b><br>Subdivision                            | <b>Existing Use:</b><br>Dwelling & farmland                           |
| <b>Deemed Approval Date:</b><br>1.8.16                                            | <b>Recommendation:</b><br>Refuse                                      |

##### **Discretionary Aspects of the Application**

- Development for subdivision discretionary under clause 9.5.1 of the Planning Scheme.
- Reliance on the performance criteria of the Rural Resource Zone – Clause 26.4.2.

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013*

#### 3 STATUTORY REQUIREMENTS

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

#### 4 ASSESSMENT

##### 4.1 Proposal

It is proposed to:

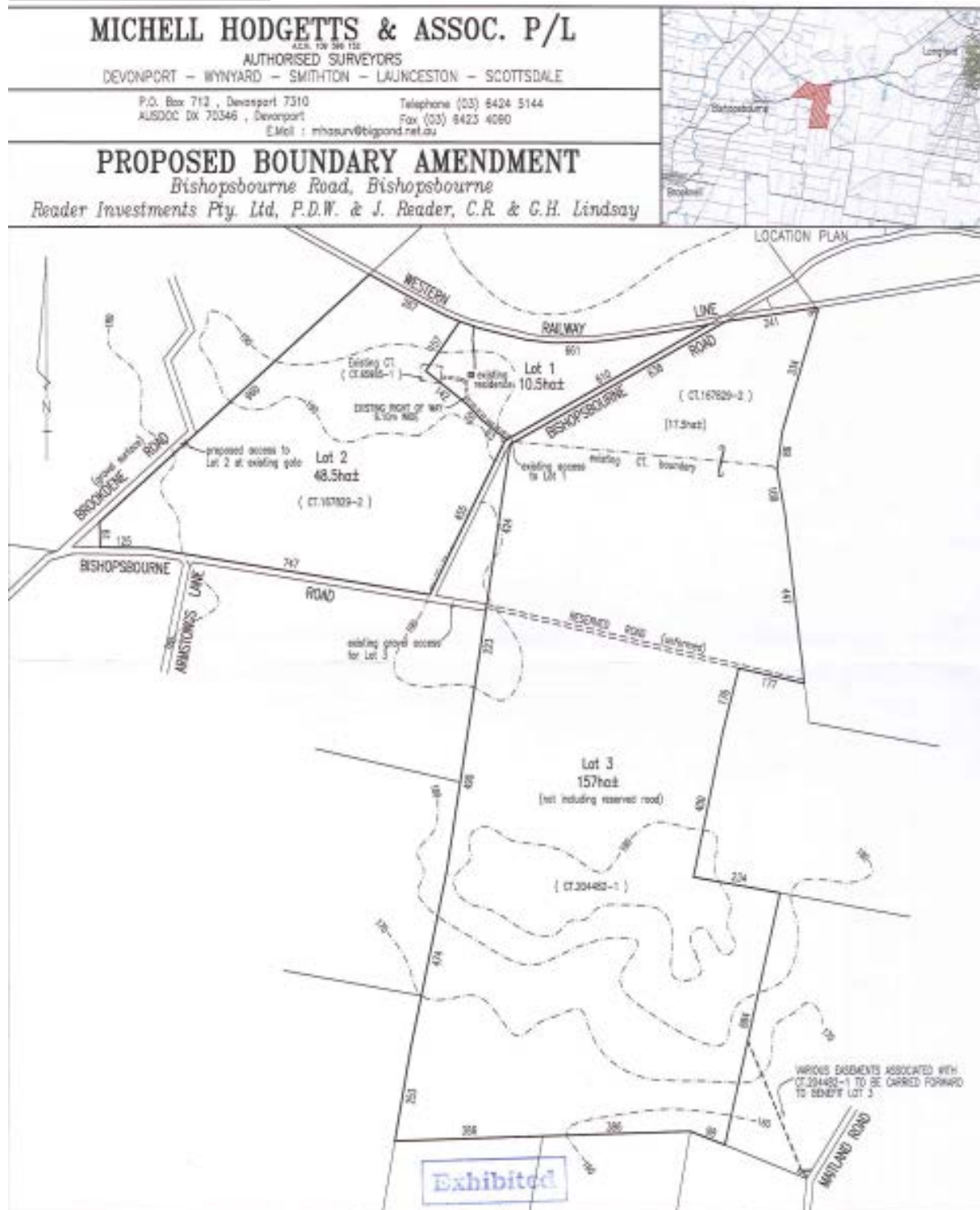
- Re-subdivide between 3 lots (10.5ha lot for existing house, 48.5ha & 157ha lot).

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



**Figure 1 – Subdivision plan**





**NORTHERN  
MIDLANDS  
COUNCIL**

Part of 2446 acres  
Located to N. P. Weston

Lot 1  
I. N. Saunders

Lot 4  
C. H. Exton

Part of 2446 acres  
Granted to  
N. P. Weston

Lot 7  
F. E. Brooks

Lot 8  
T. S. Brooks

Lot 9  
D. B. Shopp

RESERVE ROAD

ROAD 1/2 IN. WIDE

344 2 10  
(Ex. Reserve Road)

SEVEN LINE EASEMENT (CREATED BY CARROLL)

RIGHT OF WAY EASEMENT (GRANTED TO SHERWIN) (F. M. B. A.)

WAREHOUSE EASEMENT (GRANTED BY CARROLL)

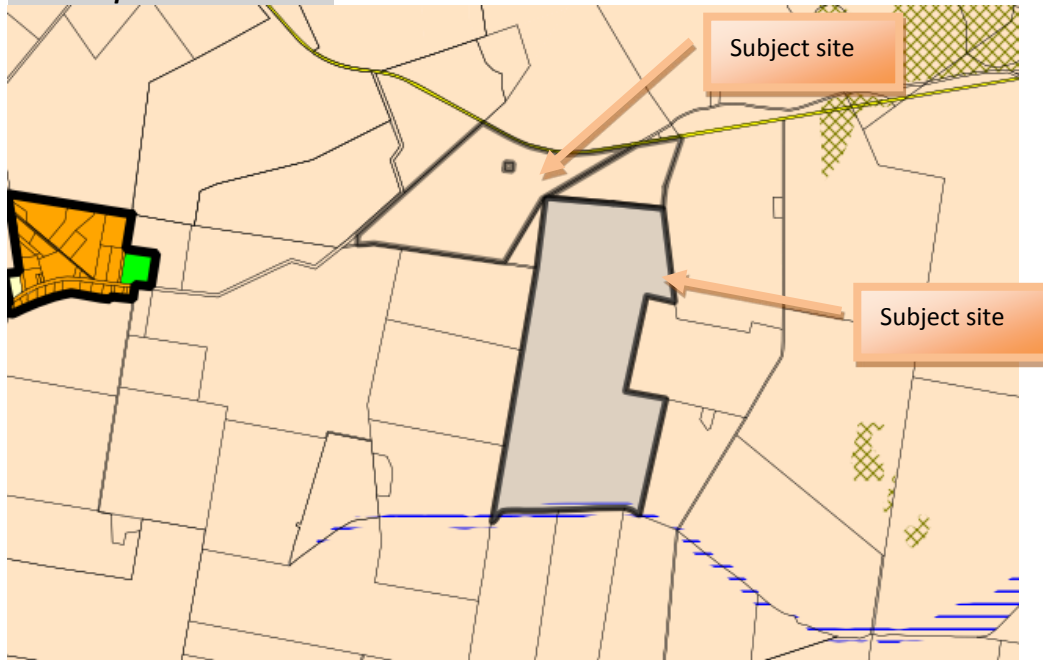
SKETCH

Hand-drawn survey map showing a proposed road layout. The map includes a rectangular area labeled 'I' with dimensions 176'5 1/2' x 177'3 1/2'. A 'RIGHT OF WAY' is shown as a 20 FT. WIDE strip. Key points are labeled (A) and (B). Bearings and distances are provided for various segments, such as 87° 3' 30", 170° 10' 1/2", and 267° 38' 00". The map also shows a 'PUBLIC ROAD' and a 'PRIVATE' area. A note mentions 'Debrisine Tasmanian Government Railways' and 'Launceston'. A scale bar is present at the bottom left.

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### 4.2 Zone and land use

**Zone Map –Rural Resource**



The land is zoned Rural Resource, and is in a Bushfire-prone area.

The relevant Planning Scheme definition is:

|                    |                                                                                  |
|--------------------|----------------------------------------------------------------------------------|
| <i>subdivision</i> | <i>means the act of subdividing or the lot subject to an act of subdividing.</i> |
|--------------------|----------------------------------------------------------------------------------|

#### **Extract from Planning Scheme**

##### **Part C Special Provisions**

##### **9.3 Adjustment of a Boundary**

**9.3.1** *An application for a boundary adjustment is permitted and a permit must be granted if:*

- a) no additional lots are created;*
- b) there is only minor change to the relative size, shape and orientation of the existing lots;*
- c) no setback from an existing building will be reduced below the applicable minimum setback requirement;*
- d) no frontage is reduced below the applicable minimum frontage requirement; and*
- e) no lot boundary that aligns with a zone boundary will be changed.*

**Comment:** As the development proposes more than a minor change to the relative size of the lots, the project does not comply with the boundary adjustment provisions and must therefore be assessed as a subdivision.

#### **9.5 Subdivision**

**9.5.1** *Notwithstanding any other provisions of this planning scheme, with the exception of sub clause 9.2.1, all applications for subdivision may be refused or approved at the discretion of the planning authority, unless the application is for a subdivision that cannot be approved under any applicable development standard or must not be approved under section 84 of the Local Government (Building and Miscellaneous Provisions) Act 1993.*

**Comment:** The application for Subdivision was taken, advertised and assessed as a discretionary application. Further discussion is provided in the 'special provisions' section of this report.

### 4.3 Subject site and locality

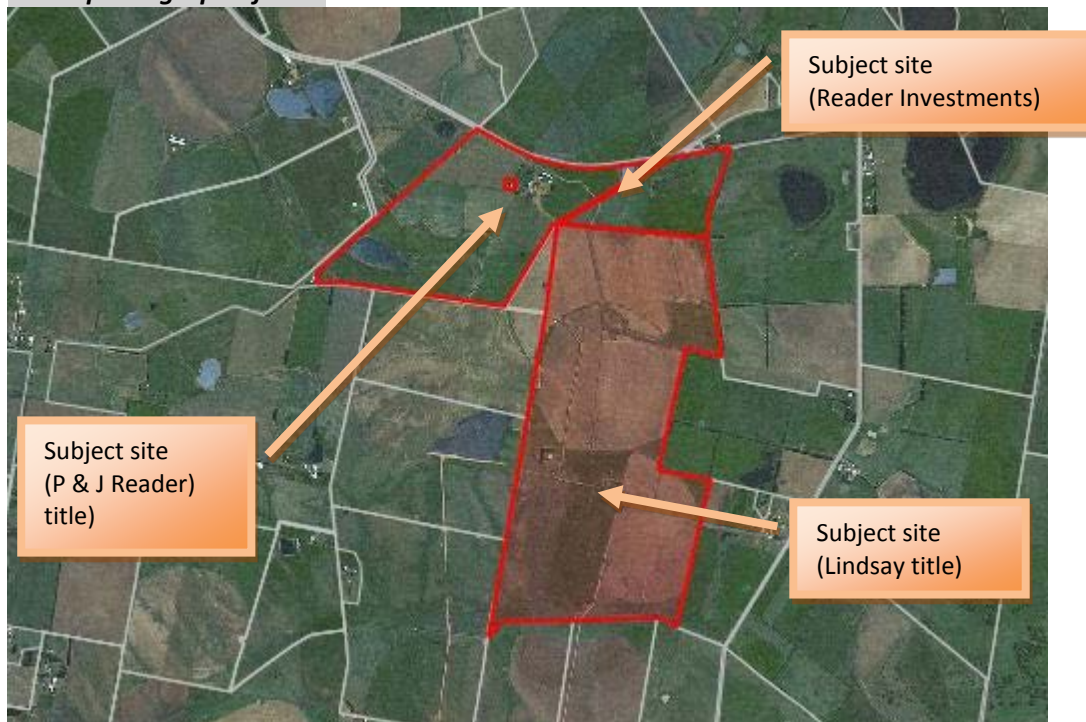
The author of this report carried out a site visit on the 28<sup>th</sup> June 2016. The subject site consists of three lots. The first lot (CT204482/1), owned by CR & GH Lindsay, has a total area of 139.44ha and is located on the eastern side of Bishopsbourne Road. This lot is farmed in conjunction with a number of other titles for cropping/grazing.

The second (CT167829/2), owned by Reader Investments P/L, has a total area of 69.97ha, with approximately 17.5ha located on the eastern side of Bishopsbourne Road. It is proposed that the 17.5ha portion of this lot is adhered to the previously mentioned title (CT204482/1). The remaining 52.47ha is located on the western side of Bishopsbourne Road. The western portion contains the existing dwelling, outbuildings, farms sheds, yards and silo's etc. The lot is used for cropping and grazing. This lot previously contained a further 55ha on the northern side of the Western Line railway, however, this was adhered to another title in a previous subdivision application and no longer forms part of this title. A Cressy/Longford Irrigation Scheme Channel runs through both of these properties on both the eastern and western sides of Bishopsbourne Road.

The third title (CT65985/1), owned by P & J Reader, has an area of 2.413ha and is accessed via a right of way over CT167829/2. This title was created for an existing dwelling. Google imagery dated 9<sup>th</sup> January 2016 shows the 1900's built dwelling with roofing intact. The owner of the property noted that the building had suffered gradual deterioration over the last 20+ years since it was last inhabited, resulting in the building being half demolished over 10 years ago. Further wind damage resulted in the building being fully demolished prior to the lodgement of the current application for subdivision. Therefore, this small 2.413ha lot with Right of Way entitlements, no longer services any dwelling or other buildings.

The lots consist predominantly of class three Prime Agricultural Land, with some class four land located on the western sides of the Lindsay and Reader Investments P/L lots. Accordingly, any assessment should be undertaken with due consideration of the State Policy on the Protection of Agricultural Land (PAL) 2009.

#### **Aerial photograph of area**



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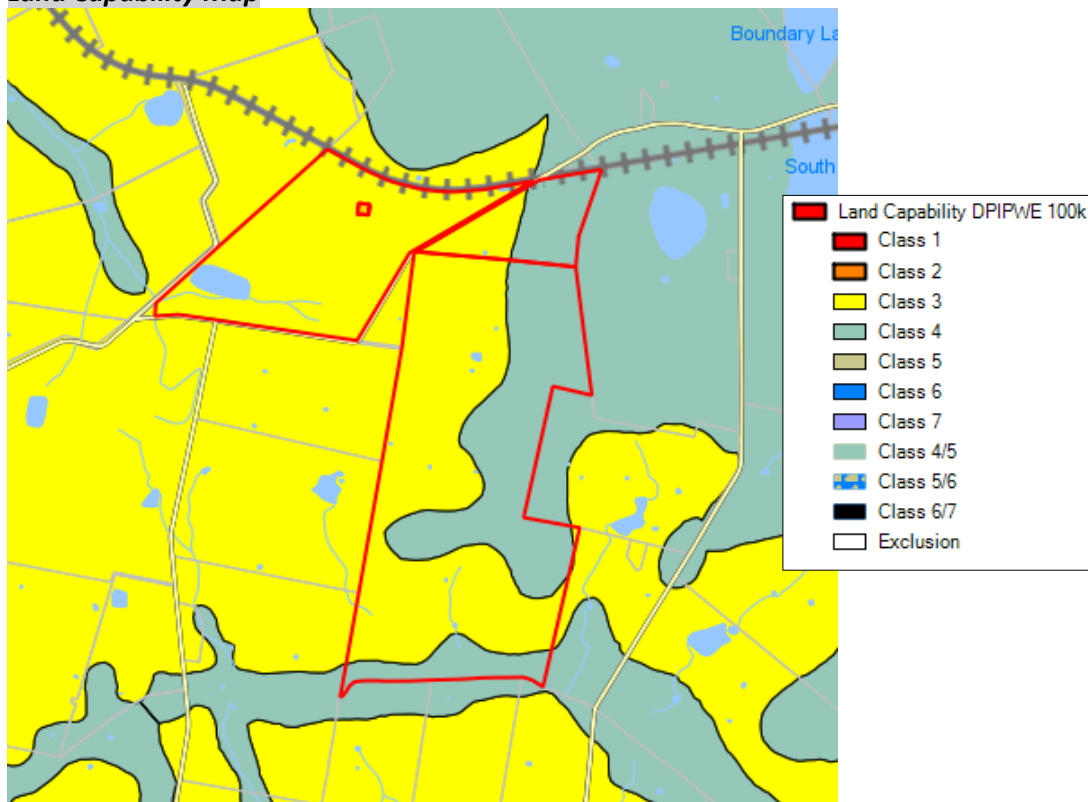


*Approximate title boundary of CT65985/1*



^Google Earth Aerial image dated 09/01/216

**Land Capability Map**



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*Photographs of subject site*



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## 4.4 Permit/site history

Relevant permit history includes:

### 1397 Bishopsbourne Road:

- 03/84 – Piggery
- P05-298 – Dwelling Addition
- P12-371 (27/003/697) – Boundary adjustment (4 Lots)
- P13-156 (27/003/693) – Boundary adjustment (2 lots)

### 2060 Maitland Road:

Nil – farmland with existing farm sheds (pre-approval records).

## 4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's records management system after completion of the public exhibition period revealed that no representations were received.

## 4.6 Referrals

The only referrals required were as follows:

### **Council's Works & Infrastructure Department**

Council's Works & Infrastructure Department (Jonathan Galbraith) reported that a referral to them was not required as existing accesses were in place.

### **Tasrail (adjoining landowner)**

Referred on 27.6.16 - no response provided.

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## 4.7 Planning Scheme Assessment

| RURAL RESOURCE ZONE                                                                                                                                                                                                                                          |                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ZONE PURPOSE                                                                                                                                                                                                                                                 |                                                                                                                                                                                                     |
| 26.1.1.1                                                                                                                                                                                                                                                     | <i>To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.</i> |
| 26.1.1.2                                                                                                                                                                                                                                                     | <i>To provide for other use or development that does not constrain or conflict with resource development uses.</i>                                                                                  |
| 26.1.1.3                                                                                                                                                                                                                                                     | <i>To provide for economic development that is compatible with primary industry, environmental and landscape values.</i>                                                                            |
| 26.1.1.4                                                                                                                                                                                                                                                     | <i>To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i>                                                             |
| Assessment: The proposal conflicts with the zone purpose at 26.1.1.2 by proposing conflicting residential and resource development uses. The development also conflicts with 26.1.1.1 by creating unsustainable development and fettering agricultural land. |                                                                                                                                                                                                     |

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

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## DEVELOPMENT STANDARDS FOR SUBDIVISION IN THE RURAL RESOURCE ZONE

### 26.4.2 Subdivision

#### Objective

To ensure that subdivision is only to:

- a) improve the productive capacity of land for resource development and extractive industries; and
- b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; and
- c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.

| Acceptable Solutions                                                                                                                                                                                                                                                                                                                                                                            | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A1 Lots must be:</p> <ul style="list-style-type: none"> <li>a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</li> <li>b) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>c) to align existing titles with zone boundaries and no additional lots are created.</li> </ul> | <p>P1 The subdivision</p> <ul style="list-style-type: none"> <li>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</li> <li>b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished.</li> </ul> |

**Comment:** The proposal does not meet any of the acceptable solutions of clause 26.4.2 and is not for the purpose of creating a lot for an approved non-agricultural use, other than a residential use; therefore, the proposal relies on performance criteria P1 (a) and must demonstrate that the productive capacity of the land will be improved as a result of the subdivision.

While the adhesion of the 17.5ha on the eastern side of Bishopsbourne Road to CT204482/1 (Lindsay), will reduce the economies of scale for proposed lot 2, the ultimate use of this 17.5ha portion of land is unlikely to change significantly and will increase the economies of scale for the Lindsay parcel (proposed lot 3). A natural barrier is created by Bishopsbourne Road, and does present some implications for moving stock across the road, although the existing laneway alignments makes this a relatively simple operation with appropriate safety mechanisms in place (warning vehicle, stock-crossing signage etc). The property has successfully operated in this manner for many years. The transfer of this land therefore results in a neutral benefit to the productive capacity of the land.

The proposal to effectively create a residential 'lifestyle' lot (albeit by not creating a 'new' lot due to the existing 2.7ha title), does not result in improved productive capacity of the land and therefore does not meet performance criteria P1 (a). A more preferable option would be to see the existing 2.7ha title absorbed into the surrounding title (CT167829/2). The creation of proposed lot 1 would result in the following negative impacts and reduction in the productive capacity of the land:

- 1) A conflict of use between the residential use of the proposed 10.5ha 'lifestyle' lot (proposed lot 1) and the remaining, highly productive agricultural land (proposed lot 2). Residential uses in agricultural land are known for creating land use conflicts that relate to noise, dust, spraying, biosecurity and dog/stock issues. While the current owners may choose to reside in the existing dwelling for some time, the creation of a separate title allows this land to be sold at any time without further consideration of the land use impacts.
- 2) While the existing dwelling structure would remain unchanged as a result of this proposal, the 'use' of this building would change. If sold, the dwelling is no longer an integral part of the resource development use of the land, and would be considered a 'single dwelling' as defined in the Use Class Table 8.2 in the planning scheme.
- 3) The proposal further reduces the economies of scale of the remaining agricultural lot (proposed lot 2).
- 4) The proposal separates the existing farm infrastructure, such as yards, hay/machinery sheds and piggery from the agricultural land onto the residential title – proposed lot 1. If this infrastructure is required to be duplicated on the proposed lot 2 it will result in a further decrease in the productive area of this lot.
- 5) If proposed lot 1 were to be separately sold, there is the possibility of a dwelling being applied for on the remaining agricultural land (proposed lot 2), further reducing the area of

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productive prime agricultural land available for resource development uses and a reduction in the economies of scale of this lot, unless a Part Five Agreement ensuring no further dwellings is placed on the title. The possibility of residential use on this land would inflate the cost of this land and make it unviable for adjoining property owners to purchase. All adjoining land is in separate ownership.

- 6) The creation of 'lifestyle' lot (proposed lot 1) would set a precedent for this type of development, ultimately resulting in a change in the character of the area away from productive agricultural land uses, which conflicts with the Zone Purpose and Local Area Objectives.
- 7) The subject site sits centrally within the Cressy/Longford Irrigation Water District. The creation of a residential lot on prime agricultural land which benefits from an established irrigation scheme conflicts with the State Policy on the Protection of Agricultural Land (PAL) 2009. Under clause 26.3.3 of the planning scheme, a new non-agricultural use must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced, having regard to a) the location and amount of land to be used; and b) the operational practicalities of irrigation systems as they relate to the land; and c) any management or conservation plans for the land. If it is considered that the creation of proposed lot 1 would result in a change of use of the dwelling to a non-agricultural use, then the proposal had failed to demonstrate how this clause has been met. No application for a change of use to the dwelling has been received.
- 8) The argument that the development allows for an increase in lease options is not supported. Lease of land for agricultural purposes is not dependent on title boundaries. Generally, lease agreements (with the exception of share farming) operate on a per hectare or whole farm arrangement (as per R. Ashby & D. Ashby (2011) *Successful Land Leasing in Australia — A guide for farmers and their advisers*. Rural Industries Research and Development Corporation, ACT).

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

## ASSESSMENT AGAINST E1.0 BUSHFIRE PRONE AREAS CODE

### E1.6 Development Standards

#### E1.6.1 Development standards for subdivision

This standard applies to a development consisting of a subdivision where any part of that subdivision is in a bushfire-prone area.

##### E1.6.1.1 Subdivision: Provision of hazard management areas

**Objective:** Subdivision provides for hazard management areas that:

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| <ul style="list-style-type: none"> <li>- facilitate an integrated approach between subdivision and subsequent building on a lot;</li> <li>- provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</li> <li>- provide protection for lots at any stage of a staged subdivision.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable solutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Performance criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>A1 (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <ul style="list-style-type: none"> <li>i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivisions;</li> <li>ii) shows the building area for each lot;</li> <li>iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i>; and</li> <li>iv) is accompanied by a bushfire hazard management plan for each individual lot, certified by the TFS or accredited person, showing hazard management areas greater than the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i>; and</li> <li>v) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</li> </ul> | <p>P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area taking into consideration:</p> <ul style="list-style-type: none"> <li>(a) the dimensions of hazard management areas;</li> <li>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</li> <li>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</li> <li>(d) the topography, including site slope;</li> <li>(e) any other potential forms of fuel and ignition sources;</li> <li>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development; and</li> <li>(g) any advice from the TFS.</li> </ul> |

Comment: Complies with acceptable solution A1 (b).

## E1.6.1.2 Subdivision: Public and fire-fighting access

| <p><b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> <li>- allow safe access and egress for residents, firefighters and emergency service personnel;</li> <li>- provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</li> <li>- are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>- provide access to water supplies for fire appliances; and</li> <li>- are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable solutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Performance criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>A1 (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of firefighting; or</p> <p>(b) A proposed plan of subdivision showing the</p>                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>P1 A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires having regard to:</p> <ul style="list-style-type: none"> <li>(a) appropriate design measures, including: <ul style="list-style-type: none"> <li>i) two-way traffic;</li> <li>ii) all weather surfaces;</li> <li>iii) height and width of any vegetation clearances;</li> <li>iv) load capacity;</li> <li>v) provision of passing bays;</li> <li>vi) traffic control devices;</li> </ul> </li> </ul> |

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|                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| layout of roads and fire trails, and the location of property access to building areas, and which complies to the extent necessary with Tables E3, E4 & E5, is included in a bushfire hazard management plan certified by the TFS or accredited person. | <ul style="list-style-type: none"> <li>vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>viii) use of through roads to provide for connectivity;</li> <li>ix) limits on the length of cul-de-sacs and dead-end roads;</li> <li>x) provision of turning areas;</li> <li>xi) provision for parking areas;</li> <li>xii) perimeter access; and</li> <li>xiii) fire trails; and</li> </ul> <p>(b) the provision of access to</p> <ul style="list-style-type: none"> <li>i) bushfire-prone vegetation to permit the undertaking of hazard manage fighting water supplies; and</li> </ul> <p>(c) any advice from the TFS.</p> |
| Comment: In accordance with the supplied Bushfire Report by EnviroPlan Australia (M Wells), the existing road access complies with acceptable solution A1 (b) (Table E4(c)).                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**Table E3: Standards for roads**

| Column 1 |                                                  | Column 2                                                                     |
|----------|--------------------------------------------------|------------------------------------------------------------------------------|
| Element  |                                                  | Requirement                                                                  |
| C.       | Property access length is 200 metres or greater. | The following design and construction requirements apply to property access: |

### E1.6.1.3 Subdivision: Provision of water supply for fire-fighting purposes

| Objective: Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Acceptable solutions                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Performance criteria       |
| A1                                                                                                                                                                                                                                                                     | <p>In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes; or</li> <li>b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or</li> <li>c) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E6.</li> </ul> | P1 No performance criteria |
| Comment: Not applicable.                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                            |
| A2                                                                                                                                                                                                                                                                     | <p>In areas that are not serviced by reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for firefighting purposes; or</li> <li>b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for firefighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or</li> <li>c) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to firefighting, will be provided and located compliant with Table E7.</li> </ul>    | P1 No performance criteria |
| Comment: The proposal complies with A2 (c) above.                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                            |

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**Table E7 Static Water Supply for Fire fighting**

| Column 1  |                                                                         | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Element   |                                                                         | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>A.</b> | Distance between building area to be protected and water supply.        | The following requirements apply:<br>(1) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and<br>(2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>B.</b> | Static Water Supplies                                                   | A static water supply:<br>(1) May have a remotely located offtake connected to the static water supply;<br>(2) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;<br>(3) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;<br>(4) Must be metal, concrete or lagged by non-combustible materials if above ground; and<br>(5) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by:<br>Metal;<br>Non-combustible material; or<br>Fibre-cement a minimum of 6mm thickness.                                                                                                                                                                                                                                                                                                                              |
| <b>C.</b> | Fittings, pipework and accessories (including stands and tank supports) | Fittings and pipework associated with a water connection point for a static water supply must:<br>(1) Have a minimum nominal internal diameter of 50mm;<br>(2) Be fitted with a valve with a minimum nominal internal diameter of 50mm;<br>(3) Be metal or lagged by non-combustible materials if above ground;<br>(4) Where buried, have a minimum depth of 300mm (compliant with <i>AS/NZS 3500.1-2003 Clause 5.23</i> );<br>(5) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;<br>(6) Ensure the coupling is accessible and available for connection at all times;<br>(7) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);<br>(8) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and<br>(9) Where a remote offtake is installed, ensure the offtake is in a position that is:<br>a) Visible;<br>b) Accessible to allow connection by fire fighting equipment;<br>c) At a working height of 450 – 600mm above ground level; and<br>d) Protected from possible damage, including damage by vehicles. |
| <b>D.</b> | Signage for static water connections.                                   | The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with:<br>(1) Water tank signage requirements within <i>AS 2304-2011 Water storage tanks for fire protection systems</i> ; or<br>(2) The following requirements:<br>a) Be marked with the letter “W” contained within a circle with the letter in upper case of not less than 100 mm in height;<br>b) Be in fade-resistant material with white reflective lettering and circle on a red background;<br>c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and<br>d) Be no less than 400 mm above the ground.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|    |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E. | Hardstand | <p>A hardstand area for fire appliances must be provided:</p> <ol style="list-style-type: none"> <li>(1) No more than three metres from the water connection point, measured as a hoselay (including the minimum water level in dams, swimming pools and the like);</li> <li>(2) No closer than six metres from the building area to be protected;</li> <li>(3) With a minimum width of three metres constructed to the same standard as the carriageway; and</li> <li>(4) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ol> |
|----|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

#### E4.6 Use Standards

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

| <p><b>Objective</b><br/>To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                                                                                                                                       | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.</p> | <p>P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Comment:<br/>N/a</p>                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day</p>                                                                                                                                        | <p>P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Comment:<br/>N/a</p>                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</p>                                                                                                | <p>P3 For limited access roads and roads with a speed limit of more than 60km/h:</p> <ol style="list-style-type: none"> <li>a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and</li> <li>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</li> <li>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</li> </ol> |
| <p>Comment:<br/>Complies with acceptable solution A3.</p>                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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### E4.7 Development Standards

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

| <b>Objective</b><br>To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) ensure the safe and efficient operation of roads and railways; and<br>b) allow for future road and rail widening, realignment and upgrading; and<br>c) avoid undesirable interaction between roads and railways and other use or development.                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Acceptable Solutions                                                                                                                                                                                                                                                                                                                                                          | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:<br>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and<br>b) building envelopes on new lots; and<br>c) outdoor sitting, entertainment and children's play areas | P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:<br>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and<br>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and<br>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and<br>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority. |
| <b>Comment:</b><br>Not applicable - no new buildings or building envelopes are proposed. The existing dwelling and associated sitting areas are located approximately 100m from the railway line.                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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

| <b>Objective</b><br>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                                    | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.        | P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Comment:</b><br>N/a                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.                                                                          | P2 For limited access roads and roads with a speed limit of more than 60km/h:<br>a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and<br>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and |

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|  |                                                                                                                                                                                           |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users. |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Comment:

Complies with acceptable solution A2 – all accesses are existing. If the use of the lots were to change in the future and increase the use of any of the accesses, further planning approval would be required.

## E4.7.3 Management of Rail Level Crossings

Objective

To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.

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

Comment:

N/a – the development does not require access across the railway.

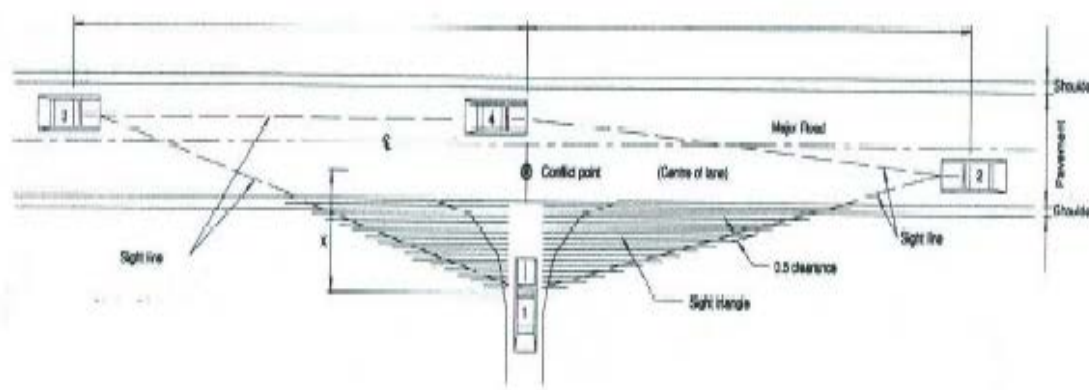
## E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective

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

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

Comment: All access points are existing and meet the site distance requirements of Table E4.7.4.



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

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

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

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

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

**Notes:**

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

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

#### E6.6 Use Standards

##### E6.6.1 Car Parking Numbers

| <b>Objective:</b><br>To ensure that an appropriate level of car parking is provided to service use.                                                                                |                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                               | Comment                                                                                                                                               |
| A1 The number of car parking spaces must not be less than the requirements of:<br>a) Table E6.1; or<br>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans. | N/a – subdivision only. Two existing parking spaces are in place for the dwelling. Resource Development has no parking requirements under Table E6.1. |

##### E6.6.2 Bicycle Parking Numbers

| <b>Objective:</b> To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.                                                                                                                                              |                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                                                                                                                                                               | Comment                                                                                                                                                                                                   |
| A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or<br>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans. | N/a – subdivision only. Sufficient space is available on site for the parking requirements of the existing residential use of the lot. Resource Development has no parking requirements under Table E6.1. |

##### E6.6.3 Taxi Drop-off and Pickup Not applicable

##### E6.6.4 Motorbike Parking Provisions Not applicable

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### E6.7 Development Standards

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

*Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.*

| Acceptable Solutions                                                                                              | Comment                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| A1 All car parking, access strips manoeuvring and circulation spaces must be:                                     | Complies.                                                                                                                                |
| a) formed to an adequate level and drained; and                                                                   | a) The existing access driveway to the dwelling is formed to an adequate level and drained.                                              |
| b) except for a single dwelling, provided with an impervious all weather seal; and                                |                                                                                                                                          |
| c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. | b & c) Not applicable. The use of proposed lot 1 would be a single dwelling if approved. No parking requirements for proposed lot 2 & 3. |

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

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

| Acceptable Solutions                                                                                                                                                                                          | Comment                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and | A1.1 – N/a                                  |
| A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.                                                 | A1.2 – N/a                                  |
| A2.1 Car parking and manoeuvring space must:                                                                                                                                                                  | A2.1                                        |
| a) have a gradient of 10% or less; and                                                                                                                                                                        | a) No changes proposed to existing parking. |
| b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and                                                                                          | b) N/a                                      |
| c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and                                                                                                                 | c) N/a – existing – subdivision only.       |
| A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.                                     | A2.2 – N/a – subdivision only.              |

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

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

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

#### E6.8 Provisions for Sustainable Transport

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

#### E6.8.5 Pedestrian Walkways

Comment: Not applicable

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

| Use                          | Parking Requirement                                                                    |                                                                             |
|------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|                              | Vehicle                                                                                | Bicycle                                                                     |
| <b>Residential</b>           | 1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings | 1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation |
| <b>Resource development:</b> |                                                                                        |                                                                             |
| <b>Aquaculture</b>           | 2 spaces per 3 employees                                                               | 1 spaces per 5 employees                                                    |
| <b>Other</b>                 | No requirement                                                                         | No requirement                                                              |

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

| Number of parking spaces served | Access width (see note 1) | Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2) |
|---------------------------------|---------------------------|------------------------------------------------------------------------------|
| 1 to 5                          | 3.0m                      | Every 30m                                                                    |

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| SPECIFIC AREA PLANS |                                             |                                                                |
|---------------------|---------------------------------------------|----------------------------------------------------------------|
| F1.0                | TRANSLINK SPECIFIC AREA PLAN                | N/A                                                            |
| F2.0                | HERITAGE PRECINCTS SPECIFIC AREA PLAN       | N/A                                                            |
| SPECIAL PROVISIONS  |                                             |                                                                |
| 9.1                 | Changes to an Existing Non-conforming Use   | N/A                                                            |
| 9.2                 | Development for Existing Discretionary Uses | N/A                                                            |
| 9.3                 | Adjustment of a Boundary                    | N/A – does not meet the requirements of a boundary adjustment. |
| 9.4                 | Demolition                                  | N/A                                                            |
| 9.5                 | Subdivision                                 | Applies – see comment below.                                   |

## 9.5 Subdivision

9.5.1 *Notwithstanding any other provisions of this planning scheme, with the exception of sub clause 9.2.1, all applications for subdivision may be refused or approved at the discretion of the planning authority, unless the application is for a subdivision that cannot be approved under any applicable development standard or must not be approved under section 84 of the Local Government (Building and Miscellaneous Provisions) Act 1993.*

### Comment:

The proposed subdivision has been assessed as a discretionary application and is not prohibited under section 84 of the Local Government (Building and Miscellaneous Provisions) Act 1993, as there are no minimum lot sizes and the development does not concentrate or discharge any drainage to a state road.

| STATE POLICIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>State Policy on the Protection of Agricultural Land (PAL) 2009</b><br>The principles contained within the PAL policy are implemented through the planning scheme provisions of the Rural Resource Zone, to achieve the purpose of the policy, which is <i>“To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.”</i> Non-compliance with the provisions of the Rural Resource Zone results in non-compliance with the PAL Policy, in particular principles 1, 3, 5 and 8. A decision made in accordance with the planning scheme is taken to be in accordance with the Policy under part 6 of the Policy. |
| OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Strategic Plan 2007-2017</b><br><i>The proposal is consistent with the strategic plan</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## 5 SERVICES

This proposal did not require any alterations to services.

### Public Open Space Contribution

It is not considered appropriate to apply the public open space contribution to additional lots created as specified in the *Local Government (Building & Miscellaneous Provisions) Act 1993* as this subdivision is not in a township area, in accordance with Council's Policy.

## 6 DISCUSSION

Council has discretion to refuse the application under cause 9.5.1 which requires the planning authority to exercise their discretion in making a decision whether to approve or refuse an application for subdivision. The

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proposal also relies on the performance criteria of clause 26.4.2 which allows the planning authority the discretion to refuse or permit the development.

Assessment of the proposal against the relevant provisions of the Planning Scheme, zone purpose, local area objectives and state policies have resulted in the application being recommended for refusal. The Rural Resource Zone subdivision provisions require the application for subdivision to demonstrate that the productive capacity of the land will be improved as a result of the subdivision. Due to the reasons outlined at part 4.7 of this report, it has been determined that the proposal does not comply with these requirements.

### 8 ATTACHMENTS

A Application & plans

### RECOMMENDATION

The application P16-137 for a re-subdivision between 3 lots at 1397 Bishopsbourne Road & 2060 Maitland Road, Bishopsbourne be refused on the following grounds:

- 1) Non-compliance with the performance criteria of clause 26.4.2 P1 (a).
- 2) Non-compliance with the Zone Purpose and Local Area Objects of the Rural Resource Zone.

### DECISION

Cr

## COUNCIL ACTING AS A PLANNING AUTHORITY – CESSATION

### RECOMMENDATION

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

### DECISION

Cr

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.

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### CON – ITEMS FOR THE CLOSED MEETING

#### DECISION

Cr

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Planning and Development Manager, Works & Infrastructure Manager, Governance & Community Development Officer and Executive Assistant.

#### **CON 1 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL**

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Table of Contents*

#### **CON 2 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE**

As per provisions of Section 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*.

#### **CON 3 (1) PERSONNEL MATTERS**

As per provisions of Section 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*.

#### **CON 3 (2) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL**

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Management Meetings*

#### **CON 3 (3) MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL**

As per provisions of Section 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Correspondence Received*

#### **CON 3 (4) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL**

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Action Items – Status Report*

#### **CON 3 (5) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL**

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Compliance*

#### **CON 3 (6) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL**

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Compliance*

# AGENDA – ORDINARY MEETING

## 15 AUGUST 2016



### CON 3 (7) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Compliance – Shipping Containers*

### CON 4 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Sections 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Special Committees of Council – membership*

### CON 5 MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

As per provisions of Section 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Appeal*

### CON 6 COMMERCIAL INFORMATION OF A CONFIDENTIAL NATURE

As per provisions of Section 15(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Property matter*

### CON 7 COMMERCIAL INFORMATION OF A CONFIDENTIAL NATURE & INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Sections 15(2)(c)&(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Sports facility*

### DECISION

Cr

That Council move out of the closed meeting and make the following decision(s) available to the public:

- ...

Mayor Downie closed the meeting at .....