



**NORTHERN
MIDLANDS
COUNCIL**

AGENDA

Ordinary Meeting of Council

Monday, 19 September 2016

**Des Jennings
General Manager**

QUALIFIED PERSONS ADVICE

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

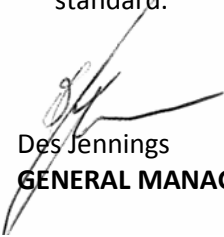
- ◆ A General Manager must ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- ◆ A Council is not to decide on any matter which requires the advice of a 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

19 SEPTEMBER 2016



NOTICE is hereby given that the next meeting of the Northern Midlands Council will be held at the Council Chambers, Longford on Monday, 19 September 2016 at 5.00pm.

Des Jennings
General Manager

14 September 2016

4.00pm Councillor Workshop – closed to the public

GOV 1 ATTENDANCE

1 PRESENT

In Attendance:

2 APOLOGIES

GOV 2 TABLE OF CONTENTS

GOV 1	ATTENDANCE	2
	1 PRESENT	2
	2 APOLOGIES	2
GOV 2	TABLE OF CONTENTS	2
GOV 3	DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE	5
GOV 4	CONFIRMATION OF MINUTES	5
	1 ORDINARY COUNCIL MEETING – 15 AUGUST 2016	5
	2 CONFIRMATION OF MINUTES OF COMMITTEES	5
	<i>Attachments: Section 1 – Page 1</i>	
	3 RECOMMENDATIONS OF SUB COMMITTEES	6
GOV 5	DATE OF NEXT COUNCIL MEETING 17 OCTOBER 2016	7
INFO	INFORMATION ITEMS	8
	1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING	8
	2 MAYOR'S COMMUNICATIONS	8
	3 PETITION	8
	<i>Attachments: Section 1 – Page 39</i>	
	4 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES	9
	5 WORKS & INFRASTRUCTURE REPORT	10

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Attachments: Section 1 – Page 45

6	BUILDING APPROVALS	10
7	DEVELOPMENT APPLICATIONS	10
8	MATTERS AWAITING DECISION BY TPC & RMPAT	11
9	USE OF COUNCIL SEAL: AUGUST 2016	12
10	132 & 337 CERTIFICATES ISSUED	12
11	ANIMAL CONTROL	12
12	HEALTH ISSUES	12
13	CUSTOMER REQUEST RECEIPTS	13
14	GIFTS & DONATIONS (UNDER SECTION 77 OF THE LGA)	13
15	ACTION ITEMS: COUNCIL MINUTES	13
16	KEY ISSUES BEING CONSIDERED: MANAGERS' REPORTS	16
17	RESOURCE SHARING SUMMARY FROM 01 JULY 2016	23

Attachments: Section 1 – Page 52

18	VANDALISM	23
19	YOUTH PROGRAMME UPDATE: AUGUST 2016	23
20	ANIMAL CONTROL UPDATE	23
21	OBJECTION TO RATES 2016/17	24

Attachments: Section 1 – Page 53

GOV 6	NORTHERN MIDLANDS FURTHER EDUCATION BURSARY PROGRAM	25
GOV 7	NORTHERN MIDLANDS COUNCIL LOGO	28
GOV 8	RECOGNITION OF ORDER OF AUSTRALIA MEDALS DURING CITIZENSHIP AND AUSTRALIA DAY CELEBRATIONS	31
GOV 9	CMCA RV PARK PROJECT	34

Attachments: Section 1 – Page 54

GOV 10	NORTHERN TASMANIA DEVELOPMENT: NEW GOVERNANCE MODEL	36
--------	---	----

Attachments: Section 1 – Page 65

GOV 11	NORTHERN MIDLANDS STRATEGIC PLAN 2017 – 2027	42
--------	--	----

Attachments: Section 1 – Page 152

GOV 12	ALGA NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS ATTENDANCE	45
--------	---	----

Attachments: Section 1 – Page 166

GOV 13	LAUNCESTON GATEWAY PRECINCT MASTER PLAN: DEMAND ANALYSIS	47
--------	--	----

Attachments: Section 1 – Page 178

CORP 1	MONTHLY FINANCIAL STATEMENT	52
--------	-----------------------------	----

Attachments: Section 1 – Page 183

CORP 2	RATING OF RESIDENTIAL PROPERTIES OWNED BY CHARITIES	56
--------	---	----

Attachments: Section 1 – Page 192

P&D 1	PERTH STRUCTURE PLAN	59
-------	----------------------	----

P&D 2	PLANNING PRACTICE QUARTERLY REPORT: APRIL TO JUNE 2016	61
-------	--	----

PUBLIC QUESTIONS & STATEMENTS		63
-------------------------------	--	----

1	PUBLIC QUESTIONS	63
---	------------------	----

COUNCIL ACTING AS A PLANNING AUTHORITY		64
--	--	----

2	STATEMENTS	64
---	------------	----

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 1	PLANNING APPLICATION P16-052 832 HOBART ROAD, BREADALBANE	65
	<i>Attachments: Section 1 – Page 197</i>	
PLAN 2	PLANNING APPLICATION P16-139 FALLS PARK, 2-14 LOGAN ROAD, EVANDALE	98
	<i>Attachments: Section 1 – Page 334</i>	
PLAN 3	PLANNING APPLICATION P16-129 171-183 HIGH STREET, CAMPBELL TOWN	106
	<i>Attachments: Section 1 – Page 356</i>	
PLAN 4	PLANNING APPLICATION P16-061 530 WHITE HILLS ROAD, EVANDALE	113
	<i>Attachments: Section 1 – Page 371</i>	
PLAN 5	PLANNING APPLICATION P16-178 593 PATEENA ROAD, LONGFORD	140
	<i>Attachments: Section 1 – Page 421</i>	
PLAN 6	PLANNING APPLICATION P16-154 18 WILMORES LANE (CNR CRESSY ROAD), LONGFORD	155
	<i>Attachments: Section 1 – Page 439</i>	
PLAN 7	DRAFT AMENDMENT 02/15 – AMEND THE HERITAGE CODE AND THE HERITAGE PRECINCTS SPECIFIC AREA PLAN	163
	<i>Attachments: Section 1 – Page 536</i>	
COUNCIL ACTING AS A PLANNING AUTHORITY – CESSATION		169
CON – ITEMS FOR THE CLOSED MEETING		170
CON 1	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	170
CON 2	APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE	170
CON 3 (1)	PERSONNEL MATTERS	170
CON 3 (2)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	170
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	170
CON 3 (4)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	170
CON 3 (5)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	170
CON 3 (6)	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	170
CON 3 (7)	PROPOSALS FOR THE COUNCIL TO ACQUIRE LAND OR AN INTEREST IN LAND OR FOR THE DISPOSAL OF LAND	171
CON 4	MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL	171
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	171
CON 6	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	171
CON 7	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	171
CON 8	INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL	171

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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.

GOV 4 CONFIRMATION OF MINUTES

1 ORDINARY COUNCIL MEETING – 15 AUGUST 2016

DECISION

Cr

The Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 15 August 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)	09/08/2016	Devon Hills Residents Association	AGM
ii)	09/08/2016	Devon Hills Residents Association	Ordinary
iii)	10/08/2016	Longford Local District Committee	Ordinary
iv)	10/08/2016	Morven Park Management & Development Association Inc	Ordinary
v)	05/09/2016	Northern Midlands Economic Development Committee	Ordinary
vi)	06/09/2016	Campbell Town District Forum	Ordinary
vii)	06/09/2016	Evandale Community Centre and Memorial Hall Management Committee	Ordinary
viii)	06/09/2016	Perth Local District Committee	Ordinary
ix)	06/09/2016	Evandale Advisory Committee	Ordinary
x)	07/09/2016	Ross Local District Committee	Ordinary
xi)	07/09/2016	Longford Local District Committee	Ordinary

DECISION

Cr

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



3 RECOMMENDATIONS OF SUB COMMITTEES

That Council note the following recommendation/s of Committees:

Meeting Date	Committee	Recommendation
05/09/2016	Northern Midlands Economic Development	1. That a Tas Motor Sports representative be invited to present at a forthcoming Council Workshop and our committee members be invited to join the workshop for this presentation. 2. That Council prepare an information sheet that provides rural businesses wanting to provide accommodation for itinerant workers with an understanding of the planning requirements/ regulations involved. 3. That Council seek clarification of the role the Migrant Resource Centre would/could play in the management/support of the Seizing the Moment proposal.
06/09/2016	Campbell Town District Forum	Recommend Council approach State Growth requesting an improvement to or removal of the camping area at Conara Park to prevent campers from driving down in front of Conara residents and using the area as a public toilet.
06/09/2016	Perth Local District Committee	Footbridge at William Street Reserve: That Council reconsider the proposed design of the footbridge at William Street Reserve in light of the new information.
07/09/2016	Ross Local District Committee	That Council investigate the installation of a broken white line on Roseneath Road from the highway to the 50km/sign, and on Chiswick Road, from the highway to the 50km/hr sign with the installation of a two way sign (arrow up/arrow down) at the 50km/hr signs.

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 **Northern Midlands Economic Development Committee**

1. *That a Tas Motor Sports representative be invited to present at a forthcoming Council Workshop and our committee members be invited to join the workshop for this presentation.*
2. *That Council prepare an information sheet that provides rural businesses wanting to provide accommodation for itinerant workers with an understanding of the planning requirements/ regulations involved.*
3. *That Council seek clarification of the role the Migrant Resource Centre would/could play in the management/support of the Seizing the Moment proposal.*

Cr

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

Recommend Council approach State Growth requesting an improvement to or removal of the camping area at Conara Park to prevent campers from driving down in front of Conara residents and using the area as a public toilet.

Cr

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

Footbridge at William Street Reserve:
That Council reconsider the proposed design of the footbridge at William Street Reserve in light of the new information.

Cr

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

That Council investigate the installation of a broken white line on Roseneath Road from the highway

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



to the 50km/sign, and on Chiswick Road, from the highway to the 50km/hr sign with the installation of a two way sign (arrow up/arrow down) at the 50km/hr signs.

GOV 5 DATE OF NEXT COUNCIL MEETING
17 OCTOBER 2016

Mayor Downie advised that the next Ordinary Council Meeting would be held at 5.00pm on Monday, 17 October 2016, at the Northern Midlands Council Chambers at Longford.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 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
05/09/2016	Council Workshop - Longford Genealogy & History Centre - Northern Tasmania Development - Perth Town Structure Plan - TasWater Dividends - Launceston Airport Ex-Gratia Rates - Council's Strategic Plan 2017-2027 - Policy: Public Liability Insurance Requirement for Council Owned Facilities - CMCA RV Park - Development Application – Ringwood Hotel, 74 Main Street, Cressy
19/09/2016	Council Workshop prior to Council meeting

2 MAYOR'S COMMUNICATIONS

Mayor's Communications for the period 16 August 2016 to 19 September 2016 are as follows:

Date	Activity
17 August 2016	Attended meeting with Hon. Peter Gutwein, Minister for Local Government
18 August 2016	Presented award at Waste Not Awards, Launceston
18 August 2016	Attended Vietnam Veterans Day 2016 50 th Anniversary of the Battle of Long Tan, George Town
19 August 2016	Attended meeting with Mr Brian Mitchell MP, Labor Member for Lyons, Longford
22 August 2016	Attended meeting with Senator Jacqui Lambie, Longford
22 August 2016	Attended meeting re TasWater in Oatlands
23 August 2016	Attended Hydro Tasmania Chairman's Industry Briefing
25 August 2016	Attended EMIT meeting in Campbell Town
30 August 2016	Meeting with event organiser re CMCA Solo Rally 2017, Campbell Town
1 September 2016	Attended farewell to Mayor Deirdre Flint OAM, Bothwell
5 September 2016	Attended Council Workshop
6 September 2016	Attended LGAT meeting at Longford
18 September 2016	Attended Blessing of the Bonnets at Evandale – church service and luncheon
19 September 2016	Attended Council Workshop and Council Meeting
Attended to numerous email, phone, media and mail inquiries.	

3 PETITION

Attachments: Section 1 – Page 39

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- (2) A person lodging a petition is to ensure that the petition contains –
- (a) a clear and concise statement identifying the subject matter; and
 - (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

3.1 Draft Amendment 01-2016 and Draft Planning Permit P16-129

A 'petition' in regard to the above matter was submitted together with a representation by James and Kellie Steele and received 17 August 2016.

The petition submitted does not meet the requirements for the receipt of a petition as detailed in Section 57 of the Act, detailed above.

3.1.1 The 'petition' complies with the Act, as follows:

Section 57 (2)(c) – A brief statement identifying the subject matter of the 'petition' is included on 5 of the 6 pages of the 'petition' received and reads as follows:

The Petition of Residents, Business Owners and Person of the Campbell Town Community draws attention to the Council

- a motion of no support for the Draft Amendment to the Planning Scheme for the purposes of Planning Application P16-129 for the 24-hour service Station and signage at 171-183 High Street, Campbell Town.
- We the undersigned do not support this Development Application whatsoever.*

3.1.2 The 'petition' is deficient in that it does not comply with the following provisions of Section 57(2) of the Act:

- (a) a clear and concise statement identifying the subject matter; and
- (b) a heading on each page indicating the subject matter; 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.

It is noted that the 'petition' consisting of 6 pages contains the signatures of some 122 persons, not all of which are residents of Campbell Town.

A report in relation to the Draft Amendment 01-2016 and Draft Planning Permit P16-129 - Service Station, 171-183 High St, Campbell Town is included in this Agenda.

After the Council meeting, the report and all representations and referral responses will be forwarded to the Tasmanian Planning Commission (TPC) for consideration, a hearing is usually held when representations are received. The permit remains in draft form until ratified or rejected by the TPC.

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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 45

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			
	AUG		JAN –AUG		AUG		JAN –AUG	
	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value
		\$		\$		\$		\$
New Dwellings	5	1,244,154	64	14,398,337	2	517,127	24	6,412,884
Dwelling Additions	3	640,000	18	1,295,043	1	350,000	20	2,368,710
Garage/Sheds & Additions	5	161,282	50	1,931,282	14	190,429	72	2,574,906
Commercial	1	250,000	7	552,100	1	40,000	12	7,401,622
Other (Signs)								
Swimming Pools								
Minor Works	3	4,920	19	53,690			2	6,600
Building Certificates			5	10,701				
Amended Permits								
TOTAL	17	2,300,902	163	18,323,699	18	1,097,556	116	18,764,767
Inspections								
Building	0				28		250	
Plumbing	0				17		230	

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

7 DEVELOPMENT APPLICATIONS

Planning decisions in August 2016:

Total Approved:	18	Total Refused:	2
Total Permitted:	0	Total Discretionary:	17
Average Days for Permitted	-	Average Days for Discretionary:	36
Days allowed for approval by LUPAA	28	Days allowed for approval under LUPAA:	42
Total Exempt under IPS:	1	Total Withdrawn:	0

Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
P15-367	4-lot subdivision	5-7 Jetson Court, Cressy	Unathi Pty Ltd	44	D
P16-044	Dwelling (vary front & rear setbacks & passing bay provisions)	31A Pakenham Street, Longford	H Hoekstra (obo Greenwise Constructions)	25	D
P16-078	Sawmill expansion (increase volume, additional processing facilities, weighbridge & carpark	141 Perth Mill Road, Western Junction	Artec Australia Pty Ltd	23	D
P16-091	Shed alterations (increase height by 600mm) - vary rear setback	19 Sassafras Street, Perth	V Springer	43	D

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
P16-101	Dwelling (replace existing dwelling) - reduce setbacks	120 Waddles Road, Evandale	L Davis	42	D
P16-120	Shed demolition (heritage precinct)	33 Church Street, Ross	Northern Midlands Council	42	D
P16-121	Amenities block demolition	2a Macquarie Street, Cressy	Northern Midlands Council	42	D
P16-141	Shed (for hay storage)	510 Green Rises Road, Cressy	Lindsay Transport (Tas) Pty Ltd	39	D
P16-153	Resource processing - fuel bricks from woody green waste & signage	12635 Midland Highway, Conara	Pitt & Sherry	30	D
P16-157	Shed (vary S setback in Rural Living zone)	341 Pateena Road, Longford	TMK Design Solutions	36	D
P16-159	2-lot subdivision & shed demolition	4 Herberts Road, Longford	Cohen & Associates P/L (obo Newman)	36	D
P16-160	Dwelling (within 50m of railway)	2 Rose Gold Court, Perth	GJ Gardner Homes	34	D
P16-161	Dwelling & shed (in Local Business zone)	2a Spencers Lane, Cressy	D Hallett	35	D
P16-167	Amenity block (heritage-listed place in heritage precinct)	District High School, 118 Bridge St, Campbell Town	Wilkin Design & Drafting Pty Ltd (obo Dept of Education)	35	D
P16-169	Alterations, additions & partial demolition of existing residence	258 Leighlands Road, Evandale	MJ Architecture	31	D
P16-185	Shed	1 Sheringham Court, Perth	R K Knee	0	E
COUNCIL DECISIONS					
P16-119	Use of site and building as warehouse (storage) and develop signage (heritage precinct) (vary parking provisions)	75 Wellington Street, Longford	J Talbot	42	D
P16-130	Carport & shed - vary E side setback (heritage precinct)	12 Badajos Street, Ross	WP & PV Bewg	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 1st June 2013. 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 have heard submissions in relation to the SPP zones, with code hearings to be held in September and October.
02/15	Draft Amendment 02/15 – revisions to heritage provisions – public exhibition completed 28th June 2016. Report presented to September council meeting.
07/15	Draft Amendment & Planning Permit P15-331 - 2 Hudson Fysh Drive, Western Junction – Carpark (variations to development standards). TPC held hearing 17th June 2016. MNC preparing a modification to the amendment that the TPC can endorse by way of making the amendment more widely applicable.
01/16	Site-specific Planning Scheme Amendment 01/16 & 24-hour service station. Report on representations to Council meeting 19th September 2016, then to be forwarded to the TPC.
RMPAT	Resource Management & Planning Appeals Tribunal
P15-098	Appeal 114/15P–Shed (recycling and waste disposal) – 18 Logan Road, Evandale – Woof v NMC - consent agreement submitted to RMPAT. Revised site plan with shed 50m from boundary received 8th September. Revised consent agreement to be forwarded to the Tribunal.
P16-065	Appeal 58/16S - 1 Edward St, Perth- 18-lot subdivision, filling of lots 1-15 & 201, & removal of 34 trees. Hearing set for 5th October 2016, Hobart.
P16-105	Appeal 91/16P – 437 Woolmers Lane, Longford – landfarm contaminated soil – preliminary conference held 13th September 2016.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Decisions received

TPC

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RMPAT

P16-055	Appeal 51/16S – subdivision, 80 Seccombe St, Perth. Tribunal Decision received – permit issued requiring road connection to adjoining property.
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9 USE OF COUNCIL SEAL: AUGUST 2016

0	Final plans of subdivision
0	Part 5 Agreements under <i>Land Use Planning & Approvals Act</i>
0	Instruments of Approval for Planning Scheme Amendments
0	Draft Amendments to <i>Northern Midlands Planning Scheme 1995</i>
0	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	48											125	662
337	31	33											64	360

11 ANIMAL CONTROL

Item	Income/Issues 2015/2016		Income/Issues for August 2016		Income/Issues 2016/2017	
	No.	\$	No.	\$	No.	\$
Dogs Registered	3,773	92,210	2,269	47,608	2,464	51,042
Dogs Impounded	76	5,460	8	314	12	1,517
Euthanized	7	-	-	-	-	-
Re-claimed	60	-	6	-	10	-
Re-homed/To RSPCA	9	-	2	-	2	-
New Kennel Licences	12	816	-	-	1	69
Renewed Kennel Licences	60	2,460	-	-	70	2,940
Infringement Notices (paid in full)	53	9,776	5	882	14	2,268
Legal Action	-	-	-	-	-	-
Livestock Impounded	2	130	1	-	1	-
TOTAL		110,852		48,804		57,836

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	*	*
TOTAL	142	249	216	299	*	*

*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,

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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	11

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	1										
Community Services	-	-										
Corporate Services	-	1										
Governance	-	-										
Waste	1	-										
Works (North)	42	33										
Works (South)	1	4										

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

Date	Recipient	Purpose	Amount
31-Aug-16	George Town RSL Sub Branch Inc	Wreath - Vietnam Veterans Day	\$55
16-Aug-16	S Dhillon	Contractor Long Service Gift Voucher	\$100
	Council wages and plant	Assistance to Campbell Town SES	\$37
Planning/Building Applications Remitted			
5-Aug-16	Christ Church Longford	Planning / Building Application fees - removal of trees	\$340
Sporting/Academic Achievements			
16-Aug-16	Mrs Julie Zaporozec	Australian Indoor Bias Bowls Competition	\$60
16-Aug-16	Mr Simon Zaporozec	Australian Indoor Bias Bowls Competition	\$60
16-Aug-16	Mr Kara Zaporozec	Australian Indoor Bias Bowls Competition	\$60
16-Aug-16	Mrs Helen Farrow	Australian Indoor Bias Bowls Competition	\$60
16-Aug-16	Miss Remi Smith	U14 Tasmanian Girls Basketball Team	\$60
TOTAL DONATIONS			\$832

15 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
15/08/2016	215/16	2016/17 Tasmanian Skate Park League And Community Development Program	support the 2016/17 Tasmanian Skate Park League and Community Development Program	Governance & Community Dev Officer	Event organiser notified. Complete.	
15/08/2016	218/16	Endorsement of Longford Logo	adopts the Use of Longford Logo Policy and authorises officers to distribute the Longford logo in accordance with that policy	Governance & Community Dev Officer	Complete	
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.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
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	Report to Council Meeting.	Oct-16
15/08/2016	214/16	Recognition Of Order Of Australia Medals During Citizenship And Australia Day Celebrations	Council officers hold discussions with the Order of Australia Association, Tasmania Branch regarding the provision of printed material for new Australian Citizens	Governance & Community Dev Officer	OoA notified, report to Council meeting.	
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	Seeking alternative quotes.	
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.	
15/08/2016	219/16	Brown's Car Park – One Way Vehicle Access	That the matter be considered at a Council Workshop.	Works & Infrastructure Manager		
15/08/2016	211/16	Confirmation Of Minutes - Campbell Town District Forum	To note 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.	Works & Infrastructure Manager		
15/08/2016	211/16	Confirmation Of Minutes - Campbell Town District Forum	To note 2. the Campbell Town District Forum would like to be prioritised within the municipality for tree planting in 2016/17.	Works & Infrastructure Manager		
15/08/2016	211/16	Confirmation Of Minutes - Cressy Local District Committee	To note and Investigate 1. further investigate the installation of a dump point in Cressy.	Works & Infrastructure Manager		
15/08/2016	220/16	Longford Caravan Park & Carins Park Fence	That council plants a Hawthorn hedge and appropriate fencing, with the plan to be brought to a future council meeting.	Works & Infrastructure Manager		
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.	
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.	
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	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	That a fee offer be sought for the preparation of a business case to support the natural gas main	General Manager	Matter in progress.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
		Translink Industrial Precinct	extension to TRANSlink Industrial Precinct and reported to Council.			
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	
15/08/2016	217/16	Taswater – Disposal Of Shareholding	Council does not support legislative change to enable member Councils to sell their shareholding in TasWater	General Manager	Letter sent.	
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 investigate the introduction of a stormwater head-works levy.	General Manager	Underway.	
15/08/2016	211/16	Confirmation Of Minutes - Cressy Local District Committee	To note and Investigate 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.	Engineering Officer		
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.	
15/08/2016	216/16	Impact Of The Education Bill 2016 On The Starting Age Of School Children	matter be workshopped and that the facts be established and impacts be addressed. That representatives of both side of the debate be invited to attend	Project Officer	Representatives being identified.	
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	ADSL available via fixed line connection. Customers need to contact service providers direct.	
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	Draft brief being reviewed by TPC.	30/09/2016
15/08/2016	229/16	Making Of By-Law: Placement Of Shipping Containers By-Law	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.	Senior Planner	Progressing.	
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.	
15/08/2016	231/16	Trucks Parking On Residential Properties	That Council officers identify land which is currently owned by Council that may be appropriate for designated areas of off-street parking of heavy vehicles in Northern Midlands towns.	Senior Planner	Progressing.	
15/08/2016	231/16	Trucks Parking On Residential Properties	That Council seek a remedy to the parking, on a consistent basis, of more than one commercial vehicle on residential property.	Senior Planner	Progressing.	
15/08/2016	230/16	Making Of By-Law: Animal Management By-Law	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.	Animal Control Officer	Draft Animal Management By-law has been sent to key stakeholder for comments and submissions; once received the By-law will be adjusted to reflect those comments.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
15/08/2016	233/16	Renewal Process: Kennel Licences	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.	Animal Control Officer	Holders of Kennel licences have been sent a Courtesy letter reminding them that they must comply with the provisions of the licence. Kennel inspections will be taking place after 1 November.	
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, ...	Planning & Development Manager	Exhibited and circulated to stakeholders for comment. Complete.	
27/06/2016	173/16	Review Of Dog Management Policy	That Council ... ii) officers investigate the introduction of a microchipping day for dogs and cats in 2016/17.	Planning & Development Manager	see INFO item.	

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. 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.	
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 contribution from the state government; v) investigate options for the skate park; and vi) consider options for the scout hall.	Project Officer	Revised Master Plan presented to August Council Workshop.	

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 August 2016

1. GOVERNANCE UNIT –GENERAL MANAGER

a. Governance – Meetings/Conferences

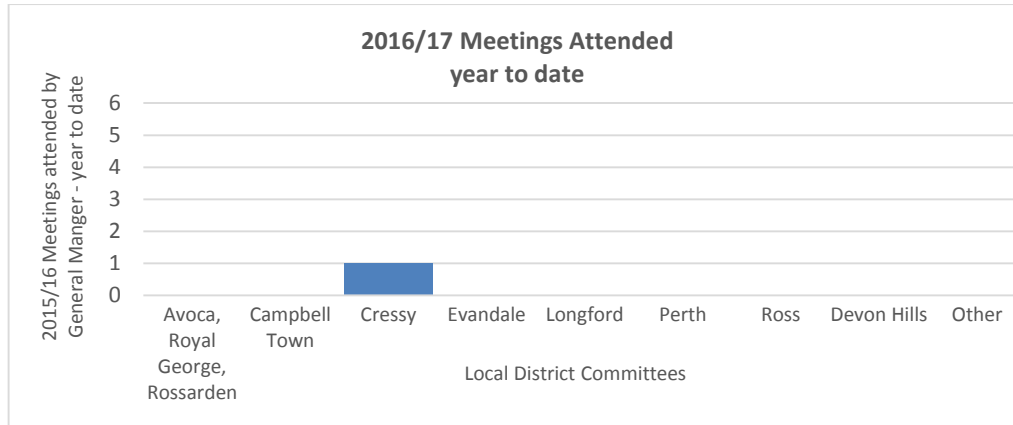
- Council meetings:
 - Ordinary meeting 15 August

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- Council Workshop:
 - 1 August
 - 15 August
- Community meetings:
 - Nil



- Executive Management Team:
 - 3 August
 - 17 August
 - 31 August
- Staff Meeting
 - 9 August
 - 23 August
- Other Meetings:
 - Met to discuss table for Council Chambers
 - Mayor and General Manager met with Minister Peter Gutwein, Treasurer
 - Met with proponent re medicinal cannabis
 - Met with Cameron Oakley, Hydrodynamica re Edward Street Subdivision
 - Met with Colin Smith, Woolcotts Surveys re Edward Street Subdivision
 - Attended Vietnam Veterans Day 2016 50th Anniversary Battle of Long Tan
 - Met with Ray Murphy, RDS Partners re Powranna Truck Wash
 - Meeting with Brian Mitchell MP re airport rates and other community issues
 - Met with Senator Jacqui Lambie re airport rates issues
 - Met with Loop Architecture and Lange Design re Longford CBD Urban Design Strategy, Parklets
 - Met with Richard Gilmour re provision of Regional - Affordable Housing
 - Met with Chris Griffin, TNT re Heritage Precincts
 - Met with service providers re provision of legal services
 - Met with service provider re planning services
 - Met with interested parties re Parklets

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- 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:
 - 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 progressing
 - Longford CBD Urban Design Master Plan – parklet designs ready for planning approval to be sought
 - Honeysuckle Banks Master plan –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 – community survey on concepts open until 16 September
 - Ross Swimming Pool Master Plan – awaiting structural review
 - Cressy War Memorial Swimming Pool Master Plan – awaiting structural review
 - Ross Town Square Master Plan – community consultation complete, awaiting first concept plan
 - Longford Recreation Ground Master Plan: awaiting final plan
 - 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
 - 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
- 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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- 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
 - Liaising with event organiser for CMCA Solo Rally 2017 – to be held at Campbell Town
 - Providing assistance to successful grant applicants under Council's Special Events funding for the first half of this financial year
- 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
 - Review of Council's Disability Access Policy and Action Plan

d. Other Activities:

- Citzenships
- Councillor requests, meetings, speeches, emails & phone enquiries
- Project support
- Newsletters
- Local District Committee attendance and secretarial support
- Policy Manual Update
- Delegations register review
- Liaising with Council's Management Committees
- Liaising with various tenants regarding lease compliance and renewals

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- 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.

c. Insurance

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

- 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 Structure Plan.
- By-Law preparation.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



b. Health

- Ongoing issues and enquiries relating to on-site wastewater management.
- 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 sites.
- Continue to support and ensure provision of Immunisations programme – contracted to external provider.
- Registration and inspection of food premises.
- Place of Assembly licence inspections and renewals is ongoing.
- Review of procedures for continuous improvement is ongoing.
- Response and investigation of potential asbestos issues.
- Response and investigation of complaints – e.g. noise and odour.
- Notifiable disease investigations.

c. Building.

- Follow up of illegal building works continues
- From the 1st October 2016 Council will no longer provide a Building Surveyor service. Council will continue to provide the necessary documents to clients for projects certified prior to the 30th September.
- Plumbing inspections and assessments continue
- Information and Training session being organised for November by Justice Department in relation to Permit Authority and Compliance Training with relation to the incoming Building Act 2016 in January.
- Assimilation of Plumbing and Building regulations into practice ongoing.

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- Consideration of Planning Directives.
- Consideration of proposed planning legislative amendments.
- Ongoing review of procedures.
- 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.
- Service of related notices and infringements.
- 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

- Lake River Bridge, Macquarie Road approaching completion.

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



17 RESOURCE SHARING SUMMARY FROM 01 JULY 2016

Attachments: Section 1 – Page 52

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		
		Aug 2016	Jan – Aug 2016	August 2015
None to report				
TOTAL COST VANDALISM		\$ 0	\$ 7,770	\$ 4,500

19 YOUTH PROGRAMME UPDATE: AUGUST 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 August, with an average of 7 participants at each session.

The Longford Friday Evening Youth Program at the Sports Centre had 46 participants across the four August 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 August; averaging 17.5 participants at each session. The other two sessions were cancelled due to inclement weather.

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 ongoing.

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 ANIMAL CONTROL UPDATE

Prepared by: Tammi Axton, Animal Control Officer

Kennel Licences – All holders of Kennel licences have been sent a Courtesy letter reminding them that they must comply with the provisions of the licence.

If the kennel licence holder wishes to house more dogs than on the initial application, they have been advised that there will be an amnesty from infringement action being taken until the 1st November 2016. This will allow time for a new kennel licence to be applied for.

Kennel inspections will be taking place after 1st November to ensure they are complying with the provisions of the licence.

Microchipping day – instead of having a microchipping day, Council's Animal Control Officer is to undertake microchipping training in October. Council can then offer this service to dog owners. Further, when dogs are impounded and are found not to be microchipped Council can microchip before release (a requirement of the *Dog Control Act 2000*), the owner would be liable for the costs associated with the implanting of a microchip.

Animal Management By-law – The Draft Animal Management By-law has been sent to key stakeholder for comments

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



and submissions.

Once comments and submissions are received the By-law will be adjusted to reflect those comments.

21 OBJECTION TO RATES 2016/17

Attachments: Section 1 – Page 53

Prepared by: Maree Bricknell, Corporate Services Manager

1 PURPOSE OF REPORT

The purpose of this report is to advise Council that an objection to the 2016/17 Rates & Charges has been received from Mr Frank Deane, 11 Berresford Place, Evandale.

2 INTRODUCTION/BACKGROUND

A letter was received from Mr Deane on 18 August 2016 objecting to rates pursuant to section 123 of the Local Government Act 1993 on the basis that the rates are not correctly calculated having regard to many factors including public statements issued.

It is noted that Mr Deane has made arrangements for this matter to be taken up with Council from an outside source, and Council is yet to receive further information.

3. ATTACHMENT

3.1 Letter from Mr Deane dated 17th August 2016

DECISION

Cr

That Council note the receipt of the non-compliant petition.

Cr

That the Information items be received.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 6 NORTHERN MIDLANDS FURTHER EDUCATION BURSARY PROGRAM

Responsible Officer: Amanda Mason, Governance and Community Development Officer

Report prepared by: Lorraine Green, Project Officer

1 PURPOSE OF REPORT

The purpose of the report is to:

- i) seek Council's response to a request by Cape Hope Foundation to collaborate to expand the number of bursaries offered through the Northern Midlands Further Education Bursary Program;
- ii) request Council to appoint three councillors to the 2016 Further Education Bursary Committee.

2 INTRODUCTION/BACKGROUND

In 2014 Council introduced the trial of the Northern Midlands Further Education Bursary Program across 2014-2016. The program aimed to provide up to ten bursaries of \$1,000 each in 2014 and 2015 to Year Ten Northern Midlands' resident students for whom receiving a bursary would significantly impact on their ability (in terms of the confidence boost at the public recognition of their educational potential, as well as the funding) to pursue at least two years further education/training post year Ten.

Council reviewed the outcome of the Further Education Bursary program trial at the 18 July 2016 Council Meeting, and resolved as follows:

Cr Lambert/Cr Polley

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)

Carried unanimously.

A representative of Cape Hope Foundation, Mr Nicholas D'Antoine, contacted Council in early August to report the Foundation was considering offering bursaries to Northern Midlands students, and floated the possibility of collaborating with Council to expand Council's Further Education Bursary Program by the Foundation providing the funds for additional bursaries. Mr D'Antoine was provided with information on Council's Further Education Bursary Program.

The following email was received from Mr D'Antoine on 12 September 2016:

Good Afternoon Lorraine,

Following our Cape Hope Foundation meeting last week I can advise the following.

Cape Hope Pty Ltd will commit to supporting 3 Bursaries x 2 years along side the 10 Bursaries committed by the Northern Midlands Council. We would also request the ability to nominate a person to sit on the selection panel.

My Committee see this joint initiative as sending a very strong signal to the community demonstrating a joint commitment to our youth and education.

We look forward to working with you on this project.

Kind Regards

Nicholas d'Antoine

(CHAIRMAN)

Cape Hope Pty Ltd

Incorporating Cape Hope Foundation

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



If Council approves this collaborative effort, the 2016 Further Education Bursary Committee (including a representative of Cape Hope Foundation) will select thirteen bursary recipients: ten of whom will be advised their bursary was funded by Council, and three advised that their bursary was funded by Cape Hope Foundation.

Work has commenced towards the selection of the recipients for the 2016 bursary program; with letters inviting the nomination of students for the bursaries having been forwarded to all schools (public, private and eSchool) where Northern Midlands' resident Year Ten students are enrolled. The closing date for applications is 3 October 2016.

A Further Education Bursary Committee needs to be appointed to assess the applications, select the recipients for the 2016 Northern Midlands Further Education Bursaries, and seek Council's endorsement of the ten Council funded recipients in Closed Council at the 17 October 2016 Council Meeting.

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: 3.3 Youth "Facilitate services and activities that meet the needs and aspirations of young people in the Northern Midlands."

4 FINANCIAL IMPLICATIONS

The Northern Midlands Further Education Bursary Program has an annual allocation in the Council budget of \$10,000 (being \$500 per year per recipient over two years).

Cape Hope Foundation is proposing to fund an additional three bursaries over the next two years at a cost of \$1,500 in 2016/17, \$3,000 in 2017/18 and \$1,500 in 2018/19. The process for payment for the additional three bursaries would need to be negotiated; i.e. does Council invoice the Foundation for the additional three bursaries or does the Foundation make these payments directly to the recipients.

5 RISK ISSUES

The major risk identified with the payment of the bursaries is that the funding is paid when the recipient is no longer enrolled in further education/training.

This risk has been managed by holding the payment of the bursary until the bursary recipients have submitted their proof of enrolment form (i.e. after they have paid their study fees for the forthcoming year).

6 CONSULTATION WITH STATE GOVERNMENT

Council consulted with School Principals, College staff and Education Department Pathway Planners during the development, implementation and evaluation of the Northern Midlands Further Education Bursary Program.

7 COMMUNITY CONSULTATION

Broader community consultation has not been undertaken.

8 OPTIONS FOR COUNCIL TO CONSIDER

Council is required to appoint a 2016 Further Education Bursary Committee.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Council can either endorse the expansion of the bursary program through collaboration with Cape Hope Foundation to create an additional three bursaries across 2016/17 and 2017/18, or not endorse the expansion of the bursary program.

9 OFFICER'S COMMENTS/CONCLUSION

The Northern Midlands Further Education Bursary Program demonstrates Council's commitment to assisting prepare Northern Midlands school students to successfully navigate their post school pathway by nurturing within them the desire, motivation and opportunity to succeed. The expansion of the program will enable more Northern Midlands school students to be supported in their post year ten further education/training.

10 ATTACHMENTS

N/A

RECOMMENDATION 1

That the matter be discussed.

RECOMMENDATION 2

That Council endorse the expansion of the Further Education Bursary Program as proposed by Cape Hope Foundation, and appoint Cr, Cr..... and Cr to the 2016 Further Education Bursary Committee.

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 7

NORTHERN MIDLANDS COUNCIL LOGO

Responsible Officer: Des Jennings, General Manager

Report Prepared by: Samantha Dhillon, People & Culture Business Partner

1 PURPOSE OF REPORT

This report seeks Council's endorsement for the design of the Northern Midlands Council's logo to be altered slightly for the purpose of placing on indoor employee's business clothing.

2 INTRODUCTION/BACKGROUND

Indoor employees would like to change their business clothing provider, as many issues have been raised pertaining to the current provider from limited choice, to sizing, to cost, to quality and delivery times, all of which staff are not happy about.

Accordingly, a new provider has been sourced – Get Real Workwear (who provide the outdoor employee uniforms). Samples from this supplier have been shown to employees and staff were surveyed regarding their opinion on the same. In addition, they were asked about moving away from the current Local Government logo to Council's logo on their work clothing. The consensus was that we should change providers and move in this direction with the branding of our workwear.

The indoor employees have a non-compulsory uniform, which means that Council needs to register the logo with the ATO before we can go any further. As the outdoor workforce have occupational specific clothing, the ATO do not require their logo to be registered.

By registering the logo for indoor employees clothing, Council will be exempt from paying FBT on clothing purchased as part of the annual clothing allowance. Similarly, employees will be able to claim tax deductions for their clothing on their tax return.

The logo needs to fit within specific sizing guidelines and be embroidered onto attire. The logo used on outdoor employees clothing (5cm wide by 6cm high) is too big to use on a business shirt for indoors employee.

Further, we have tried reducing the size of the logo to a 4cm by 4cm, however the letters became integrated and it just looked messy. It was then discussed at the EMT and a suggestion was made to alter the design slightly for use on employee's business clothing.

We therefore propose to use the picture component of the current Council logo, without the text (Northern Midlands Council) as the logo on indoor staff business wear.

As illustrated below:



Instead of the full logo as pictured below:



**NORTHERN
MIDLANDS
COUNCIL**

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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
- 1.2 Human Resource Management
- 1.9 Financial Management

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

N/A

6 FINANCIAL IMPLICATIONS

Should Council change providers to ensure employees are happy with the clothing supplier and not register the Council logo with the ATO, there will be a financial implication to Council in the form of FBT on all purchases. This amount will be equivalent to the price of the clothing item (i.e. if the shirt costs \$50, the FBT will also be \$50).

7 RISK ISSUES

N/A

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

N/A

10 OPTIONS FOR COUNCIL TO CONSIDER

Council is requested to endorse the picture component of the Council logo without the wording, Northern Midlands Council for use on employee work clothing. The logo will then be registered as such with the ATO and once approved, embroidered onto future clothing for indoor employee’s workwear.

11 OFFICER’S COMMENTS/CONCLUSION

In order to progress the changeover in clothing providers, the Council logo needs to be registered as a first step. The logo cannot be registered as it is because when it is embroidered smaller than the size used on the outdoor workforce clothes, the lettering integrates and looks messy.

Endorsement is sought from Council to use the picture component of the logo only on indoor employee’s work clothing. If approval is granted by Council, the logo can be registered and we are then able to progress with changing clothing providers.

12 ATTACHMENTS

N/A

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



RECOMMENDATION 1

That Council endorse the picture component of the Council logo without the wording, Northern Midlands Council for use on employee work clothing.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 8 RECOGNITION OF ORDER OF AUSTRALIA MEDALS DURING CITIZENSHIP AND AUSTRALIA DAY CELEBRATIONS

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 on the following items:

- Incorporation of Order of Australia Award recognition at Council's annual Australia Day event;
- Provision of information on Order of Australia Awards to new citizens and the wider community;
- Use of an Order of Australia Award display board at Council citizenship and Australia Day events;
- Permission from Council to be named as supporting the Order of Australia Association (Tasmania Branch – Northern Region) in its project to promote Order of Australia Awards.

2 INTRODUCTION/BACKGROUND

A report was presented to the August Council meeting seeking Council permission for officers to liaise with the Order of Australia Association (Tasmania Branch – Northern Region) to discuss the promotion of Order of Australia Awards to new citizens.

A Council officer met with representatives of the Order of Australia Association (Tasmania Branch – Northern Region) on 2 September 2016. At that time the items listed above were discussed.

Presently, the Mayor announces and recognises any Order of Australia Award recipients at Council's annual Australia Day event. It is sought by the Order of Australia Association (Tasmania Branch – Northern Region), that Council take this further and recognise the Order of Australia Awards program by advising when the awards are presented, what the awards represent, and who can nominate and be nominated.

The Order of Australia Association (Tasmania Branch – Northern Region) is presently working on an information brochure on the Order of Australia awards. Once completed, it is proposed that Council provide this brochure to all new citizens in their welcome pack from Council. It has further been suggested by Council officers that the information could be disseminated to the wider community through avenues such as Council's adverts in the Examiner and Country Courier newspapers, and through social media.

The Order of Australia Association (Tasmania Branch – Northern Region) have offered to loan to Council a framed board showing all of the Australian Honours medals, for use at Citizenship and Australia Day events.

It has been requested by the Order of Australia Association (Tasmania Branch – Northern Region) that Council also provide permission to the Association to be named as supporting their project to advocate for the awards program.

In their meeting with the Council officer, the members of the Order of Australia Association (Tasmania Branch – Northern Region) thanked Council for agreeing to progress these discussions.

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
- 1.4 Community Agendas

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4 POLICY IMPLICATIONS

There are no policy implications identified.

5 STATUTORY REQUIREMENTS

There are no statutory requirements applicable.

6 FINANCIAL IMPLICATIONS

There are no financial implications applicable.

7 RISK ISSUES

There are no risk issues identified at this stage.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

N/A

10 OPTIONS FOR COUNCIL TO CONSIDER

- Incorporation of Order of Australia Award recognition at Council's annual Australia Day event;
- Provision of information on Order of Australia Awards to new citizens and the wider community;
- Use of an Order of Australia Award display board at Council citizenship and Australia Day events;
- Permission from Council to be named as supporting the Order of Australia Association (Tasmania Branch – Northern Region) in its project to promote Order of Australia Awards.

11 OFFICER'S COMMENTS/CONCLUSION

This is an opportunity for Council to contribute to the recognition of a significant national awards program. The request being made to Council is primarily to facilitate the distribution of information regarding the awards through its public ceremonies, to new citizens and to the wider community through existing promotional channels.

There has been no identified financial impost to Council with our role simply being the sharer of information.

RECOMMENDATION 1

Council discuss the matter.

RECOMMENDATION 2

Council:

- a) Incorporate Order of Australia Award recognition at Council's annual Australia Day event, commencing in 2017;
- b) Provide information on Order of Australia Awards to new citizens and the wider community, once received from the Order of Australia Association (Tasmania Branch – Northern Region);
- c) Use the Order of Australia Award display board supplied by the Order of Australia Association (Tasmania Branch – Northern Region) at Council citizenship and Australia Day events; and

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- d) Permits Council to be named as supporting the Order of Australia Association (Tasmania Branch – Northern Region) in its project to promote Order of Australia Awards.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 9 CMCA RV PARK PROJECT

Attachments: Section 1 – Page 54

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 response to a request by the Campervan and Motorhome Club of Australia (CMCA) for expressions of interest to partner with CMCA to establish a CMCA RV Park in the Northern Midlands.

A copy of the correspondence is attached to this report.

2 INTRODUCTION/BACKGROUND

The background to this project is provided in the information attached. However, in summary, CMCA is seeking from Council:

- advice and support in identifying a site; and
- assistance in undertaking any requirement development application or obtaining local or State government approvals.

There are a number of benefits to Council identified in the correspondence attached, including:

- CMCA seeks no financial or in-kind support from Councils to develop the RV Park network
- CMCA seeks to lease Council or State Government land on the same basis as any other not-for-profit association, such as a bowling club, pony club or the like
- CMCA will pay rates on the site
- All required infrastructure is developed and paid for by CMCA, there is no cost to Council or the community
- All maintenance is organised and paid for by CMCA, using local contractors wherever possible
- The RV Park activities will be overseen 24/7 by an on-site CMCA volunteer custodian.

Council currently has two caravan parks within its municipality. The caravan park sites located at Ross and Longford are owned by Council and leased by private businesses.

Council also has four designated free overnight camping areas for self-contained vehicles, located in Bishopsbourne, Campbell Town, Cressy and Evandale.

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:

- 2.2 Tourism Industry Support
- 2.3 Business Support

4 POLICY IMPLICATIONS

There are no policy implications identified.

5 STATUTORY REQUIREMENTS

There are no statutory requirements applicable.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



6 FINANCIAL IMPLICATIONS

The request made by the CMCA indicates there is no financial cost to Council to support the initiative.

7 RISK ISSUES

There are presently two private businesses operating caravan parks in the Northern Midlands. There is a risk that if Council supports the development of a CMCA managed site, this will create unfair competition to the two existing businesses, competing in a small region.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

There has been no community consultation at present.

10 OPTIONS FOR COUNCIL TO CONSIDER

- Express interest to the CMCA to explore the development of a CMCA RV Park in the Northern Midlands; or
- Decline the invitation of the CMCA to explore the development of a CMCA RV Park in the Northern Midlands.

11 OFFICER'S COMMENTS/CONCLUSION

The correspondence received does not indicate that this is a one off opportunity. If an opportunity arose into the future for the development of a CMCA RV Park in the Northern Midlands, for example, on one of Council's existing caravan park sites, this could be explored further at that time.

12 ATTACHMENTS

- 12.1 Email from CMCA
- 12.2 CMCA RV Parks Project Overview
- 12.3 CMCA RV Parks Key Facts

RECOMMENDATION 1

Council discuss the matter.

RECOMMENDATION 2

Council decline to express interest to partner with the Campervan & Motorhome Club of Australia (CMCA) to establish a CMCA RV Park in the Northern Midlands.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 10 NORTHERN TASMANIA DEVELOPMENT: NEW GOVERNANCE MODEL

Attachments: Section 1 – Page 65

Responsible Officer: Des Jennings, General Manager
Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of the report is to consider matters associated with the creation of a successor organisation from Northern Tasmania Development.

2 INTRODUCTION/BACKGROUND

The Executive Officer, Ms Maree Tetlow, attended the Councillor Workshop held on 5 September 2016 and outlined the proposed future direction of Northern Tasmania Development.

The following information has been provided in regard to the new Governance Model:

1. To change the current governance model of Northern Tasmania Development from an incorporated association to a corporation limited by guarantee.
2. The new name of the organisation will become Northern Tasmanian Development Corporation Limited (NTDC).
3. The current Council members of NTD will become shareholders of NTDC and a total of 45 shares will be made available for the current members and potential future members.
4. The Council shareholders will be allocated shares based on their annual contributions to NTDC. The following formula applies:
 - \$6,000 - \$20,000 = 1 share
 - \$20,001 - \$40,000 = 2 shares
 - \$40,001 - \$ 60,000 = 3 shares, etc
5. The current formula for each council's annual payment is already established as follows:
 - $MC = FC + VC$

Where

- MC = the total amount of the Member Contribution per Member;
- FC = the fixed component (commencing in the 2016-17 financial year) calculated by application of the following bands calculated based on the population of the municipal area of each Member:
 1. Population of 0 – 5,000 people \$ 4,000
 2. Population of 5,001 – 10,000 people \$ 8,000
 3. Population of 10,001+ people \$ 16,000
- VC = the variable component calculated at a contribution rate of approximately \$2.22 per head of population (figure used in May 2012) in the municipal area of each Member multiplied by actual municipal population. The VC component is indexed annually to CPI (All groups, Hobart, or an equivalent).

6. Based on the 2016-17 financial contributions by current members the share allocation will be as follows:

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- Break O'Day 2 shares
- Flinders 1 share
- George Town 2 shares
- City of Launceston 9 shares
- Meander Valley 4 shares
- Northern Midlands 3 shares
- West Tamar 4 shares

A total of 25 shares would be allocated to the current members. Council shareholders can apply to increase their shareholding if desired by increasing the annual allocation.

7. Based on the application of this formula Dorset Council will be encouraged to become shareholders of NTDC and two (2) shares have been set aside for this purpose.
8. A total of 45 shares would be allocated to NTDC which would allow another 18 shares available for other entities to become shareholders of the organisation as long as they meet the objectives of the organisation and the majority of current shareholders agree. However, it is not the intention for the current members/shareholders to lose their control of the NTDC.
9. Council shareholders will appoint a new skills-based Board and independent Chair that reflects best practice governance models.
10. Council shareholders will offer up to \$30,000 per annum to secure a highly regarded independent chair. It is recognised that in the first 12 months the chair will be required to invest many hours into the new organisation to appoint a CEO and gain the confidence of shareholders and stakeholders.
11. The Board Directors (other than the Chair) will be paid a nominal sitting fee.
12. A Selection Committee will be appointed to select a new chair and the board directors. The Local Government Committee (LGC) of NTD has appointed Robert Dobrzynski of City of Launceston, as the Council representative on the Selection Committee, and have requested that the Implementation Committee of NTD appoint the following:
 - A senior business person, and
 - A member of the Implementation Committee.

It has been requested by the LGC that issues of diversity and understanding of the geographic spread of the region are considered when appointing the other two members of the Selection Committee.

13. The current Council members of NTD agree to fund the new NTDC for a three year period from 2017-18 to 2019-20 inclusive based on the formula outlined in point 5 as the minimum level of funding.
14. The new NTDC Board will report back to shareholders on a bi-annual basis and one of these meetings will be in the lead up to the annual planning development of NTDC to allow shareholders the opportunity to provide input to priorities and the issues for consideration by NTDC.
15. Council shareholders will be represented by the Mayor of each council shareholder, or a proxy as requested. At shareholder meetings the usual method of voting is for each member/ shareholder to vote on a motion based on one member = one vote. However, if a party with multiple shares is unhappy with the outcome of a vote they can insist on a poll which would equate to number of votes = number of shares.
16. The NTDC Constitution is adopted. It is understood that the drafting of the document is based on the Corporations Law, much is generic and allows some flexibility and provisions that are not yet foreseen.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



It is also noted that the corporate structure requires a higher standing of reporting that the current Association requirements of NTDC.

17. The NTDC Shareholder's Agreement is adopted. The Shareholder's Agreement provides for more information between shareholders and NTDC. The agreement is for a three year period and includes annual reviews and details of the annual funding requirements.
18. The Statement of Purpose for the new NTDC as drafted by the Implementation Committee and edited by the Local Government Committee is adopted to provide guidance to the new NTDC Board.
19. The Northern Regional Futures Plan is a plan supported by all Council shareholders and stakeholders and provides a starting point on shareholder's expectations and requirements. This plan will need to be updated at least annually and revised as required.
20. Council shareholders have indicated that the new NTDC will be expected to focus on economic outcomes for the region and ensure the organisation is not distracted by other stakeholders with alternative expectations and potentially funding to diversify the Corporation's charter.
21. Council shareholders expectations are for transparent KPI's to be established and reported on a regular basis to shareholders by the NTDC Board and staff.
22. It is understood that by a majority vote the Council shareholders can:
 - Request an issue be considered by the organization at their next meeting and report back prior to the next meeting.
 - Terminate the services of the NTDC Board if they do not meet the expectations of the shareholders.

The following statement constitutes the suggested Statement of Objectives required to comply with Statement of Objectives Pursuant to Section (1A) of the Local Government Act.

The stated purpose and objectives for the Northern Tasmanian Development Corporation (NTDC) are as follows (as set out in the NTDC Constitution and Shareholder Agreement):

NTDC will provide pro-active regional leadership, that is engaged with business and the shareholders to consolidate an agreed vision and implement a strategic economic action plan based on the Northern Regional Futures Plan framework.

The primary objectives of the NTDC are to:

- (a) provide pro-active, engaged and strategic regional economic leadership;
- (b) consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation's Members encompass;
- (c) and implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and.
- (d) to provide effective representation and advocacy to State and Federal Government and other stakeholders.

As an incumbent member of the Northern Tasmania Development Association Inc, Council has been involved in all considerations about the incorporation of that entity into the NTDC, pursuant to the Local Government Act. It is considered by Council that Council, the Municipality and rate payers generally, will benefit from the incorporation of NTDC. The organisation will effect direct and material economic, employment, and investment outcomes, and contribute indirectly to social and community benefits as a consequence of NTDC achieving the objectives that it will be set up to achieve.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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
- 1.8 Regional/State/Federal/International Relations
- 1.9 Financial Management

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

Obligations of Council under the *Local Government Act 1993*:

According to the *Local Government Act 1993*, under Section 21, Enterprise Powers, the relevant clauses should be noted:

(1) In carrying out any of its functions, a council may –

(a) form or participate in the formation and operation of a corporation, trust, partnership or other body; and

(b) subscribe for, or otherwise acquire and dispose of, shares in or debentures or other securities of a corporation; and

(c) become a member of a company limited by guarantee; and

(d) subscribe for, or otherwise acquire and dispose of, units in a trust; and

(e) acquire and dispose of an interest in a partnership or other body; and

(f) enter into partnership or into any arrangement for sharing of profits, union of interest, cooperation, joint venture, reciprocal concession or otherwise, with any person carrying on, or engaged in, or about to carry on or engage in, any business or transaction capable of being conducted so as to directly or indirectly benefit the community; and

(g) undertake a project or activity not directly authorized by this or another Act for the purpose of raising revenue.

(1A) A motion by a council to exercise any of its powers under [subsection \(1\)](#) must be accompanied by a statement of the objectives of the exercise of that power.

There are also other obligations to inform the Minister if expenditure into the enterprise of at least \$250 000 or 5% or more of its general rates revenue is at stake – but this decision does entail this quantum of expenditure.

6 FINANCIAL IMPLICATIONS

The Council shareholders will be allocated shares based on their annual contributions to NTDC. The following formula applies:

- \$6,000 - \$20,000 = 1 share
- \$20,001 - \$40,000 = 2 shares
- \$40,001 - \$ 60,000 = 3 shares, etc.

Based on the 2016-17 financial contributions by current members Council’s the share allocation will be 3 shares.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Council's contribution for 2016/2017 is \$46,830.

7 RISK ISSUES

- NTD cannot afford to maintain a 'business as usual' approach and expect a different result.
- The perceived lack of coherence across the region sends confused and contradictory messages, this in turn creates doubt about the merit of both private and/or government investment in projects of Regional and State significance.
- Without a new organisation that will provide an opportunity to share a common goal, parochialism and intra-sector competition will continue. Greater value needs to be placed on collaboration and co-operation to achieve outcomes with unity and purpose.

8 CONSULTATION WITH STATE GOVERNMENT

Feedback from key State and Commonwealth stakeholders during the development of the Northern Regional Futures Plan indicates a bleak picture for the Northern economy and for quality of life, due to the failure of the region to present agreed positions when advocating for investment and articulate its consistency on regional priorities.

9 COMMUNITY CONSULTATION

Representatives of Food and Agribusiness, Tourism and Competition Manufacturing were consulted in the development of the Northern Regional Futures Plan and will be represented on the NTDC Board, being drawn from the private sector and community leaders in our region.

It is likely that the NTDC Board will initiate forming project groups by industry priority sectors that drive our economy (Food/Agriculture; Competitive Manufacturing; Tourism; Health and Community Services; and Education).

10 OPTIONS FOR COUNCIL TO CONSIDER

Council opt to either support or not support the proposal.

11 OFFICER'S COMMENTS/CONCLUSION

The new organisation is required to provide pro-active regional leadership, that is engaged with business and the shareholders to consolidate an agreed vision and implement a strategic economic action plan based on the Northern Regional Futures Plan framework. The organisation needs to be a strong advocate to government and investors to promote the region. It is understood that the City of Launceston, is dependent on the success of the North's regional towns and rural areas success and vice-versa.

The organisation will be governed by a skills-based board and independent chair, with the majority of membership coming from the private and community sectors.

The inaugural funding will comprise the current funding model of Northern Tasmania Development i.e. member Councils as major shareholders. It will be the intent of the new organisation to raise other funding support from other private and government sources, which must also be strategically aligned. Not funding without focus on the outcomes and accountabilities set by Council shareholders.

The new organisation will also adopt a process to determine the top regional priorities and to give these the necessary focus to ensure successful outcomes. This will be achieved through the following:

- must be strategic, research-based and market-driven,

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- must be socially and environmentally considerate;
- prescribing the 'what', 'how' and 'when' of success;
- better engagement/connection with the business sector and the broader community;
- aligning projects with State and Federal priorities; and
- promoting private sector investment.

12 ATTACHMENTS

- 12.1 Statement of Purpose – a Regional Economic Development Organisation in Northern Tasmania
- 12.2 NTDC New Governance Model – FAQ's
- 12.3 Northern Tasmania Development Corporation Limited – Shareholders Agreement
- 12.4 Northern Tasmania Development Corporation Limited – Constitution
- 12.5 Milestone Timing for the Implementation of the New NTDC

RECOMMENDATION 1

That Council discuss the matter.

RECOMMENDATION 2

- 1) That Council supports the winding up of Northern Tasmania Development Inc. and the transfer of assets and liabilities to a successor organisation.
- 2) The successor organisation shall be titled the Northern Tasmania Development Corporation Limited (NTDC) a company limited by guarantee.
- 3) That Council become a member of NTDC on and from 1 January 2017.
- 4) The Constitution of NTDC shall be as attached as an annexure 12.4.
- 5) The Stakeholder Agreement shall be as attached as an annexure 12.3.
- 6) Funding commitments shall be for the contribution amount over a period of three (3) consecutive years from the date that the membership commences. At the end of each three (3) year cycle a review will be undertaken.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 11 NORTHERN MIDLANDS STRATEGIC PLAN 2017 – 2027

Attachments: Section 1 – Page 152

Responsible Officer: Des Jennings – General Manager
Report prepared by: Kate Keenan – Strategic Project Officer

1 PURPOSE OF THE REPORT

This report presents the Draft Northern Midlands Council Strategic Plan 2017–2027 to Council for consideration.

2 INTRODUCTION/BACKGROUND

The Strategic Plan provides the guidelines within which Council operates. It outlines a broad futures plan, giving the community information on how Council will undertake its duties.

The Northern Midlands Council Strategic Plan 2017–2027 provides a flexible framework from which Council draws capacity to provide core services and harness emerging potential for sustainable economic growth. Under its headings of “Lead and Progress; People and Place”, the Plan broadly encompasses all aspects of life in the Northern Midlands.

3 NORTHERN MIDLANDS COUNCIL STRATEGIC PLAN 2017/2027

Council’s adoption of the Plan will enable Council, Management and staff to deliver expected outcomes and maximise opportunity critical to a strong and resilient future. This Plan is versatile and flexible, and must undergo constant review to ensure it remains relevant in the face of change. Its aim is to meet community expectations and seize positive economic development in a timely manner.

It seeks to build business and industry confidence in the municipality. It highlights the attractive, diverse lifestyles in the municipality. It encourages business and community ownership of growth and vitality initiatives, placing emphasis on the importance of business and industry independence.

The Plan recognises the critical importance of preserving our built and natural heritage, as keystones for future prosperity and attraction of tourism and residential growth. A cornerstone of this Plan encourages early collaboration with developers and new or emerging business and industry.

The strategies show the importance of connecting eclectic communities to a shared vision. The Plan is dependent on Council collaboration with residents, community service and business groups to achieve improved and acceptable infrastructure outcomes. It places increased responsibility for future planning of public landscapes and amenities on the community, encouraging attendance at public workshops and briefings.

The Plan encompasses the need to ensure future environmental stability and mitigation of climate change challenges.

4 POLICY IMPLICATIONS

Council is obliged by The Tasmanian Local Government Act 1993 to prepare and present to Government, a 10-year Strategic Plan in consultation with community and appropriate authorities and bodies. It is a concise policy document with strategic outcomes and strategies employed to achieve them. Departmental Plans prioritise delivery of strategic outcomes.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



5 STATUTORY REQUIREMENTS

5.1 Local Government Act 1993, Sections 66, 68 and 69

In summary, sections 66, 68 and 69 of the Local Government Act, 1993 requires that Council:

- Prepare a 10-year Strategic Plan for the Municipality.
- Consult with the community and any relevant authorities
- Make a copy available for public inspection at Council offices during office hours
- Invite submissions on the plan and consider these before adoption of the plan.
- Once adopted, the plan is displayed at Council offices for public inspection
- A copy is submitted to the Local Government Director, State Government

6 FINANCIAL IMPLICATIONS

Aspects of the Strategic Plan that are as yet unfunded may require financial commitment by Council throughout the life of the Strategic Plan.

7 RISK ISSUES

Council is obliged by the Local Government Act, Section 66, 68 and 69 to prepare this Plan.

8 CONSULTATION WITH STATE GOVERNMENT

Regional plans and Government policies are considered in preparation of the Strategic Plan. Ongoing discussion, plans and collaboration with regional partners and State authorities ensure intrinsic regional and State initiatives educate outcomes within this Plan.

9 COMMUNITY CONSULTATION

Ongoing Council interaction with community groups, business, industry and residents means that ideas find a place in the draft Strategic Plan, based on Council's knowledge of any improvements or expansion currently in play or planning. The community will be invited to comment on the Strategic Plan when it is placed in public display.

10 OPTIONS FOR COUNCIL TO CONSIDER

Staff present the Draft Strategic Plan 2017–2027 for Council consideration. Several future initiatives for Council consideration in the Strategic Plan include:

- 1) Economic Development Master Plan
- 2) Developer Communication Strategy
 - a) Development Communication Plan; and
 - b) Developer's Handbook
- 3) Northern Midlands Means Business marketing campaign
- 4) Innovation, Research and Development
- 5) Media Strategy
- 6) Historical Sites Business Network

11 OFFICER'S COMMENTS/CONCLUSION

In preparing the Strategic Plan, it became evident that the municipality is well placed geographically and demographically to harness new industry, business and expansion into tertiary agricultural production. The proximity of TRANSlInk and the new irrigation scheme to local agriculture provides incentive to streamline commercial and agricultural activity.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Large quantities of land appropriate for expansion, present a unique opportunity for Council to play a role in inviting tertiary processing into the region. This activity will value add to the local economy and improve employment and training opportunities.

To ensure Northern Midlands harnesses economic advantage, it is imperative that the innovation, research and development sector is encouraged to participate in the economic regional re-balancing already emerging. We must protect our intrinsic environmental values, while achieving equitably balanced lifestyle, amenity and economic health and wealth.

Critical to the growth of Northern Midlands, is Council's vigilance in preserving and protecting built and natural heritage, which is a major lynchpin to growth in the Tourism industry sector. It is the heritage value people come to Tasmania to see. Northern Midlands has an abundance of such high value heritage assets. They must be locally valued, encouraging local participation and value adding to services in the tourism sector, if it is to compete with other heritage areas.

12 ATTACHMENTS

12.1 Draft Northern Midlands Strategic Plan 2017–2027

RECOMMENDATION 1

That Council discuss the report.

RECOMMENDATION 2

That Council approve advertising the Draft Northern Midlands Strategic Plan 2017–2027, for community comment.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 12 ALGA NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS ATTENDANCE

Attachments: Section 1 – Page 166

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

1 PURPOSE OF REPORT

The purpose of the report is to consider the attendance of Councillors at the ALGA National Local Roads and Transport Congress 2016 to be held Toowoomba, Queensland from 9 to 11 November.

2 INTRODUCTION/BACKGROUND

The 2015 ALGA National Local Roads and Transport Congress was held in Ballarat, Council authorised Cr Polley to attend the conference with Council meeting the normal cost of attendance.

ALGA President, Mayor Troy Pickard, has provided the following overview in relation to this year's event:

ALGA's Local Roads and Transport Congress is our opportunity to meet, collaborate and represent the sector's interests. I invite you to attend the 2016 Roads Congress, which will take place in Toowoomba, Queensland from 9 to 11 November.

In July this year the Coalition Government was returned to office following the 2016 Federal election. In the lead-up to the election, ALGA developed a comprehensive Plan for an Innovative and Prosperous Australia. A key role of events like the Roads Congress is to help the ALGA Board develop informed policies that positively impact communities across the country. These have recently included new funding for bridges, a longer term commitment to the Roads to Recovery program as well as a massive injection of extra funding for that vital program, but there is much more to do.

For many individual councils, local roads and bridges are their single largest area of expenditure and present the greatest challenge in terms of asset management and financial sustainability. This year's Congress, themed Local Infrastructure, Developing Regions, will focus on the value and importance of strong regional and local collaboration and how those connections contribute to Australia's economic competitiveness.

Our work on the 2015 State of the Assets Report clearly shows the challenges faced by councils in managing council infrastructure. The total replacement value of local government assets is estimated to be in excess of \$438 billion. This highlights both the scale of the challenge as well as the opportunities for local government in engaging with issues to support innovation, development and collaboration. With the Federal Election now over, it is time to focus on ensuring the Government delivers on its promises and that local government's voice is heard loud and clear.

The Roads Congress will be an important opportunity to engage with the Government on how its policies will impact on the provision and maintenance of local roads as well as the broader infrastructure and transport agenda. The Congress will feature national and international speakers and I have invited the Minister for Infrastructure and Transport, the Hon Darren Chester MP, the Minister for Local Government and Territories, Senator the Hon Fiona Nash and the Shadow Minister for Infrastructure, Transport, Cities and Regional Development, the Hon Anthony Albanese as well as the Shadow Minister for Regional Services, Territories and Local Government, Mr Stephen Jones MP.

Your council's attendance at this year's Roads Congress strengthens the work that ALGA and your state and territory association is doing to secure better funding for local government roads and infrastructure. Your voices and your knowledge will show the Commonwealth Government the value you place on working together to deliver positive results for all our communities.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



I look forward to seeing you in Toowoomba in November.

3 FINANCIAL AND RESOURCE IMPLICATIONS

The 2016/17 budget allocation for Training, Conferences and Seminars for Councillors is \$17,150. An amount of \$3,531 had been expended to end August, with \$13,619 of the allocation still being available.

Cost of full registration before 14 October is \$890.

Airnorth, Rex and Qantas fly to and from Toowoomba with prices from approximately \$700.

Accommodation is available from \$142 per night.

4 POLICY IMPLICATIONS

Provisions is made in Council's adopted Policy No. 4 "Councillors Allowances, Travelling and Other Expenses" for attendance at conferences and seminars. The policy provisions are as follows:

6. CONFERENCES & SEMINARS

Council will make a budget allocation each year to reimburse delegates registration, travel costs and accommodation expenses (excluding 'mini-bar' expenses). Partners will be reimbursed for meals at state conferences and the 'major dinner' at Federal conferences.

The budget will be allocated to the following conferences

LGAT & LGMA conference to be attended by up to 6 councillors

ALGA conference attended by Mayor & Deputy Mayor

Australian Roads conference attended by 1 councillor

'Other' conferences and seminar sessions as approved.

Attendance to all conferences, seminars and training sessions with a cost in excess of \$100 are to be in compliance with a resolution of the Council, except on emergency situations, where approval must be given by a unanimous approval from Council Executive.

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

5 ATTACHMENTS

Conference Programme.

RECOMMENDATION

It is recommended that Cr be authorised to attend the 2016 ALGA National Local Roads and Transport Congress in Toowoomba.

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



GOV 13 LAUNCESTON GATEWAY PRECINCT MASTER PLAN: DEMAND ANALYSIS

Attachments: Section 1 – Page 178

Responsible Officer: Des Jennings, General Manager
Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of the report is to seek Council's support to progress to the development of a Master Plan. This plan would identify the need for the quarantine of land for a future intermodal hub, and preferred locations and planning use for rural processing.

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 for a demand analysis and expressions of interest sought.

SGS Economics and Planning were the successful tenderer.

The Committee met on 1 September 2016, considered the Demand analysis report and discussed the recommendations and supported the preparation of the Launceston Gateway Precinct Master Plan.

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:

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- 4.3 Development Control
- 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 Launceston Gateway Precinct 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 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 Launceston Gateway Precinct Master Planning project as it proceeds.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council has previously noted the report at its Council meeting in August 2016.

Council may now either, resolve to take no further action or continue its participation in the broader project and support the recommendation of the Committee and agree to the preparation of the Launceston Gateway Precinct Master Plan.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



11 OFFICER'S COMMENTS/CONCLUSION

To clearly articulate the outcome of the Freight Demand Study the actual summary and recommendations are included below

Launceston Gateway Freight Demand Study

a) Present summary of report and discuss

SUMMARY AND CONCLUSIONS

1. *The freight task in Tasmania can be segmented into bulk unprocessed and processed commodities, and non-bulk processed goods, dominated by food and beverages. Presently growth in the bulk sector is minimal, however the non-bulk freight growth has been 3-6% over the last few years.*
2. *The Gateway Precinct development is located at the nexus of the key road and rail corridors linking the container ports to Launceston and Hobart.*
 - a. *Launceston itself is a key distribution hub for food and consumer goods, and in particular, the Statewide Independent Wholesalers (Woolworths) and SRT warehouses are already located at the Gateway Precinct.*
 - b. *The Gateway Precinct development provides an opportunity to relocate large scale logistics and processing operations into a greenfield location away from more sensitive residential and commercial areas nearer to Launceston CBD.*
 - c. *The actual freight task captured by the Gateway Precinct will obviously depend on the composition, characteristics and scale of any future tenants. The site is well suited for the location and development of large scale "big box" warehousing for wholesalers and retailers, as well as "clean" processors.*
3. *Segmentation and analysis of the freight sector indicates that the portion of the freight task "contestable" in proximity to the Gateway Precinct is around 1.9 Mtpa, with approx. 0.6 Mtpa of freight already handled into/from the Gateway Precinct site. Growth in contestable demand could exceed 4 Mtpa by 2045.*
 - a. *Growth over the next 5 years is expected to be modest in volume terms.*
 - b. *Scenario-based modelling of the future freight tasks suggests that the Gateway Precinct could conceivably capture between 0.9 and 1.3 Mtpa (including its existing freight of 0.6 Mtpa) by 2025.*
4. *The non-bulk freight market in Tasmania is dominated by three large integrated logistics players (Toll, SeaRoad and SRT) and a large number of smaller players offering simple transport services.*
 - a. *There was a clear reluctance by the logistics players to participate in this study*
 - b. *Toll, SeaRoad and SRT exhibit a high degree of competitive tension and are unlikely to collaborate*
 - c. *The Gateway Precinct (like the Brighton development near Hobart) needs to attract a large logistics player early on to establish a substantial volume base as an intermodal hub*
5. *Government policies have identified the opportunity and need to develop Tasmania's unique agricultural sector, with a view to supplying increased volumes of valued added produce to mainland Australia and Asia.*
 - a. *While ambitious plans exist and are articulated, action plans and growth are embryonic*
 - b. *Recent investments in and around the Midlands area demonstrate what is possible*
 - c. *Investment and export promotion for agricultural production and processing in Tasmania has intensified since the role of the Coordinator General was created. The future*

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



investments and related increase in production will create opportunities for the Gateway Precinct

- d. *Use tables for the seven areas of TRANSLink do currently not identify agricultural processing activities as a primary (i.e. permitted) use. Processing is permissible as a discretionary use in some areas.*
6. *There is potential for intermodal development, complemented with expanded air freight logistics, under certain conditions.*
 - a. *The Gateway Precinct, including an integrated Launceston airport, is well suited to provide a sophisticated logistics platform.*
 - b. *There is potential for an intermodal terminal to be developed within the Gateway Precinct: however rail and terminal operations require a rapid build-up of volume to be commercially viable in the short to medium term. Depending on service and price, the terminal may measure between 6 and 10 hectares and be located near to the rail corridor at the southern end of the Gateway Precinct.*
 - c. *Air freight services could potentially expand to around 40,000 tonnes pa. There is a need to develop end markets and verify the market preparedness to meet the higher costs for more rapid air-freight supply in lieu of sea freight cargoes.*
7. *A viable rail freight market exists between Hobart and Devonport/Burnie with TasRail providing services through the Brighton intermodal terminal near Hobart. A similar terminal could be developed at the Gateway Precinct over the medium to long term, provided the right balance of volume, revenue and cost is achieved.*
 - a. *The comparative advantage achieved by rail transport relative to road transport to/from Hobart is due to the longer pathway distances to/from port.*
 - b. *This advantage will be comparatively weaker for movements to Launceston, as the distance to port is considerably reduced.*
 - c. *There is a need for a more comprehensive review of current and potential transport costs between each of the modes, before any firm commitment can be made for an intermodal terminal at the Gateway Precinct.*
8. *The Gateway Precinct has the potential to accommodate an additional 750 (low, scenario 1) to 1,500 (high, scenario 3) jobs depending on the ability to invest in intermodal infrastructure, to attract a major freight operator and a significant rural processing plant.*
9. *Investing in the Gateway Precinct (compared to Scenario 1 – Business as Usual, no further investment) is projected to generate a value-add of \$50 million (scenario 2) to \$85 million (scenario 3) per annum (by year 30), and generate 538 to 840 additional jobs (by year 30).*
10. *Current road infrastructure is able to accommodate substantial growth in freight movement. In the longer term, depending on the increase in freight demand, some infrastructure upgrades, primarily in regard to road duplication and the roundabout may be required.*

Contestable freight demand and growth exists within the catchment area of the Gateway Precinct development. However, the Gateway Precinct development needs to secure a large scale processor (e.g. Simplot) and another major logistics player (e.g. Toll or SeaRoad).

Autonomous marginal growth in the freight demand is not going to deliver the impetus needed to “kick start” the next tranche of development, leading to the need for investment in a comprehensive site Master Plan.

Aspirational growth in the agriculture sector is yet to deliver immediate outcomes that can be solely relied on to underpin the investment in the Master Plan. In addition, growth in consumer goods and food and beverages will continue - however the Gateway Precinct already captures a sizable proportion of this volume with existing tenants (e.g. Statewide). Future marginal growth is modest in volume terms.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



There is a need to develop and articulate the Gateway Precinct concept more fully, with stronger references to the freight network nodes and corridors. Specific reference to the rail/intermodal terminal and airfreight capabilities should be made. A more extensive Concept Plan will act as a Stage 1 to the Site Master Plan.

Areas within the Gateway Precinct should be quarantined for the intermodal terminal (in the area of 6 to 10 ha) and air-freight precincts, with optimal size, orientation, access and linkages. It is impossible to retrofit these facilities “after the event”.

Recommendations:

- **Complete Concept Plan as Stage 1** for a Master Plan. This plan would need to identify the need for quarantining of land for a future intermodal hub, and preferred locations and planning use tables for rural processing (including required supporting infrastructure).
- Use the Concept Plan (underpinned by an attraction strategy and possible incentives) to **attract large existing businesses** to the Gateway Precinct (including processors and logistics firms).
- **Ensure the Special Area Plan Overlay provides for appropriate opportunities** for the development of intended uses (export, transport, logistics and processing).
- Liaise with Coordinator General and other trade promoting State services to **advocate for the Gateway precinct as a central hub for export, transport, logistics and rural processing** to drive the State’s objectives in regards to growing the agricultural sector and its exports.
- Develop a strategy for **attracting a major freight forwarder** to the Gateway Precinct.
- **Formally quarantine land** for future intermodal terminal and air freight precincts.
- **Review** immediate progress and potentially revisit need for Master Plan in 2018-2020.

A copy of the notes of the meeting held on 1 September 2016 are attached.

The consensus from the meeting was that the Committee support the preparation of the Launceston Gateway Precinct Master Plan.

The plan will identify the possible corridor for a rail spur for the intermodal hub and land use areas for the attraction of rural processing and logistics development.

The next stage is to prepare a brief for the project, identify costs and funding partners.

12 ATTACHMENTS

Notes of the Launceston Gateway Precinct Master Plan Committee meeting held on 1 September 2016.

RECOMMENDATION 1

That Council discuss the matter.

RECOMMENDATION 2

That

- 1) a brief be prepared for the preparation of the Launceston Gateway Precinct Master Plan; and
- 2) external funding sources for the project be identified.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



CORP 1 MONTHLY FINANCIAL STATEMENT

Attachments: Section 1 – Page 183

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 August 2016.

2 INTRODUCTION/BACKGROUND

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

SUMMARY FINANCIAL REPORT

For Month Ending:	31-Aug-16	2				
A.	Operating Income and Expenditure					
	Budget	Year to Date Budget	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$9,798,545	-\$9,798,545	-\$9,617,089	-\$181	98.1%	
Recurrent Grant Revenue	-\$4,183,750	-\$697,292	-\$439,155	-\$258	63.0%	Not yet received
Fees and Charges Revenue	-\$1,787,851	-\$297,975	-\$334,017	\$36	112.1%	
Interest Revenue	-\$435,842	-\$72,640	\$40,361	-\$113	-55.6%	Accrued revenue adjustment included
Reimbursements Revenue	-\$96,867	-\$16,145	-\$9,899	-\$6	61.3%	
Other Revenue	-\$1,655,334	-\$275,889	\$49,261	-\$325	-17.9%	
	-\$17,958,189	-\$11,158,486	-\$10,310,538	-\$848	92.4%	
Employee costs	\$5,165,838	\$860,973	\$1,148,791	-\$288	133.4%	
Material & Services Expenditure	\$4,554,669	\$759,112	\$742,159	\$17	97.8%	
Depreciation Expenditure	\$5,327,234	\$887,872	\$887,534	\$0	100.0%	
Government Levies & Charges	\$685,419	\$114,237	\$3,754	\$110	3.3%	
Councillors Expenditure	\$190,097	\$31,683	\$13,075	\$19	41.3%	
Other Expenditure	\$1,230,239	\$537,086	\$495,134	\$42	92.2%	
Plant Expenditure Paid	\$497,495	\$82,916	\$100,832	-\$18	121.6%	
	\$17,650,991	\$3,273,878	\$3,391,279	-\$117	103.6%	
	-\$307,198	-\$7,884,608	-\$6,919,259			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$300,000	\$50,000	\$0	\$50	0.0%	
Underlying (Surplus) / Deficit	-\$7,198	-\$7,834,608	-\$6,919,259			
	\$0		\$0			
Capital Grant Revenue	-\$2,267,676	-\$377,946	-\$305,601	-\$72	80.9%	
Subdivider Contributions	-\$430,000	-\$71,667	0	-\$72	0.0%	
Capital Revenue	-\$2,697,676	-\$449,613	-\$305,601			
	-	-	-			
Budget Alteration Requests						
- For Council authorisation by absolute majority						
	Operating Adj's		Capital Adj's			
Opening Underlying (Surplus) / Deficit	-\$7,198		\$13,911,359			
FAGS Grants	\$135,437					Reduced allocation 2016/17
Road Grants	-\$32,082					Increased allocation 2016/17
NRM Green Army Round 4	\$8,800				505960	Project not completed last year
Plumbing Inspector rate from \$40 to \$50 ph	\$4,500				323660	MVC increased cost of service
Building Assessment Fees	\$43,000					
NTD - Asian Engagement Strategy	\$4,000				102601	New consultancy
Special Projects	-\$4,000				101010	
Remission of Rental	\$13,000					
Marquee			\$5,240		707827	Project not completed in 2015/16 c/fwd
Fleet 25			\$13,500		700025	Project not completed in 2015/16 c/fwd

AGENDA – ORDINARY MEETING

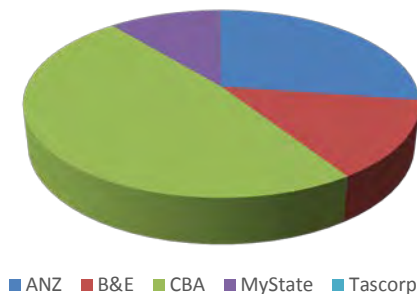
19 SEPTEMBER 2016



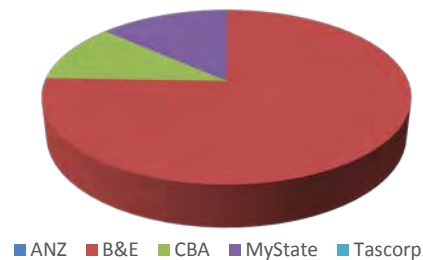
WTS Improvements		-\$10,000	725755	Reallocation of budget
Depot Improvements - Chemical storage		\$10,000	720200	
Estimated Flood Damage Grant Reimbursements	-\$300,000			Estimate income 2016/17 - one off
Amended Underlying (Surplus) / Deficit	-\$134,543	\$13,930,099		
Restructure of P&D Department	-\$183,000			Estimated savings in 2017/18

B. Balance Sheet Items						
	Year to Date Actual		Monthly Change		Same time last year	Comments
Cash & Cash Equivalents Balance						
- Opening Cash balance	\$10,346,046		\$9,028,887			
- Cash Inflow	\$6,017,234		\$5,512,695			
- Cash Payments	-\$3,787,150		-\$1,965,451			
- Closing Cash balance	\$12,576,130		\$12,576,130			
	-		-			
Account Breakdown						
- Trading Accounts	\$3,267,989					
- Investments	\$9,308,142					
	-					
Summary of Investments	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value	
Tasmanian Public Finance Corporation Call Account	2/08/2016	31/08/2016	1.50	\$5,124	\$5,130	
CBA Call Account	4/08/2016	31/08/2016	1.40	\$200,073	\$200,281	
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	
CBA	31/08/2016	31/10/2016	2.55	\$1,000,000	\$1,004,262	
CBA	2/08/2016	2/11/2016	2.67	\$1,000,000	\$1,006,730	
Bass & Equitable	15/07/2016	23/11/2016	3.00	\$609,734	\$616,299	
CBA	31/08/2016	30/11/2016	2.55	\$1,500,000	\$1,509,536	
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				\$9,308,142	\$9,444,518	

Investments by Institution



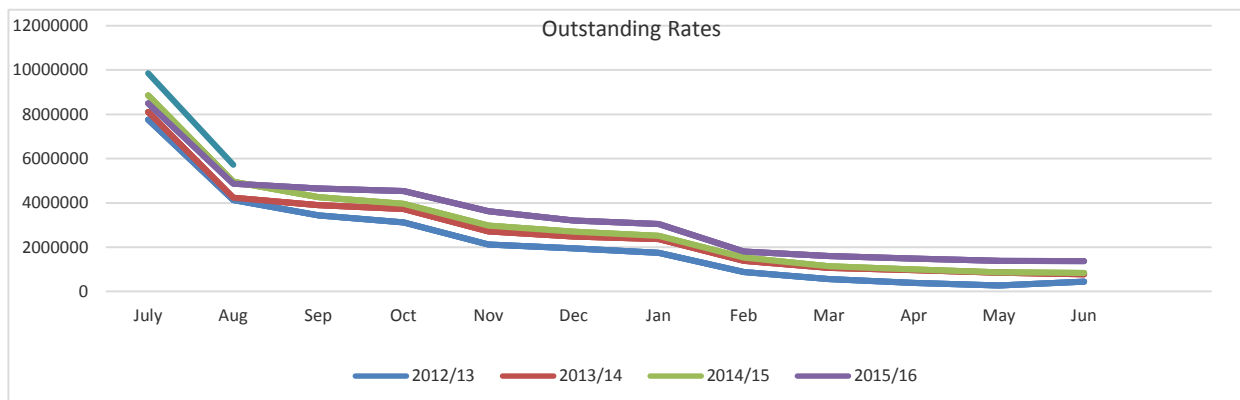
Total Investments by Rating (Standard & Poor's)



Rate Debtors	2016/17	% to Raised	Same time Last Year	% to Raised	
Balance b/fwd	\$1,365,785	15.0%	\$1,017,753		
Rates Raised	\$9,630,306		\$9,263,958		
	\$10,996,091		\$10,281,712		
Rates collected	\$4,903,281	50.9%	\$4,963,990	53.6%	
Pension Rebates	\$416,783	4.3%	\$398,455	4.3%	
Discount & Remissions	\$34,267	0.4%	\$47,149	0.5%	
	\$5,354,331		\$5,409,594		
Rates Outstanding	\$5,713,911	59.3%	\$4,936,526	53.3%	
Advance Payments received	-\$72,151	0.7%	-\$64,408	0.7%	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Trade Debtors

Current balance	\$503,590		
- 30 Days	\$451,596		
- 60 Days	\$8,166		
- 90 Days	\$14,317		
- More than 90 days	\$29,511		
Summary of Accounts more than 90 days:			
- Norfolk Plains Book sales	1,138		Paid by outlet as sold
- Hire/lease of facilities	513		
- Removal of fire hazards	2,791		
- Dog Registrations & Fines	20,825		Sent to Fines Enforcement
- Sales	3,500		Arrangement to pay
- Building Plumbing Engineering Fees	318		
- Private Works	425		Arrangement to pay

C. Capital Program				
	Budget	Actual (\$,000)	Target 17%	Comments
Renewal	\$8,625,173	\$1,253,608	15%	
New assets	\$5,286,187	\$703,943	13%	
Total	\$13,911,359	\$1,957,551	14%	
Major projects:				
- Lake River Bridge Replacement	\$1,430,000	\$1,419,397	99%	Substantially complete
- Campbell Town Recreation Ground Complex	\$1,500,000	\$0	0%	Design tender assessment stage
- 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%	51.9%	2.6%	↑	
- Own Source Revenue / Total Revenue	77%	95.7%	-19.0%	↓	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	0.0%	67.1%	-67.1%	↓	
- Debt / Own Source Revenue	0.0%	0.0%	0.0%	↔	
Efficiency Ratios					
- Receivables / Own Source Revenue	45.1%	63.0%	-17.8%	↓	
- Employee costs / Revenue	28.8%	11.1%	17.6%	↑	
- Renewal / Depreciation	161.9%	141.2%	20.7%	↑	
Unit Costs					
- Waste Collection per bin	\$10.58	\$15.60		↔	
- Employee costs per hour	\$43.05	\$43.15		↑	
- Rate Revenue per property	\$1,405.82	\$1,381.68		↔	
- IT per employee hour	\$3.17	\$3.94		↓	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



E. Employee & WHS scorecard			
	YTD	This Month	
Number of Employees	82.0	82	
New Employees	3	2	
Resignations	2	2	
Total hours worked	26622	15684	
Lost Time Injuries	1	0	
Lost Time Days	0	0	
Safety Incidents Reported	4	3	
Hazards Reported	4	1	
Risk Incidents Reported	1	0	
Insurance claims - Public Liability	1	1	
Insurance claims - Industrial	0	0	
Insurance claims - Motor Vehicle	2	1	
IT - Unplanned lost time	0	0	
Open W/Comp claims	2	1	

3 ALTERATIONS TO 2016-17 BUDGET

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

- Financial Assistance Grant Revenue reduced allocation 2016/17 \$ 135,437
- Financial Assistance Road Grant Revenue increased allocation 2016/17 (\$ 32,082)
- Building Assessment Fee revenue reduction \$ 43,000
- Capital - Replacement Fleet 25 – c/fwd from 2015/16 \$ 13,500

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

- NTD – Asian Engagement Strategy \$4,000 funded from Special Project consultancy
- Resource Sharing Plumbing Services increased rate \$ 4,500
- NRM Green Army Round 4 project not completed in 2015/16 \$ 8,800
- Capital – Marquee with matching grant revenue \$ 5,240
- Capital - Waste Transfer Station improvements (\$ 10,000)
- Capital - Depot Improvements – chemical storage \$ 10,000

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 August 2016.
- 5.2 Account Management Report to end August 2016.

RECOMMENDATION

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

DECISION
Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



CORP 2 RATING OF RESIDENTIAL PROPERTIES OWNED BY CHARITIES

Attachments: Section 1 – Page 192

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 advise Council that an objection to the 2016/17 rates has been received for property situated at 64-68 Drummond Street at Perth owned by Uniting AgeWell (Glenrowan Homes – The Uniting Church of Australia Property Trust (Tas)).

2 INTRODUCTION/BACKGROUND

A letter was received from Uniting AgeWell on 18th August 2016 objecting to rates for its properties pursuant to section 123 of the Local Government Act 1993, on the basis that the land specified in the rates notice is exempt from rates under Section 87(1)(d) of the Local Government Act 1993, which provides that land or part of land owned and occupied exclusively for charitable purposes is exempt from general rates.

It is noted that at one stage Council did exempt the property from General Rates but charged for all services including water, sewer, garbage etc. In recent years Council has levied General Rates which have been paid in full – amount levied in 2016/17 for 24 residential units amounts to \$11,456.

Council considered this matter previously and noted that most residential properties owned by charitable organisations had been charged full rates, and that for the ones that were not already paying full rates this practice would be phased in.

It was also noted that at the LGAT General meeting held on 12th February 2016 delegates considered a report by Dr Katrena Stephenson in relation to the charging of general rates for residential properties owned by charities, including independent living units attached to not for profit aged care providers in light of recent case law which suggests that it is not a charitable purpose. A copy of the report is attached for information.

The decision at the meeting was that:

- (a) Members note recent case law which suggests that although a property may be owned by a charitable institution, occupancy by private residents is not a charitable purpose; and
- (b) Members agree to take a common and equitable approach to the rating of independent living units which takes as a core assumption that private residential occupancy is not a charitable purpose and is not exempt from general rates.

Subsequent to these decisions, Council continued to levy rates to Uniting AgeWell for the 24 residential units at 64-68 Drummond Street situated at Perth.

Uniting AgeWell own and operate a number of similar housing units in Tasmania, however to add to the confusion for Uniting AgeWell not all Councils have implemented the LGAT decision at this stage. For example, George Town Council, Launceston City Council, Clarence City Council and Glenorchy City Council still apply an exemption.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Uniting AgeWell have requested that this Council provide a 100% remission on the general rate. It is understood that they have expressed an intention at other Councils to lodge an appeal in the Magistrates Court (Administrative Appeals Division) if Council does not agree to provide a remission.

Other residential properties owned by charities within the municipal area include:

- Northern Midlands Council – 8 units (Full General Rates)
- Toosey Aged Care – 20 units (Full General Rates)
- Eskleigh – 1 unit (Transition Phase)
- Elizabeth / Maquarie Homes – 22 units (Transition Phase)

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 1B, 1.11 – Finance.

4 POLICY IMPLICATIONS

Council rate remission policy has provided for a remission for aged care facilities, but properties used for private residential purposes is not specified.

5 STATUTORY REQUIREMENTS

Section 87 (1) (d) of the *Local Government Act* reads:

All land is rateable except that the following are exempt from general rates and separate rates and any rate collected under section 88 or 97

(d) land or part of land owned and occupied exclusively for charitable purposes.

6 FINANCIAL IMPLICATIONS

The potential financial implication is a reduction in rate revenue of some \$11,456 per annum associated with rebate for the 24 residential units at 64-68 Drummond Street, Perth.

7 RISK ISSUES

The financial implications could increase if all residential properties owned by charitable organisations were provided a rate remission as requested by Uniting AgeWell.

8 CONSULTATION WITH STATE GOVERNMENT

There has been no consultation required.

9 COMMUNITY CONSULTATION

The Local Government Association of Tasmania has considered this matter with all Councils for a state wide united approach. Council has previously sought legal advice on a similar matter which supported the argument that private residential property tenancy is not a charitable purpose.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council has the option to remit or not remit the general rates for residential properties owned by charitable institutions and occupied by private individuals.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Council will also need to consider options to recover any reduced revenue as a result of any remission for future Budget deliberations.

11 OFFICER'S COMMENTS/CONCLUSION

Uniting AgeWell has paid the first instalment of rates for the 2016/17 financial period in good faith awaiting the outcome of this matter.

12 ATTACHMENTS

- 12.1 Letter dated 15th August 2016 from Uniting AgeWell
- 12.2 LGAT Report 12th February 2016.

RECOMMENDATION 1

That the matter be discussed.

RECOMMENDATION 1

That Council acknowledge the Uniting AgeWell objection to payment of the 2016/17 rates and charges, and advise that use for private residential occupancy is not '*owned and occupied exclusively for charitable purpose*' under the LGA, therefore its property at 64-68 Drummond Street, Perth is not exempt from municipal rates.

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



P&D 1 PERTH STRUCTURE PLAN

File: 13/005/003/001
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 PURPOSE OF REPORT

This report seeks Council's endorsement of the draft Perth Structure Plan for public comment.

2 INTRODUCTION/BACKGROUND

In preparing the draft plan, GHD has held discussions with landowners, service providers and community groups. A survey was also undertaken with approximately 150 responses.

The draft plan was discussed at the council workshop of 5 September 2016. It was revised as a result of the workshop and has been circulated to Councillors.

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:

- 4.7 Land Use Planning

4 POLICY IMPLICATIONS

None identified.

5 STATUTORY REQUIREMENTS

None identified.

6 FINANCIAL IMPLICATIONS

The project is provided for within the budget.

7 RISK ISSUES

None identified.

8 CONSULTATION WITH STATE GOVERNMENT

Consultation with State Government Departments has been undertaken.

9 COMMUNITY CONSULTATION

Discussions with the affected landowners will be held prior to the draft plan being placed on public exhibition.

10 OPTIONS FOR COUNCIL TO CONSIDER

Endorse the draft plan, or recommend modifications to the draft plan.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



11 OFFICER'S COMMENTS/CONCLUSION

The draft plan is the result of input from various stakeholders and is now to be exhibited for public comment. If councillors support draft plan the consultants are to discuss it with the affected landowners prior to it being put on public exhibition seeking public comment.

12 ATTACHMENTS

Perth Structure Plan (Report attachment to be tabled in Closed Council – See CON 3(7))

RECOMMENDATION 1

That the matter be discussed.

RECOMMENDATION 2

That the draft plan be endorsed for public exhibition, following discussions with the affected landowners.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



P&D 2 PLANNING PRACTICE QUARTERLY REPORT: APRIL TO JUNE 2016

File: 13/010
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 PURPOSE OF REPORT

This report provides an update on Planning Practice for the April – June 2016 quarter, and is required by Part 4.4 of the Strategic Plan.

2 INTRODUCTION/BACKGROUND

The Strategic Plan seeks to reinforce community confidence in the planning process and the integrity of Council, with fair, consistent and accountable decision making having regard to community expectations.

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:

- 4.4 Planning Practice

4 POLICY IMPLICATIONS

Part 4.4 of the Strategic Plan contains the Policy:

Reinforce community confidence in the planning process and the integrity of Council.

To achieve this, the Strategic Plan requires *fair, consistent and accountable decision making having regard to community expectations.*

The bench mark is to have *less than 5% of development applications that result in an appeal.*

PLANNING DECISIONS:	April – June 2016	Year to date
No. of Permitted applications	6	34
No. of Discretionary applications	54	195
Total	60	229
Representations		
No. of applications that received representation/s	6	22
No. of representations successfully mediated	0	0
Council Decisions		
No. of applications decided by Council	6	22
No. of applications approved by Council	4	16
No. of application refused by Council	2	6
Appeals		
No. of decisions appealed	1	4 (2 resolved by consent)
Council's decision upheld	Not yet decided	..
Council's decision overturned	Not yet decided	..

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



5 STATUTORY REQUIREMENTS

5.1 *Land Use Planning & Approvals Act 1993*

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

6 FINANCIAL IMPLICATIONS

Whilst not a direct planning consideration, development within the municipal area is important as it provides revenue growth to Council. Consistent planning decisions are important to maintain developer confidence and consequently maintain or increase development revenue.

7 RISK ISSUES

Overall Council currently has a good reputation throughout the development community. Inconsistent decision making would place this reputation at risk.

Council strives to ensure that the planning scheme meets expectations of community. Ongoing changes driven by the State despite public exhibition may not always further this aim.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

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

10 OPTIONS FOR COUNCIL TO CONSIDER

N/A

11 OFFICER'S COMMENTS/CONCLUSION

With regard to Planning Practice, it is considered that fair, consistent and accountable decisions have been made during April to June 2016, with there being 1 appeal, less than the benchmark of 2.7 appeals (i.e. 5% of 54 applications).

RECOMMENDATION

That the report be noted.

DECISION

Cr

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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 - 7.

2 STATEMENTS

PLAN 1	P16-052: 832 Hobart Road, BREADALBANE
PLAN 2	P16-139: Falls Park, 2-14 Logan Road, EVANDALE
PLAN 3	P16-129: 171-183 High Street, CAMPBELL TOWN
PLAN 4	P16-061: 530 White Hills Road, EVANDALE
PLAN 5	P16-178: 593 Pateena Road, LONGFORD
PLAN 6	P16-154: 18 Wilmores Lane (Cnr Cressy Road), LONGFORD
PLAN 7	Planning Scheme Amendment: Amend Heritage Provisions

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 1 PLANNING APPLICATION P16-052 832 HOBART ROAD, BREADALBANE

Attachments: Section 1 – Page 197

Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Boer, Planning Officer
File Number: 203300.091; CT109407/1

1 INTRODUCTION

This report assesses an application for 832 Hobart Road, Breadalbane to construct a tourist facility (visitor accommodation, caretaker's dwelling/reception, wastewater treatment system & 4 signs).

2 BACKGROUND

Applicant:
A & K Futures Pty Ltd

Owner:
A & K Futures Pty Ltd

Zone:
Rural Resource

Codes:
Scenic Management (Scenic Corridor), Attenuation Distance, ANEF Contours

Classification under the Scheme:
Visitor accommodation

Existing Use:
Vacant lot

Deemed Approval Date:
23/9/2016

Recommendation:
Approve

Discretionary Aspects of the Application

- Discretionary use – Visitor Accommodation in Rural Resource Zone;
- Reliance on the performance criteria of clause 26.3.1 – zone use standards;
- Reliance on the performance criteria of clause 26.4.1 – zone building location and appearance standards;
- Reliance on the performance criteria of the Road & Railway Assets Code (E4.6.1, E4.7.1);
- Reliance on the performance criteria of the Car Parking & Sustainable Transport Code (E6.7.1);
- Reliance on the performance criteria of the Scenic Management Code (E7.6.1);
- Reliance on the performance criteria of the Environmental Impacts and Attenuation Code (E11.6.1);
- Reliance on the performance criteria of the Airports Impact Management Code (E12.5.1); and
- Reliance on the performance criteria of the Signs Code (E15.5.3).

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. An initial further information letter was sent to the applicant on the 24th March 2016, requesting a revised site plan, signage details, corrected reports and potential implications regarding the Midland Highway realignment – TIA & noise. The applicant's response was received on the 24th June 2016. A second further information request was sent to the applicant on the 29th June 2016 relating to Highway noise, amended site layout in accordance with TIA recommendations and signage requirements.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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.

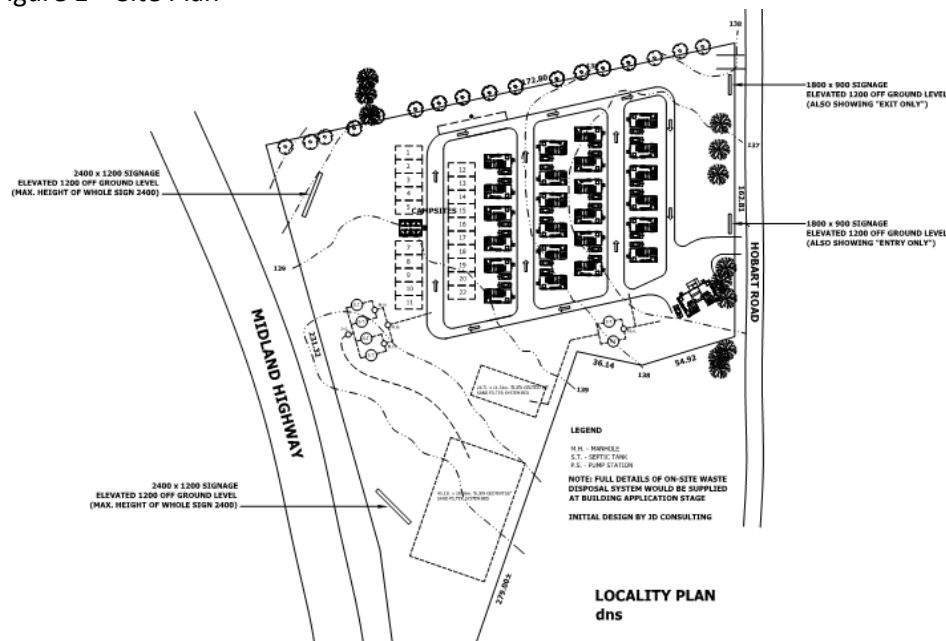
4 ASSESSMENT

4.1 Proposal

It is proposed to:

- Construct a new tourist facility, incorporating visitor accommodation cabins and campsite spaces, 2 x caretaker's units and reception, amenities block, dump point, wastewater treatment system & 4 ground based 'other' signs).

Figure 1 – Site Plan



AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016

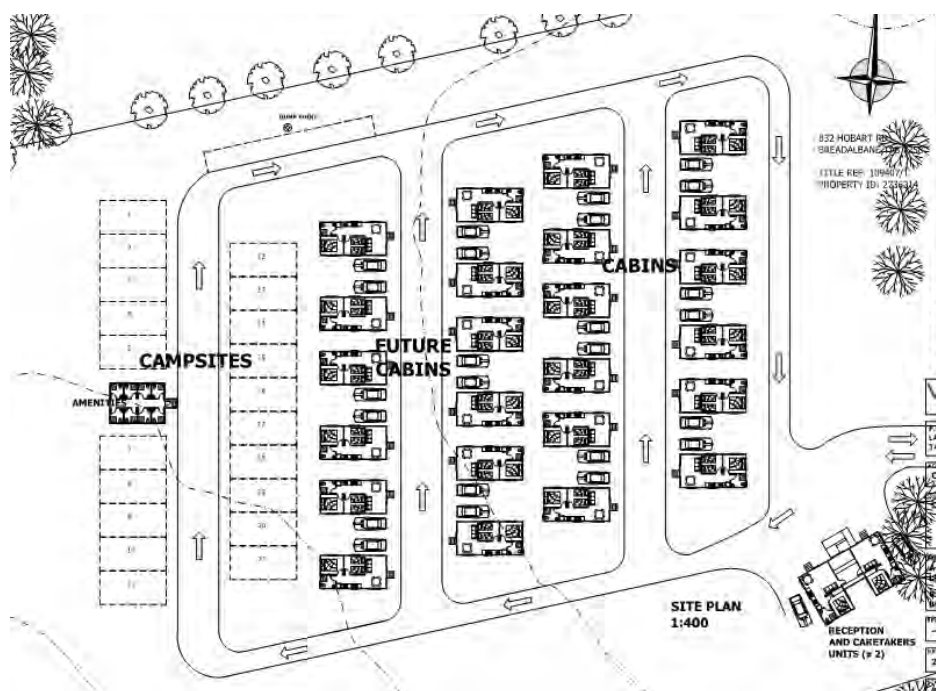
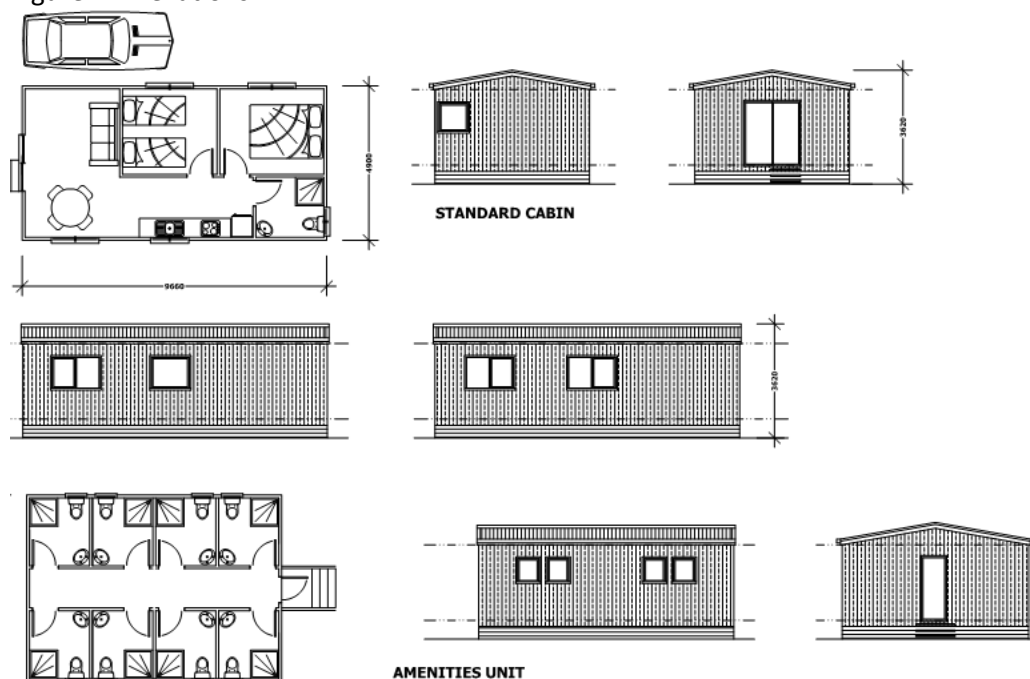
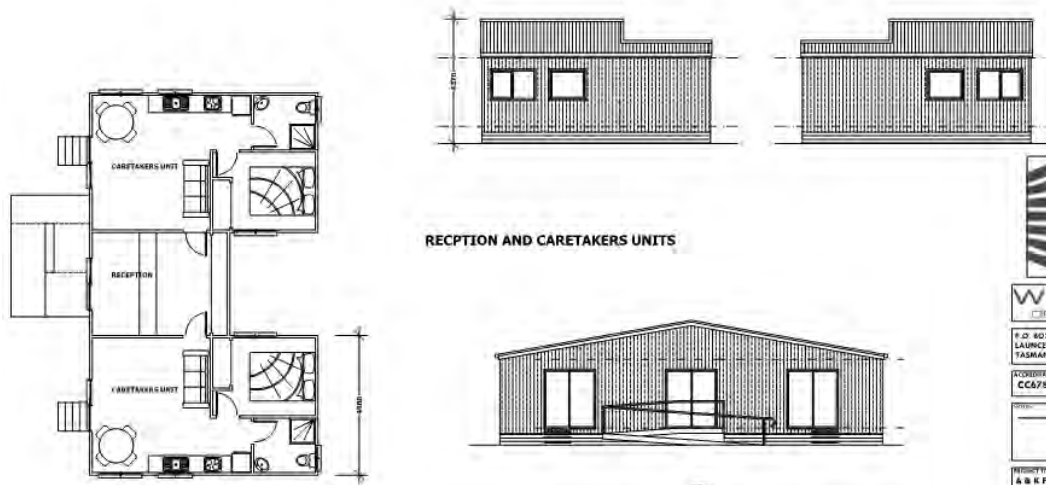


Figure 2 –Elevations



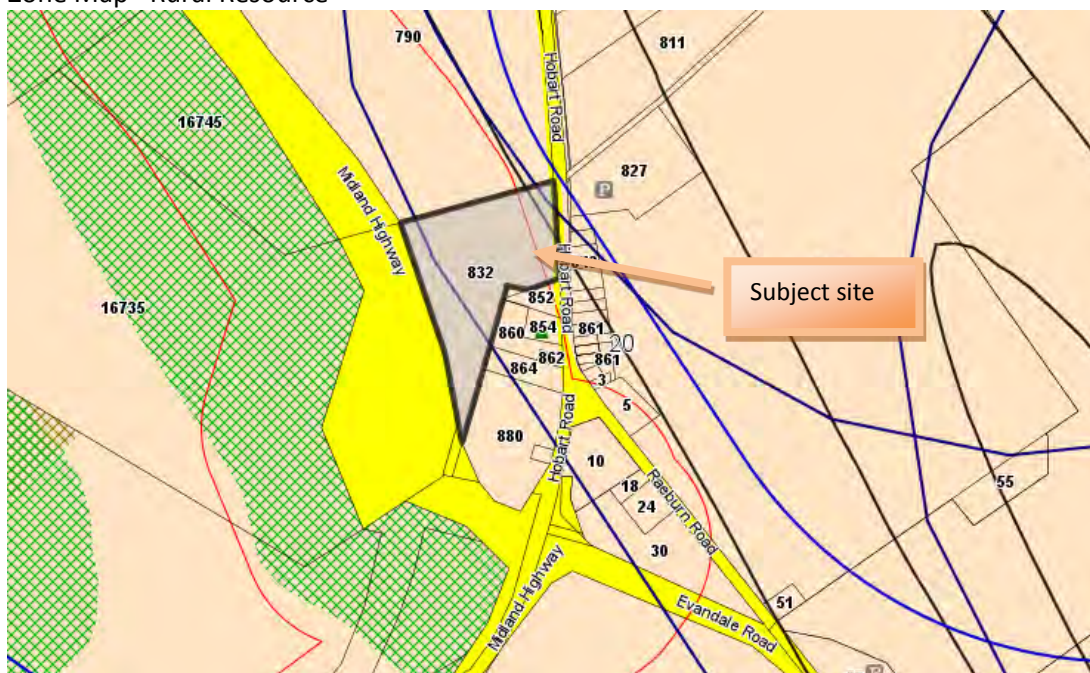
AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.2 Zone and land use

Zone Map –Rural Resource



The land is zoned *Rural Resource*, and is within the *Scenic Corridor, Attenuation Distance*, and the *ANEF Contours*. The relevant Planning Scheme definition is:

Visitor accommodation	use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.
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Visitor accommodation is Discretionary (Permit Required) in the zone.

4.3 Subject site and locality

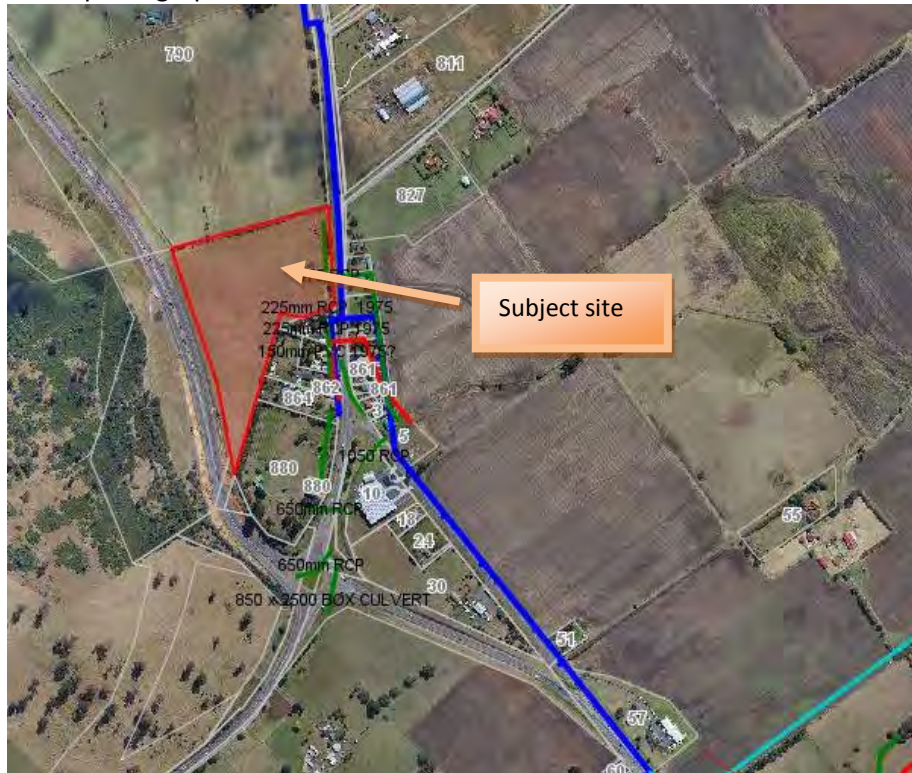
The author of this report carried out a site visit on the 19th July 2016. The subject site is a 5ha Rural Resource zoned lot, which has two road frontage to the Midland Highway and Hobart Road. Residential uses occupy the land to the south and the opposite side of Hobart Road to the east. A mixture of rural,

19 SEPTEMBER 2016

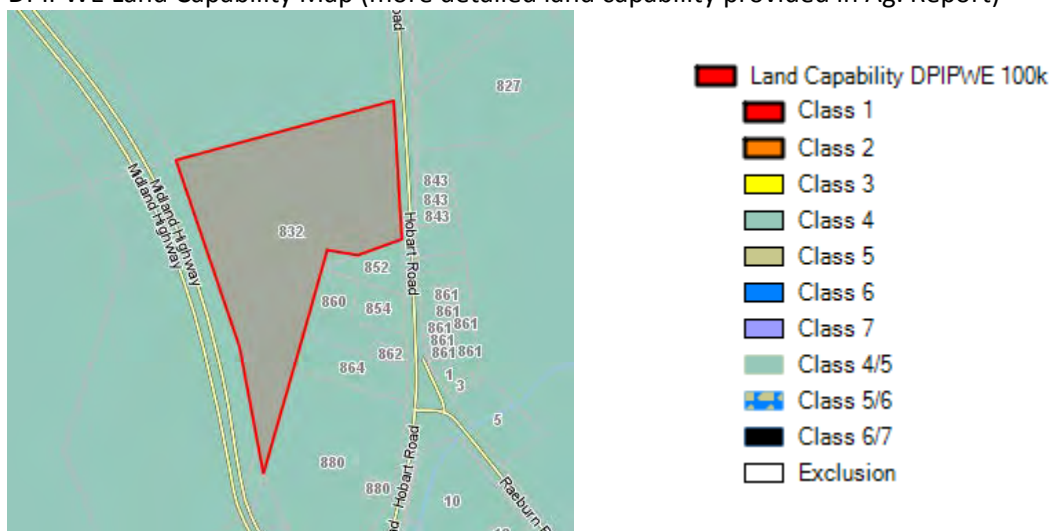


rural processing and residential uses occupy the land to the north east and north west. The site has a small ridge running north to south centrally through the lot, with the land either side sloping gently to the respective roads. Water and stormwater services are located along the Hobart Road frontage on the eastern side of the site.

Aerial photograph of area



DPIPWE Land Capability Map (more detailed land capability provided in Ag. Report)



AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Photographs of subject site



AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.4 Permit/site history

Relevant permit history includes:

- Planning Permit P14-106 – Cabins & dwelling

4.5 Representations

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

- N & L Westgarth, 852 Hobart Road, Breadalbane
- James RK Smith, 854 Hobart Road, Breadalbane
- K & M Challis, 843 Hobart Road, Breadalbane
- MJ Right, 847-851 Hobart Road, Breadalbane

NORTHERN
MIDLANDS
COUNCIL

WESTGARTH

- Intensification of development compared to previously approved development on site.

The current proposed development is completely unrelated to any previous application on the site and must be considered as a separate application.

- Potential loss of residential amenity (traffic & construction noise, vehicle movements & lighting).

The subject site is zoned Rural Resource. This zone has minimal provisions relating to residential amenity, as the primary function of this zone is to provide for agricultural uses which typically have the potential to impact on residential amenity. Noise levels are otherwise dealt with by separate legislation being the *Environmental Management and Pollution Control Act 1994*. A condition could be applied to any permit that ensure light spill is contained within the boundaries of the site. It is noted that the representor has referred to the amenity standards of a number of other zones; however, only the relevant zone (Rural Resource) and code provisions relating to this proposal can be assessed. There is no provision within the planning scheme to consider other zone standards, such as Rural Living/Residential/Recreation zones.

- Potential loss of safety/security (fencing, lighting, security systems, crime).

Unfortunately, there are no provisions within the Rural Resource zone or relevant codes which allow assessment of safety and security. Boundary fences are covered by the *Boundary Fences*

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Act 1908 and is a civil matter between relevant parties. Conditions regarding the installation of lighting can be applied to a planning permit if issued. Matters of crime are dealt with by Tasmania Police; however, in the interests of the safety of clientele, the applicant may wish to investigate security options (CCTV, electronic gate etc) which may have crossover benefits to adjoining property owners. This is not a requirement of the planning scheme.

SMITH

Issue 1

- Traffic Flows (exiting vehicles turning south).

Planner's comment:

The application provided a Traffic Impact Assessment (TIA) from a qualified Traffic Engineer who determined that an adequate level of safety would be maintained for both existing and proposed road users. The site has adequate site distances (in excess of requirements) allowing vehicles time to slow for entering and exiting vehicles. The southbound overtaking lane ends approximately 120m north of the northern boundary of the subject site; however, it does turn into a slip lane for the *Stornoway Quarry* laneway. The overall increase in traffic generated from the site is low compared to traffic on the existing road network. The site has a good crash history with no crashes recorded within 300m of the site for the last ten-year data period. If a planning permit is issued, it can be conditioned in accordance with the recommendations of the TIA. An amended internal site lay out plan for vehicle movements within the site has already been provided by the applicant.

Issue 2

- Effluent Management (dump point odour)

Planner's comment:

The proposed dump point is approximately 160-200m from the closest houses. As a dump point works similar to emptying waste into a normal toilet, any odours would be limited to the immediate site and would not be detectable from adjoining properties. Dump points are a common feature in many caravan parks and rest areas.

Issue 3

- Light pollution

Planner's comment:

A condition may be placed on the planning permit to ensure that light spill is contained within the property boundary.

Issue 4

- Visual impacts

Planner's comment:

While objectives of the Building Location and Appearance provisions (26.4.1) do state b) *development of buildings is unobtrusive and complements the character of the landscape*, this carries through to the performance criteria for height only. The development does not rely on the performance criteria for height, but does for setbacks. The setback performance criteria looks at the impact of the development on adjoining primary industry operations and makes no reference to visual impacts. The objective referred to in the representation is therefore not relevant to the variation that the development proposes.

CHALLIS

Issue 1

- Increase in density of caravan/cabin spaces

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Planner's comment:

The current proposed development is completely unrelated to any previous application on the site and must be considered as a separate application. The previous approval has no bearing whatsoever on the current proposal.

Issue 2

- Speed limits and traffic safety

Planner's comment:

The TIA assesses the impact of traffic on Hobart Road against the correct speed limit of 80km/h. For southbound traffic, the 80km/h speed limit starts approximately 300m north of the subject site and for north bound traffic the 80km/h limit ends in the same location. Traffic data does not indicate that the site is a prevalent for crashes; however, the representor indicates near misses are frequent. Accordingly, comment was sought from Council's Works and Infrastructure Department regarding road and speed limit suitability. This matter is further discussed in the 'Referral' section of this report. The application was also referred to the Department of State Growth who's only comment related to the potential for noise as a result of the Midland Highway re-alignment works.

Issue 3

- Section 4.5 of Planning Submission Report.

Planner's comment:

The representor is correct in their query that the development does not fit within the use class 'business and professional services', which is consistent with the response in the Planning Submission Report which states that the provision is not applicable. I am not sure what the intent of the representor's concern is with regard to this matter.

Issue 4

- Clause 26.3.2 (a) – dwellings (provision of the Rural Resource Zone)

Planner's comment:

This is a provision of the planning scheme and is only applicable to the alteration, extension or replacement of existing dwellings. As the site is currently vacant, this clause of the planning scheme is not applicable to the development or assessment.

WRIGHT

Issue 1

- Increased traffic movements (safety, speed limits, noise, access location and possibility of roundabout)

Planner's comment:

Traffic issues have largely been covered by the responses to the previous representations with the exception of the installation of a roundabout. Hobart Road is a council maintained road and handles traffic from a number of uses. Any future installation of a roundabout would be a decision by Council and should be assessed as a separate matter. The application provides a Traffic Impact Assessment for the southern access point and increased traffic movements to and from the site and this will form the basis of assessment against the relevant planning scheme provisions.

Issue 2

- Reduced land valuation

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Planner's comment:

Assessment of the potential impact on land valuations is not covered by the provisions of the planning scheme and is therefore not a relevant planning matter in the assessment of the proposal.

Issue 3

- Notification process (not directly notified)

Planner's comment:

Notice of the application was given in accordance with S57 of the *Land Use Planning and Approval Act 1993*, the same way that all discretionary applications are exhibited. This includes notifying by mail properties which have an adjoining title, placing site notices on all street frontages of the subject site, advertising the application in the *The Examiner*, putting the application on display at the Council Chambers and as a courtesy, making the application available to view online on Council's website. Additional property owners who are not a direct neighbour are not notified by mail to ensure there is a consistent approach to all exhibited applications.

4.6 Referrals

The application was referred to:

Council's Works & Infrastructure Department

Precis: Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the proposal on the 20.07.2016 and reported that the proposal could be serviced. Their recommended conditions are included in the conditions of approval.

Council's Works and Infrastructure Department also provided comment on the appropriateness of the speed limit of Hobart Road, in light of the representor's concerns. They advised that every time the issue has been looked by Council's Traffic Engineer, Terry Eaton and State Growth, it has been decided that the 80km/h speed limit is appropriate.

It was also noted that the issue has previously been discussed at the February 2012 meeting of the now defunct traffic committee (made up from representatives from DIER, Council and Tasmania Police). Meeting minutes state the following:

"Not required at this stage. Will be reconsidered as part of future traffic management changes associated with new accesses for planned new developments in the area" (Meeting Minutes - Northern Midlands Traffic Committee, Feb 2012).

TasWater

Precis: The application was referred to Taswater, and a Submission to Planning Authority Notice with conditions of approval was issued on 28.7.16 (Taswater Ref: TWDA 2016/00997-NMC). TasWater advised:

The land is within a limited water supply area, fed by a 63mm diameter OD water main.

The main does not have sufficient surplus capacity to provide the proposed 24 cabins, caretakers residence and 22 RV sites with a water supply which meets the TasWater water supply service level.

The development of the land may require the installation of on-site water storage tanks, one for general use and one dedicated for fire fighting purposes.

Department of State Growth

Garry Hills, Senior Traffic Engineering Officer, State Roads Division, Department of State Growth advised that State Growth do not object to the proposal however the proponent should be made aware of the following point:

The Department of State Growth will not be responsible for any future issues relating to current or further increases in traffic noise arising from the Midland Highway. This is inclusive of funding and / or providing any form of sound mitigation or attenuation treatments and signage. The applicant shall consider the impacts from traffic noise including potential increases that may occur from future traffic volume growth. Provision and associated costs of any appropriate sound mitigation measures are the responsibility of the applicant and if undertaken, must be outside the State Road reserve boundary.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Launceston Airport

Referral sent 18.7.16 – at the time of writing this report, no comment had been received.

Environmental Health Officer

Precis: Council's Environmental Health Officer (Chris Wicks) reviewed the proposal on the 29th August 2016 and made the following comments: *"Based on the area of land available for on-site wastewater disposal and, the information provided by JD Consulting in their On-site Wastewater Disposal Assessment report, there is sufficient land available to safely manage all wastewater produced at the maximum level of occupancy predicted in the report for each stage of the development and for each wastewater section of the proposed development. However, there is insufficient information in the report to determine whether the proposed absorption design is of sufficient capacity and has sufficient redundancy incorporated to safely manage all wastewater under peak load. Additional information will be required from the designer to determine this, prior to the building approval stage."* Mr Wicks further advised that there is sufficient land for any upgrade of the design.

4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE
ZONE PURPOSE
To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing. To provide for other use or development that does not constrain or conflict with resource development uses. To provide for economic development that is compatible with primary industry, environmental and landscape values. To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.
Assessment: The proposal meets the zone purpose by providing for tourism services without compromising primary industry operations.

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Assessment: The proposal is consistent with the local area objectives by providing services to the tourism industry which capitalizes on location and landscape values without compromising primary industry operations.

DESIRED FUTURE CHARACTER STATEMENTS

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

Assessment: The proposal does not conflict with the desired future character statement.

USE AND DEVELOPMENT STANDARDS

26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Objective

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

Acceptable Solutions

A1 If for permitted or no permit required uses.

Performance Criteria

- P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and
- P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.

Comment:

The proposal meets the performance criteria P1.1 as it is consistent with the local area objectives for Tourism, through the provision of visitor facilities. P1.2 is not applicable.

A2 If for permitted or no permit required uses.

- P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:
- i) amount of land alienated/converted is minimised; and
 - ii) location is reasonably required for operational efficiency; and
- P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.

Comment:

P2.1 is not applicable to this proposal. P2.2 is also not applicable, as there will be no conversion of prime agricultural land as a result of this proposal. The subject site is identified as a mixture of class 4 and 5 non-prime agricultural land within the provided agricultural report by Macquarie Franklin.

A3 If for permitted or no permit required uses.

- P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:
- a) the amount of land converted is minimised having regard to:
 - i) existing use and development on the land; and

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	ii) surrounding use and development; and iii) topographical constraints; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry; or c) the location of the use on the site is reasonably required for operational efficiency.
Comment: The proposal relies on P3 (b) for compliance and the application was supported by an Agricultural Report providing advice as to the suitability of the site for agricultural use. The agricultural report identifies that the site is severely limited in terms of size, soils, shape, lack of water storage and proximity to residential uses, to establish an economically viable livestock or horticultural operation. The Agricultural Report identifies that even high margin enterprises will not cover the overheads required to run an agricultural operation on the site. It is therefore also practically incapable of being included with other land due to the cost of the land outweighing the returns of an agricultural use on the site. The only adjoining agricultural operation is a small holding of approximately 24ha.	
A4 If for permitted or no permit required uses.	P4 It must demonstrated that: a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and c) the capacity of the local road network can accommodate the traffic generated by the use.
Comment: The proposal relies on P4 for compliance and achieves this as follows: a) The use of the site for visitor accommodation and associated caretaker facilities are unlikely to generate emissions which cause an environmental nuisance. The development has demonstrated that black and grey water can be adequately disposed of through the installation of a Waste Water Treatment System. b) The adjoining primary industry uses consist of low intensity grazing operations and will not be confined or restrained as a result of the proposal, particularly as the area already contains a number of existing residential uses. c) The subject site has direct access along a 400m long section of Hobart Road to the Midland Highway and greater road network and has sufficient capacity to accommodate the additional vehicle movements generated by the proposed use, as assessed by the provided Traffic Impact Assessment.	
A5 The use must:	P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:
a) be permitted or no permit required; or b) be located in an existing building.	a) the impacts on skylines and ridgelines; and b) visibility from public roads; and c) the visual impacts of storage of materials or equipment; and d) the visual impacts of vegetation clearance or retention; and e) the desired future character statements.
Comment: The proposal relies on P5 for compliance and achieves this as follows: a) The subject site is not located on a significant ridgeline, nor does it form a skyline due to significantly higher elevation land surrounding the site, particularly to the west. b) The site has frontage to two roads; the Midland Highway to the west and Hobart Road to the east. Visibility from the Midland Highway will vary depending on where the site is viewed from and the growth of screening vegetation planted along the western boundary, which has been established for approximately 1-2 years. Visibility of the proposed cabins and campsites from the highway will be most prevalent for southbound traffic at the north western corner of the lot until the highway cuts into the hill	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



and restricts view of the site. The elevation of the proposed highway realignment may change the visibility of the site to the highway.

The development will be more prominent from Hobart Road; however, this area already consists of a number of buildings for residential, light industrial, rural and rural processing uses, and is therefore consistent with the local area.

- c) N/a
- d) N/a – no vegetation clearance proposed. Screening plants have already been established.
- e) The proposal is consistent with the Local Area Objectives which state that the visual impacts of development must be minimised so that the effect is not obtrusive. The rural landscape in this area already consists of a mixture of established buildings and the establishment of further landscaping to soften the development would assist in reducing the potential obtrusiveness to adjoining property owners.

26.3.2 Dwellings

Objective: To ensure that dwellings are:

- a) incidental to resource development; or
- b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.

Acceptable Solutions	Performance Criteria
A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.	P1.1 A dwelling may be constructed where it is demonstrated that: a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to: i) scale; and ii) complexity of operation; and iii) requirement for personal attendance by the occupier; and iv) proximity to the activity; and v) any other matters as relevant to the particular activity; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to: i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling; and P1.3 A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles.

Comment:

N/a – no dwellings are proposed. The caretakers dwellings are integral and subservient to the visitor accommodation use of the site.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



26.3.3 Irrigation Districts

Objective To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.	
Acceptable Solutions	Performance Criteria
A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced having regard to: 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.
Comment: Complies with A1 – the site is not within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	

26.4 Development Standards

26.4.1 Building Location and Appearance

Objective: To ensure that the: a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and b) development of buildings is unobtrusive and complements the character of the landscape.	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: a) 8m for dwellings; or b) 12m for other purposes.	P1 Building height must: a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
Comment: Complies with A1 (b). The cabin and amenity buildings are approximately 3.6m and the caretaker/reception building has a maximum height of approximately 4.3m.	
A2 Buildings must be set back a minimum of: a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
Comment: As a sensitive use is defined as a residential use or a use involving the presence of people for extended periods, except in the course of their employment, such as in a <u>caravan park</u> or dwelling, the proposal needs to address the Performance Criteria P2.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



The proposal only has one directly adjoining primary industry operation to the north of the site. The Midland Highway creates an approximately 100m 'Utility' zoned buffer to the west, while residential uses and a grain processing facility are located to the south and east of the site. The proposal complies with P2 as follows:

- The site is relatively level and the topography of the site does not influence the impact the development may have on primary industry operations.
- A tree lane of varying thickness creates a natural buffer between the subject site and the land to the north.
- The land immediately to the north of the subject site is a small 24ha rural holding. Adjacent to the northern boundary are paddocks used for grazing, with yards, machinery shed and dwelling located approximately 400m from the northern boundary. It is unlikely that this site will undergo extensive intensification due to a lack of water resources.
- The uses surrounding the site are predominantly residential in nature, with only a single small rural holding located adjacent to the northern boundary. There is unlikely to be any substantial intensification of this lot.
- There is sufficient setback from the road frontages to accommodate any future widening or maintenance works. The site is not directly impacted by the realignment of the Midland Highway and a Traffic Impact Assessment was submitted with the proposal addressing any potential access and safety concerns. The setbacks also allow for further landscaping of the site to assist with noise attenuation.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a – Visitor accommodation no longer considered as a 'vulnerable use' as defined by the Code.
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	See code assessment below
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	See code assessment below
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	See code assessment below
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

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

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Comment: Complies with Performance criteria P1. Access is not from the category 1 road and the application was referred to the Department of State Growth who did not indicate that the development would cause any safety concerns.

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.
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Comment: N/a

A3	For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3	For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
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Comment: The proposal relies on performance criteria P3 (c). The application was supported by a Traffic Impact Assessment which stated that an adequate level of safety and efficiency for all road users could be maintained, provided clear sight lines were maintained and the internal lot layout provided access and turning in accordance with the recommendations of the assessment.

E4.7 Development Standards

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

Objective: To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:

- a) ensure the safe and efficient operation of roads and railways; and
- b) allow for future road and rail widening, realignment and upgrading; and
- c) avoid undesirable interaction between roads and railways and other use or development.

Acceptable Solutions		Performance Criteria	
A1	The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h: a) new road works, buildings, additions and extensions, earthworks and landscaping works; and b) building envelopes on new lots; and c) outdoor sitting, entertainment and children's play areas	P1	Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to: a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.

Comment: The proposal relies on performance criteria P1 for compliance, as follows:

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- a) The application was supported by a Traffic Impact Assessment which stated that the safety and efficiency of the road network could be maintained post development.
- b) The subject site experiences noise from a variety of nearby uses including the adjoining roads, nearby airport and quarries, with the Midland Highway creating the highest source of noise. Accordingly, a Noise Report was provided to assess the impact on the proposed development which determined that expected night-time noise levels within the cabins were below the Tasmanian Environment Protection Policy (EPP) 2009 (Noise) indicator level required for the avoidance of sleep disturbance for inside bedrooms. Further information was requested to determine the likely impact of traffic noises on Patrons sleeping in tents, who do not benefit from the noise reduction of building fabric. The applicant and noise specialist stressed that noise levels in the EPP are guidelines only and do not explicitly apply to caravan parks and short term accommodation. The additional information noted that patrons sleeping in tents may experience some sleep disturbance as a result of traffic noise; however, this was unlikely to cause long term health impacts due to the short-term nature of stays. The Department of State Growth also commented on potential noise impacts. These comments are included in the 'referral' section of this report.
- c) N/a – no additions or extensions proposed.
- d) N/a

E4.7.2 Management of Road Accesses and Junctions

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

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

Comment: Complies with A1 – The development will utilise an existing access point.

E4.7.3 Management of Rail Level Crossings

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

Acceptable Solutions	Performance Criteria
A1 Where land has access across a railway: a) development does not include a level crossing; or b) development does not result in a material change onto an existing level crossing.	P1 Where land has access across a railway: a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and b) the proposal is dependent upon the site due to unique resources, characteristics or location

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	attributes and the use or development will have social and economic benefits that are of State or regional significance; or
c)	it is uneconomic to relocate an existing use to a site that does not require a level crossing; and
d)	an alternative access or junction is not practicable.
Comment: N/a	

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

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

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

Comment: Complies with acceptable solution A1 (a) – the site distances in both directions exceed 175m. As there is potential for a large tree to block the site distance to the south, a condition is required to ensure its maintenance for the duration of the use.

Figure E4.7.4 Sight Lines for Accesses and Junctions

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

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

Table E4.7.4 Safe Intersection Sight Distance (SISD)

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

Notes:

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

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

Comment: Complies with A1. One parking space is provided per each unit.

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Visitor accommodation (bed and breakfast, camping, caravan park, unit/cabin, backpacker hostel, motel, serviced apartments)	1 space per unit or 1 space per 4 beds whichever is greater	1 space per 10 beds

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Comment:

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Sufficient space is available within each cabin to store a bicycle if required.

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1 No performance criteria.
Comment: Sufficient space is available in front of the reception area for a taxi drop-off and pick up space.	

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: Each parking space provided could also be utilised for a motorbike if required by the occupant of cabin or campsite.	

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

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

Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: Complies with performance criteria P1. All access strips/roadways will be sealed to prevent dust and provide all weather access. As the surface treatment of all car parking areas is not shown on the plans, assessment against the performance criteria is required. It is not uncommon to have the small parking areas adjacent to each cabin as compacted gravel and given the rural nature and large area of the lot, this would be considered appropriate and would ensure that they are useable in all weather conditions.	

E6.7.2 Design and Layout of Car Parking

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

Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: Complies with A1.1. A1.2 is not applicable as the site is not in a General Residential Zone.	
A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions,

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.	b) layout and the expected number and type of vehicles; and provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
Comment: Complies with A2.1 (a-c) and A2.2. The site layout has been amended to comply with the recommendations of the TIA regarding vehicle turn paths.	

Table E6.2: Access Widths for Vehicles

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

E6.7.3 Car Parking Access, Safety and Security

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

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.	
Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 No performance criteria.
A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with <i>Australian Standards AS/NZ 2890.6 2009</i> .	P2 No performance criteria.
Comment: Condition required to ensure compliance with clause E6.7.4.	

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

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective	
To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
A2 Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
Comment: It is considered that the requirements of visitor accommodation are similar to that of a residential use and must therefore comply with A1.2 and A2. Sufficient space is available within each cabin to adequately store a bicycle. Additional bike racks at the reception area would ensure the provision of secure bicycle storage for the occupants of camp sites and can be conditioned by the permit.	

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Comment: N/a – each parking space is directly adjacent to the parking space it serves.	

Table E6.5: Pedestrian Access

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

Notes

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



ASSESSMENT AGAINST CODE E7.0 SCENIC MANAGEMENT CODE

E7.6 Development Standards

E7.6.1 Scenic Management – Tourist Road Corridor

Objective

- (a) To enhance the visual amenity of the identified tourist road corridors through appropriate:
- i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and
 - ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and
 - iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and
 - iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
 - v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- (b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

Acceptable Solutions	Performance Criteria
A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.	P1 Development (not including subdivision) must be screened when viewed from the road within the tourist road corridor having regard to: a) the impact on skylines, ridgelines and prominent locations; and b) the proximity to the road and the impact on views from the road; and c) the need for the development to be prominent to the road; and d) the specific requirements of a resource development use; and e) the retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and f) whether existing native or significant exotic vegetation within the tourist road corridor is managed to retain the visual values of a touring route; and g) whether development for forestry or plantation forestry is in accordance with the 'Conservation of Natural and Cultural Values – Landscape' section of the <i>Forest Practices Code</i>; and h) the design and/or treatment of development including: i) the bulk and form of buildings including materials and finishes; ii) earthworks for cut or fill; iii) complementing the physical (built or natural) characteristics of the site.

Comment:

The proposal relies on performance criteria P1 due to being in a scenic corridor of the Midland Highway and complies as follows:

- a) The subject site is not located on skyline or ridgeline.
- b) The developments will be setback from the road and not prominent from the road, particularly once established vegetation matures.
- c) Signage has been positioned so as to be visible from the road and assist people navigating to the site. The remainder of the development does not need to be visible from the road.
- d) N/a
- e) Existing vegetation will be retained to provide screening once established.
- f) No vegetation removal is proposed.
- g) N/a
- h) The colours and building treatment of the buildings can be conditioned by the permit so assist the development to blend with the natural environment.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



ASSESSMENT AGAINST CODE E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE

E11.6 Use Standards

E11.6.1 Attenuation Distances

Objective: To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.

Acceptable Solutions		Performance Criteria	
A1	No acceptable solution.	P1	Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the: a) degree of encroachment; and b) nature of the emitting operation being protected by the attenuation area; and c) degree of hazard or pollution that may emanate from the emitting operation; and d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.
Comment: The proposal was accompanied by an assessment against the Environmental Impacts and Attenuation Code and provided a noise report to measure existing noise impacts. The proposal relies on performance criteria P1 and complies as follows. a) Despite being located within the attenuation distance of the Breadalbane quarries which is taken from the property boundaries of these sites (to cover future expansion), the subject site is located in excess of 1000m from the operational face of the closest quarry/ b) The emissions likely to be experienced by a quarry conducting hard rock blasting includes noise, vibration and dust. Council received no comment from any of the quarries in response to this proposal. c) A noise and vibration report conducted for a previous application determined that the greatest impacts experienced were as a result of the Midland Highway. A noise report conducted for the current application came to the same conclusion. The impact of the quarry in terms of noise, vibration and dust from the quarry are therefore considered appropriate to maintain amenity of future occupants of the site. d) No additional measures to mitigate impacts of the quarries are considered necessary. A number of residential uses occupy the area between the subject site and the quarries.			
A2	Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Village, Local Business, General Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	P2	Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to: a) the degree of encroachment; and b) the nature of the emitting operation being protected by the attenuation area; and c) the degree of hazard or pollution that may emanate from the emitting operation; and d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i>.
Comment: N/a			

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



ASSESSMENT AGAINST CODE E12.0 AIRPORTS IMPACT MANAGEMENT CODE

E12.5 Use Standards

E12.5.1 Noise Impacts

Objective

To ensure that noise impacts on use within the ANEF contours from aircraft and airports are appropriately managed.

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 All new buildings must comply with the <i>Australian Standard 2021-2000 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i> .
Comment: Condition required to ensure compliance with the performance criteria.	
A2 Sensitive use (whether ancillary to other use or development or not) must not occur within the 25 ANEF contour.	P2 No performance criteria.
Comment: Complies with A2 – none of the subject site is within the 25 ANEF Contour.	

E12.6 Development Standards

E12.6.1 Obstacles to Aircraft

Objective

To ensure that development does not impact on the safety of prescribed airspace.

Acceptable Solutions	Performance Criteria
A1 Development must be approved pursuant to the <i>Airports Act 1996</i> and the <i>Airport (Protection of Airspace) Regulations 1996</i> and the Manual of Standards.	P1 No performance criteria.
Comment: The proposal was referred to the Launceston Airport who did not respond with any issues of non-compliance.	

ASSESSMENT AGAINST CODE E15.0 SIGNS CODE

E15.3 Definition of Terms Used in this Code

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

Other sign	Any sign not listed.
Comment: The signage proposed are technically ground based signs; however, this type of signage is not defined by the planning scheme. The signs proposed must therefore be considered as 'other' signs.	

E15.5 Standards for Use or Development

E15.5.1 Third Party Signage

Objective: To ensure that signs relate to the site on which they are located.

Acceptable Solutions	Performance Criteria
A1 Must only advertise goods and services available from the site.	P1 Shall be a Billboard Sign and consistent with the desired future character statements, if any.
Comment: Complies with A1.	

E15.5.2 Heritage Precincts

Objective

To ensure that the design and siting of signs complement or enhance the streetscape of Heritage Precincts.

Acceptable Solutions	Performance Criteria
A1 No acceptable solution	P1 If within the Heritage Precincts Specific Area Plan, shall be consistent with the Character Statements.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Comment:

N/a

E15.5.3 Design and siting of signage

Other Sign

Acceptable Solutions	Performance Criteria
A34 No acceptable solution	P34 Other signs can be located in any zone except the General Residential Zone and the Low Density Residential Zone, provided it can be shown that: a) no other form of permitted signage will meet the needs of the proprietor; and b) the sign does not dominate the streetscape and reflects the prevailing character of the area, in terms of shape, proportions and colours; and c) it does not conflict with the Zone Purpose as outlined in Part D of this planning scheme. d) be sympathetic to the architectural character and detailing of the building; and e) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; and f) not result in loss of amenity to neighbouring properties; and g) not involve the unnecessary repetition of messages or information on the same street frontage; and h) not contribute to or exacerbate visual clutter; and i) not cause a safety hazard or obstruct movement of anyone inside or outside the associated building; and j) not distract motorists as a result of size, illumination or movement.

Comment:

The proposal relies on performance criteria and complies as follows:

- a) The signage proposed are technically ground based signs; however, this type of signage is not defined by the planning scheme. The signs proposed must therefore be considered as 'other' signs.
- b) The signage on the eastern side covers a frontage of 160m +, while the signage to the west covers a frontage of nearly 350m and are therefore in proportion to the size of the lot. The signage is a simple design and will assist people to navigate to the site.
- c) The signage does not conflict with the zone purpose as it is for a tourism related use.
- d) N/a – ground based sign.
- e) The signage size is appropriate to the size of the lot.
- f) Only one of the four proposed signs is opposite a residence. The signs are static and non-illuminated and will not cause a loss of residential amenity.
- g) Signage is proposed to provide visibility to both directions of traffic on each road frontage.
- h) The signage does not contribute to or exacerbate visual clutter.
- i) The signage is located within the site and does not obstruct movement or create a safety hazard.
- j) The signage is static and non-illuminated. Good signage assists drivers to safely navigate to the site.

SPECIFIC AREA PLANS

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

SPECIAL PROVISIONS

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



STATE POLICIES

The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

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

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

Strategic Plan 2007-2017

4.3 – Development Control

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Discretionary use of the proposal – Visitor Accommodation in the Rural Resource Zone;
- Reliance on the performance criteria of clause 26.3.1 – zone use standards;
- Reliance on the performance criteria of clause 26.4.1 – zone building location and appearance standards;
- Reliance on the performance criteria of the Road & Railway Assets Code (E4.6.1, E4.7.1);
- Reliance on the performance criteria of the Car Parking & Sustainable Transport Code (E6.7.1);
- Reliance on the performance criteria of the Scenic Management Code (E7.6.1);
- Reliance on the performance criteria of the Environmental Impacts and Attenuation Code (E11.6.1);
- Reliance on the performance criteria of the Airports Impact Management Code (E12.5.1); and
- Reliance on the performance criteria of the Signs Code (E15.5.3).

The proposal has been assessed against the relevant provisions of the planning scheme and adequately complies with all provisions.

Four representations were received during the public exhibition period, with concerns relating primarily to: a greater level of intensification to the previously approved development application at the site, potential loss of residential amenity, safety/security issues, traffic generation and effluent disposal.

It is relevant to note that the current proposed development is completely unrelated to any previous application on the site and must be considered as a separate application. The previous approval has no bearing whatsoever on the current proposal. Residential amenity relating to environmental pollutants such as noise, is covered by separate legislation – the *Environmental Management and Pollutions Control Act 1994* and similarly, crime is dealt with by Tasmania Police. Issues such as light pollution can be controlled by permit conditions. Traffic generation and effluent disposal matters have been covered by reports prepared by experts in these fields and have been referred to relevant officers within Council for further examination. The speed limit of Hobart Road has been looked at, at numerous times over the last 5 or so years by relevant parties and is considered sufficient. Council may wish to further review this matter; however, this is a separate matter to be dealt with by Council and should not dictate the outcome of this proposal. Further information regarding the effluent disposal site can be provided and assessed prior to the issue of a Special

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Plumbing Permit - the approval process for waste water disposal. Council's Environmental Health Officer has reviewed the proposal and noted there is sufficient area within the site to accommodate a suitable system.

Conditions that relate to any aspect of the application can be placed on a permit. The proposal will be conditioned to be used and developed in accordance with the proposal plans.

8 ATTACHMENTS

- A Application & plans, correspondence with applicant
- B Responses from referral agencies
 - TasWater
 - NMC Works & Infrastructure Department
 - Department of State Growth
 - Environmental Health Officer
- C Representations & applicant's response

RECOMMENDATION

That land at 832 Hobart Road, Breadalbane be approved to be developed and used for a tourist facility (visitor accommodation, caretaker's dwelling/reception, wastewater treatment system & 4 signs), in accordance with application P16-052, and subject to the following condition:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P5** (*Drawing No: DA-15981 Sheet No's: cover page & 01-04, dated: 23/02/2016*) and **D1** (*Report to support Development Application by Pitt & Sherry, dated: 23/06/2016 Rev 00*).

2 Council's Works & Infrastructure Department conditions

2.1 Stormwater

- a) Stormwater from the site shall be contained on site or drained to the Council drainage system.
- b) Concentrated stormwater must not be discharged onto Council roads or neighbouring properties

2.2 Access

- a) A hotmix sealed driveway access must be constructed to access the site in accordance with TSD R05 and the approved design plans provided by Pitt and Sherry.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

2.3 Municipal standards & approvals

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. All works must be constructed to the satisfaction of Council. Where works are required to be designed prior to construction, such designs and specifications must be approved by Council prior to commencement of any *in situ* works.

2.4 Works in Council road reserve

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works & Infrastructure Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

2.5 Pollutants

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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

2.6 Works & Infrastructure damage bond

- a) Prior to the application for a building permit, a \$500 bond must be provided to Council, which will be refunded if Council's infrastructure is not damaged.
- b) This bond is not taken in place of the Building Department's construction compliance bond.
- c) The nature strip, crossover, apron and kerb and gutter and stormwater infrastructure must be reinstated to Council's standards if damaged.
- d) The bond will be returned after building completion if no damage has been done to Council's infrastructure and all engineering works are done to the satisfaction of the Works & Infrastructure Department.

3 TasWater conditions

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (Ref: TWDA 2016/00997-NMC).

4 Traffic impact assessment recommendations

The use and development of the site shall be in accordance with the Traffic Impact Assessment included as Attachment D to D1 (Report to support Development Application by Pitt & Sherry, dated: 23/06/2016 Rev 00); including the regular trimming of the existing tree to the south of the site access to maintain site distances.

5 Surface treatments

Prior to the issue of a building permit, a Surface Treatment Layout plan shall be provided to the satisfaction of the Planning and Development Department, detailing all internal roads to be sealed with an impervious all weather seal and parking areas adjacent to the cabins to be an impervious all weather seal or other useable all weather surface. All other surface treatments shall also be shown on the plan.

6 Vehicle and bicycle parking

Prior to the commencement of use:

- i) Two spaces designated for use by persons with a disability must be located closest to the main entry point to the building and be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 - 2009.
- ii) Bicycle parking shall be installed for a minimum of two bicycles in the form of a rail or hoop in accordance with *Australian Standard AS 2890.3 1993*.

7 Airport

All new buildings which fall within the Airport ANEF 20 Contour must comply with the *Australian Standard 2021-2000 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.

8 Lighting

Outdoor lighting shall be designed, baffled and located to the satisfaction of the Planning & Development Department to prevent any adverse effect on adjoining land.

9 Colours/building treatments

The external walls, roof, paving and other large surface areas of the buildings and its surrounds, shall be finished in non-reflective materials and colours which reflect natural vegetation.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



10 Part Five agreement

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

The owner of the land at 832 Hobart Road agrees to the following:

- a) *The Department of State Growth will not be responsible for any future issues relating to current or further increases in traffic noise arising from the Midland Highway. This is inclusive of funding and / or providing any form of sound mitigation or attenuation treatments and signage.*
- b) *Provision and associated costs of any appropriate sound mitigation measures are the responsibility of the owner and if undertaken, must be outside the State Road reserve boundary.*

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

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 2 PLANNING APPLICATION P16-139 FALLS PARK, 2-14 LOGAN ROAD, EVANDALE

Attachments: Section 1 – Page 334

Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner
File Number: 202700.005

1 INTRODUCTION

This report assesses an application for Falls Park, 2-14 Logan Road, Evandale to install new pedestrian entrances and gates.

2 BACKGROUND

Applicant: Northern Midlands Council	Owner: Northern Midlands Council
Zone: Open Space	Codes: Heritage precinct
Classification under the Scheme: General retail and hire (market)	Existing Use: Evandale Market
Deemed Approval Date: 23 September 2016	Recommendation: Approve

Discretionary Aspects of the Application

- Development of pedestrian entrances and gates in heritage precinct.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013*

Preliminary Discussion

Prior to the application being placed on public exhibition, further information was requested by way of clarification as to whether stage two formed part of the proposal, which it does.

3 STATUTORY REQUIREMENTS

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

4 ASSESSMENT

4.1 Proposal

It is proposed to undertake the development in two stages:

- Stage 1 - Remove 2m of hedge from both the western and eastern ends of Falls Park, adjacent to Russell Street;
- Stage 2 – Install gates in the gaps created in the hedge if it is found that the gates are required.

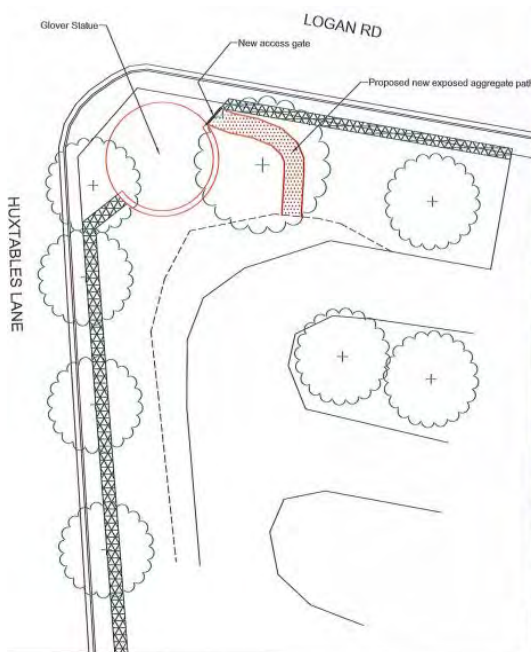
AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016

Site Plan



Plan of western end



STAGE 1
Remove 2m of hedge
STAGE 2
Construct new access gate, if required design to be similar
to existing main access gate (photos attached).

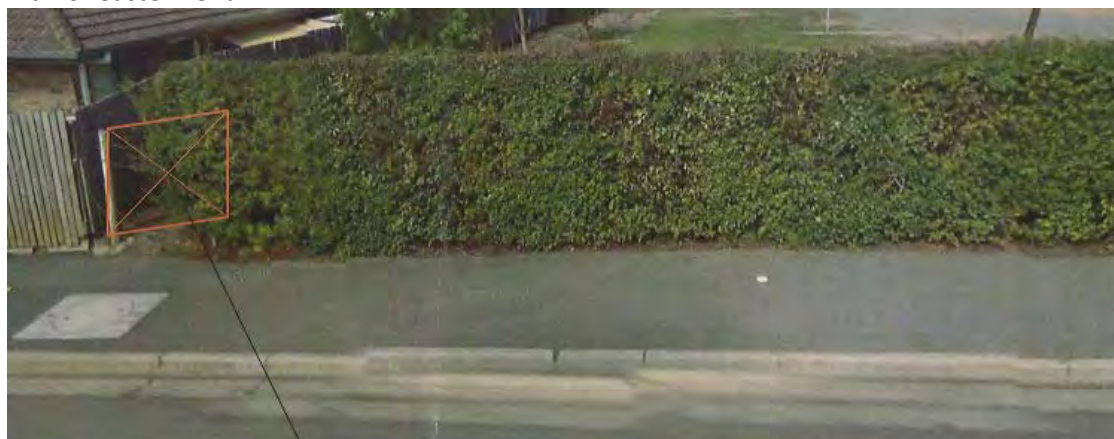
Existing

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Plan of eastern end

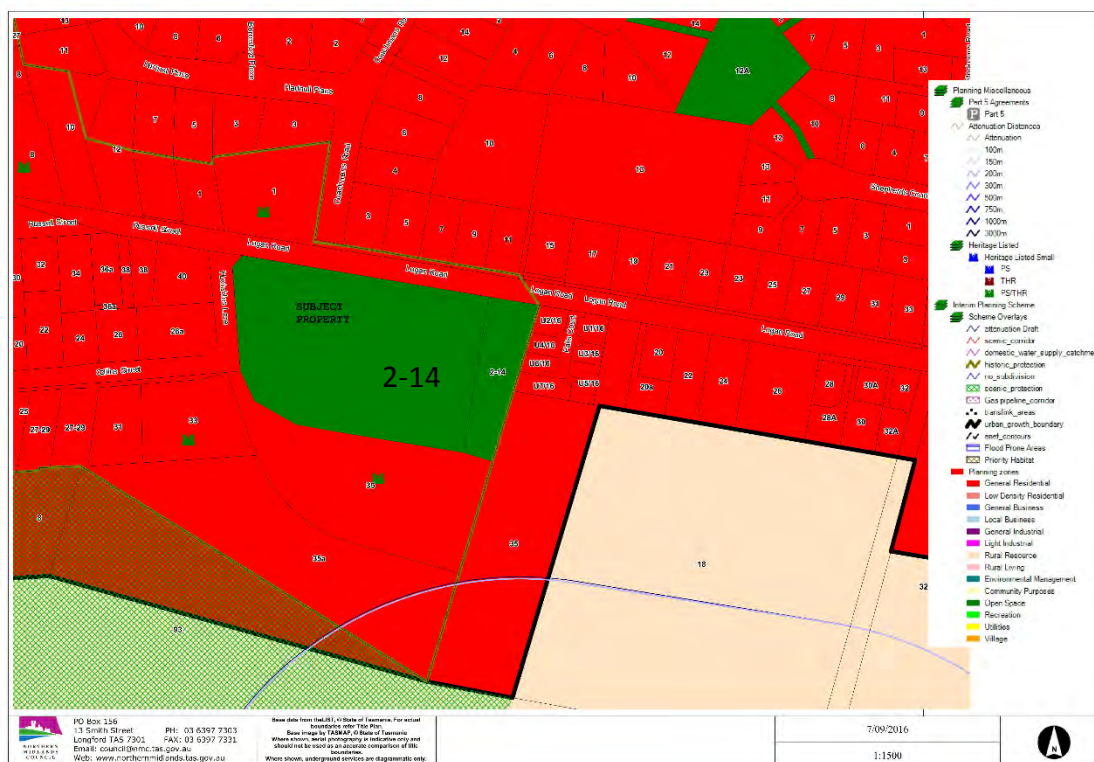


STAGE 1 - Remove 2m of hedge as access point
STAGE 2
Construct gate if required, design to be similar to existing main access gate (photos supplied).



4.2 Zone and land use

Zone Map – Open Space – Heritage Precinct



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

General retail and hire	<i>use of land for selling goods or services, or hiring goods. Examples include ... market.</i>
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General retail and hire is Discretionary in the zone.

**NORTHERN
MIDLANDS
COUNCIL**

A wide-angle photograph of a street intersection on a foggy day. The road is wet and reflective. In the background, there are trees, a brick wall, and a statue. A yellow line is visible on the left side of the road. The date "31 08 2016" is printed in orange in the bottom right corner.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Eastern end of site



Existing main access gate



4.4 Permit/site history

Relevant permit history includes:

- DA181/01 - John Glover Statue
- P08-192 – Pedestal & Rubbing Plates

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.5 Representations

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

- P Woof, Evandale Market lessee

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

Issue 1

- As lessee of the property for over 30 years has never had a complaint about the hawthorn hedges.
- There are many footpaths in Evandale leading to Falls Park that are considerably narrower than the paths in question. E.g. Collins St, Russell St, Murray St, Huxtables Lane.
- The width and variation of the footpaths in Evandale add to the ambience of the Georgian village.
- Should have been consulted on any changes affecting the running of his business. The budget would have been better spent on maintenance and compliances of the property.

Planner's comment:

The issues raised by Mr Woof are not relevant in terms of the planning scheme. In accordance with clause 8.10.2 of the scheme, in determining an application for a discretionary use the planning authority must have regard to any representations received but in the case of the exercise of discretion only insofar as each such matter is relevant to the particular discretion being exercised.

4.6 Referrals

Heritage Adviser

Precis: Mr Denman advises:

I have given careful consideration to the proposed pedestrian opening to Falls Park, located at the corner on the left of the John Glover Feature. In my opinion the opening would be better left open without a gate. There is no need for a gate for aesthetic reasons. The Glover feature is a very significant element on the corner and any further elements such as a gate would only detract from its symmetrical aesthetic.

However, if a gate is required for security reasons, I believe a simple steel gate setback to the line of the back of the brick pier would be acceptable. The design of the gate would be critical to ensure it is sympathetic and subservient to the Glover feature.

I could provide a suitable gate design if required - a style more complementary with the colonial style of the pillars and brickwork, e.g. a simple steel frame with cross bracing in flat steel, backed with square mesh, either black or dark charcoal

The proposed opening at the far end of the property is of no concern.

Local District Committee

Precis: The Committee noted the decision of Council at its meeting of 16 May 2016 regarding the hawthorn hedge at Falls Park:

That Council installs two additional entrances and gates at both western and eastern ends of Falls Park to cater for pedestrians entering the market from the east and west and minimise pedestrian use of the footpath at the frontage of Falls Park, and, that there be consultation with the Evandale Advisory Committee on the decision prior to moving forward.

Following discussion, the following motion was put and carried. *That:*

1. the Committee support the Council decision of 16 May 2016, minute reference 130/16; and

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



2. in addition, the hawthorn hedge be reinstated where it had previously been removed to facilitate pedestrian movements and accommodate the hydro poles.

General Manager

Precis: Application signed by the General Manager.

4.7 Planning Scheme Assessment

See attached assessment of the proposal 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:

- Development of pedestrian entrances and gates in heritage precinct.

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

Council's Heritage Adviser advises that, having given careful consideration to the proposed pedestrian opening to Falls Park, in his opinion the opening at the corner on the left of the John Glover feature would be better left open without a gate - there is no need for a gate for aesthetic reasons. However, if a gate is required for security reasons, a simple steel gate, setback to the line of the back of the brick pier would be acceptable. The design of the gate would be critical to ensure it is sympathetic and subservient to the Glover feature. The proposed opening at the far end of the property is of no concern.

The representation by Mr Woof, lessee of the Evandale Market, presents the view that the additional entrances are not required, and will impact on the operation of the Evandale Market. However, these are not matters for consideration under the planning scheme.

That the proposal satisfies the requirements of the scheme with regard to heritage precinct and is recommended for approval.

8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Representations & applicant's response
- Heritage referral
- Planning Scheme assessment

RECOMMENDATION

That land at Falls Park, 2-14 Logan Road, Evandale be approved to be developed and used for new pedestrian entrances & gates to Falls Park, in accordance with application P16-139, and subject to the following conditions:

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P3**. (*Drawings DRGNO Rev A Sheet 1 Dated: April 16*).

2 Amended plans required

- 2.1 Before the gates are installed, plans of the gates, to the approval of Council's Heritage Adviser, must be submitted.
- 2.2 When approved, the plans will be endorsed and will then form part of the permit.
- 2.3 The plans must be drawn to scale with dimensions and show the gate being a simple steel frame with cross bracing in flat steel, backed with square mesh, either black or dark charcoal.

3 Permit expiry

Stage 2 must be completed within 12 months of the completion of Stage 1, or the permit expires.

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 3 PLANNING APPLICATION P16-129 171-183 HIGH STREET, CAMPBELL TOWN

Attachments: Section 1 – Page 356

Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Boer, Planning Officer
File Number: 302301.235; CT135815/1

1 INTRODUCTION

At its February 2016 meeting, Council resolved to initiate and certify an amendment regarding a Site-specific Planning Scheme Amendment 01/16 & 24-hour service station at 171-183 High Street, Campbell Town

The draft amendment and planning permit were placed on public notification and three representations and a petition were received.

The representations are considered in this report. A report in relation to the petition lodged against this proposal is included in this agenda. It finds that the petition is deficient in that it does not comply with the provisions of Section 57(2) of the *Local Government Act 1993*.

2 BACKGROUND

Applicant:

GHD Pty Ltd (obo United Petroleum P/L)

Proposal:

Draft Amendment 01/16 and planning permit for 24-hour service station at 171-183 High Street, Campbell Town

Critical Date:

Report on representations to be sent to Planning Commission by 23-09-2016.

Recommendation:

Endorse statement of opinion as to the merit of the representations

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013

Planning Authority:

Northern Midlands Council

3 STATUTORY REQUIREMENTS

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

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

These matters are discussed below.

4 ASSESSMENT OF REPRESENTATIONS

Draft Amendment

The draft amendment is to add the highlighted sections below. The draft permit is included in Attachment A.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



10.2 Use Table

Discretionary	
Use Class	Qualification
Vehicle fuel sales and service	If on CT 135815/1 (171-183 High Street, Campbell Town).

E15.5.3

Other Sign	
Acceptable Solutions	Performance Criteria
A34 No acceptable solution	P34 Other signs can be located in any zone except the General Residential Zone (unless located on CT 135815/6 in which case 'other' signs in the General Residential zone are discretionary) and the Low Density Residential Zone, provided it can be shown that: a) no other form of permitted signage will meet the needs of the proprietor; and b) the sign does not dominate the streetscape and reflects the prevailing character of the area, in terms of shape, proportions and colours; and c) it does not conflict with the Zone Purpose as outlined in Part D of this planning scheme. a) be sympathetic to the architectural character and detailing of the building; and b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; and c) not result in loss of amenity to neighbouring properties; and d) not involve the unnecessary repetition of messages or information on the same street frontage; and e) not contribute to or exacerbate visual clutter; and f) not cause a safety hazard or obstruct movement of anyone inside or outside the associated building; and d) not distract motorists as a result of size, illumination or movement.

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 Dataworks system after completion of the public exhibition period revealed that representations (Attachment B) were received from:

- 1) BJ Noel, 21 Torlesse Street, Campbell Town TAS 7210
- 2) D Marr, Senior Land Use Planner, Entura (obo Caltas), GPO Box 355, Hobart TAS 7000
- 3) A & M Steele, 32 Weber Cres, Emerton NSW 2770
- 4) J & K Steele, 52-66 Forster Street, Campbell Town TAS 7210

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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



Consideration of the Representations

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

ISSUE 1: *Damage to environmental quality* – *The representors raised concerns about the loss of environmental quality through potential contamination of soil, water and air.*

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

The *Environmental Management and Pollution Control Act 1994* (EMPCA) is the major piece of environmental legislation in Tasmania dealing with contamination.

The power to require action is vested in the Board of the Environment Protection Authority (or EPA) and the Director of the EPA. Where these actions do not occur there is the power to apply penalties.

Secondary pieces of legislation sit below EMPCA to cater for specific environmental issues, such as the *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010*, which cater for the control of underground storage of petroleum. The regulations have been implemented to reduce the potential harm to human health, the environment and water resources due to the potential impacts of vapours, spillage and groundwater contamination.

Owners and operators of Underground Petroleum Storage Systems are responsible for complying with the regulations, including ongoing monitoring. Compliance is enforced under EMPCA.

The regulation of developments and activities that may impact on environmental quality is a key function of the Environment Protection Authority and provides the mechanisms and skill set for dealing with pollution incidents and complaints. The *Northern Midlands Interim Planning Scheme*

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



2013 has insufficient scope to deal with matter of environmental pollution and accordingly, the regulatory role is best positioned with the EPA. A copy of the Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010 are available online via The Law website, at the following link:

http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=%2B8%2B2010%2BAT%40EN%2B20160902000000;histon=;pdfauthverid=;prompt=;rec=;rtfauthverid=;term=;webauthverid=

Recommendation 1

That the draft amendment not be modified in relation to this issue.

ISSUE 2: *Expand the amendment to include 'Food Services' use class – The 100 seat restaurant is not integral and subservient to the service stations (vehicle fuel sales and service).*

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

As the representation notes, the proposal plans detail 100 seats ancillary to sale of food and drinks, spread between an indoor dining area, outdoor dining area and truck driver's area, which is inclusive of informal lounge seating.

The use class *Vehicle Fuel Sales and Service* is defined as:

Vehicle fuel sales and service	use of land primarily for the sale of motor vehicle fuel and lubricants, and if the land is so used, the use may include the routine maintenance of vehicles. An example is a service station.
--------------------------------	---

Within this use class, the proposal is seen to fall within the definition of a service station, which is defined as:

service station	means use of land to sell motor vehicle fuel from bowsers, and vehicle lubricants and if such use is made of the land, includes: (a) selling or installing of motor vehicle accessories or parts; (b) selling of food, drinks and other convenience goods; (c) hiring of trailers; and (d) servicing or washing of motor vehicles.
-----------------	--

It is considered that the definition of *service station* adequately caters for the sale of food, drink and other convenience goods, including associated seating.

Recommendation 2

That the draft amendment not be modified in relation to this issue.

ISSUE 3: *Road works and access – The proposed access arrangement will prevent access required for the future development of 184 High Street, Campbell Town.*

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

Subject to the same application process as the current proposal, the site at 184 High Street, Campbell is anticipated to be developed for a 24-hour unmanned (card operated) fuel facility. There is concern that the installation of a right-turn lane to provide north bound traffic access to the southern entrance of the proposed development will limit the opportunity for south bound traffic to access the site at 184 High Street (without utilising New Street or Torlesse Street). Figure 1 provides further details.

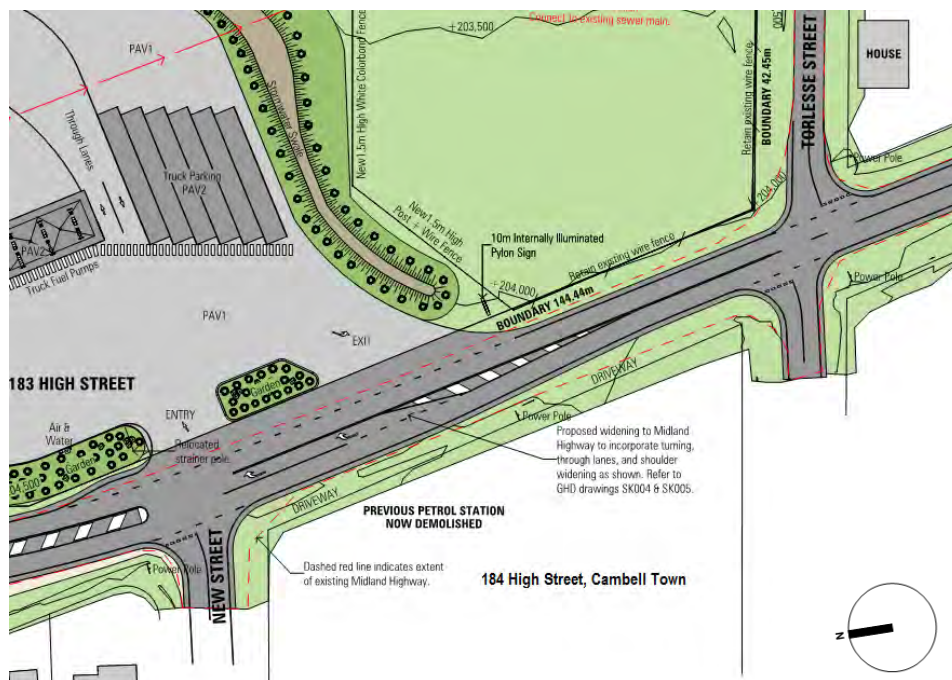


Figure 1 – Proposed road realignment and right-turn lane

While this may be the case for access directly from the highway, no approvals currently exist for a facility at 184 High Street and therefore traffic movements to this site cannot be considered with certainty. Access to 184 High Street is not prevented, as the site has frontage to both New Street and Torlesse Street. Any future application will need to consider the constraints of the site and provide access. This is generally done in accordance with recommendations of a Traffic Impact Assessment (TIA).

The only alternative solution would be to stipulate that the proposed development have a single entry only point on the northwestern side of the lot (currently provides entry and exit – relocate right turn lane to this entry) and single exit point on the south western side (delete the entry point which is accessed via the current proposed right turn lane). While this would allow south bound traffic the ability to turn into 184 High Street, this in turn may create alternative implications (such as traffic movements into and out of New Street and access to other High Street residences). Accordingly, this option is not recommended.

As previously stated, any future applications will need provide appropriate access, taking into account the site constraints at that time. The current proposal suggests a suitable arrangement for access based on the current traffic arrangements, as supported by the accompanying TIA.

Recommendation 3

That the draft amendment not be modified in relation to this issue.

ISSUE 4: Potential loss of residential amenity – *Concern was raised within the representations regarding the potential loss of residential amenity, resulting from:*

- Vehicle and truck movements;
- Noise;
- Light pollution; and
- Safety & Security

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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

The application proposes a development which may potentially impact on the residential amenity of adjoining property owners, for the abovementioned reasons. Mechanisms are available, however, to ameliorate the impacts of some of these issues.

Vehicle and truck movements

As the site boundaries, where adjacent to other properties, are fully fenced; vehicle and truck movements should not be an issue to children's safety. Pedestrian walkways between parking areas and the main building are provided for. Noise and light pollution aspects of vehicle and truck movements are dealt with below.

Noise

Vehicle noise, particularly from trucks utilising air breaks and idling within the parking bays, was a key concern detailed in the representations. The applicant has discussed with Planning Officers that a noise assessment will be undertaken to provide comprehensive noise data, once the proposal progresses to the Tasmanian Planning Commission. Regardless, it is considered appropriate that the permit be further conditioned to require noise barrier fencing to the adjoining residential lots to the east. Noise barrier fences are highly effective in reducing noise levels and will also provide a visual barrier.

Light pollution

Light pollution from the proposed development can potentially generate from two sources - vehicle headlights and exterior/security lighting.

A condition regarding exterior and security lighting is already proposed and reads as follows:

4 Exterior and security lighting

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.

The light pollution from vehicle headlights has the potential to be disruptive to adjoining residences and should be appropriately dealt with. It would be appropriate to condition the permit to require additional fencing to prevent headlight pollution from parking vehicle from impacting the residents to the west of the site. A 1.8m high fence is already proposed to the eastern boundary and this will prevent headlight intrusion to the future dwellings to the east. Vehicle exit points are opposite vacant lots.

Safety & Security

There are no provisions within the planning scheme with which to condition against or require compliance with, regarding safety and security. Criminal activity should be dealt with via Tasmania Police.

Recommendation 4

That the draft amendment/planning application be modified as follows:

Add the following permit condition:

9 Fencing to prevent light & noise pollution

- i. Prior to the commencement of use, a fence shall be installed immediately in front of the car parking and motorbike parking area to a minimum height of 1.2m to prevent vehicle headlights causing light intrusion to residences on the western side of High Street. The area between the fence and High Street shall be landscaped as per the endorsed plan.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- ii. Prior to the commencement of use, the common boundary with CT135805/2 & CT145381/5 (52-66 & 68-80 Forster Street) shall be fenced to a minimum height of 1.8m with noise barrier fencing.

5 OPTIONS

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

6 ATTACHMENTS

- A Draft amendment and permit
- B Representations and applicant's response

RECOMMENDATION

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

ISSUE 4: Potential loss of residential amenity

Recommendation 4

That the draft amendment/planning application be modified as follows:

Add the following permit condition:

9 Fencing to prevent light & noise pollution

- i. Prior to the commencement of use, a fence shall be installed immediately in front of the car parking and motorbike parking area to a minimum height of 1.2m to prevent vehicle headlights causing light intrusion to residences on the western side of High Street. The area between the fence and High Street shall be landscaped as per the endorsed plan.
- ii. Prior to the commencement of use, the common boundary with CT135805/2 & CT145381/5 (52-66 & 68-80 Forster Street) shall be fenced to a minimum height of 1.8m with noise barrier fencing.

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 4 PLANNING APPLICATION P16-061 530 WHITE HILLS ROAD, EVANDALE

Attachments: Section 1 – Page 371

Responsible Officer: Des Jennings, General Manager
Report prepared by: Chloe Lyne, CPD
File Number: 202900.26

1 INTRODUCTION

This report assesses an application for 530 White Hills Road, Evandale to construct artist studio & parking for mobile bus to conduct professional service (variation to setbacks in rural zone).

2 BACKGROUND

Applicant:
R Farrington (obo Shane Burston)

Zone:
Rural Resource

Classification under the Scheme:
Business and professional services

Deemed Approval Date:
29 August 2016. An extension of time was requested on 10 August 2016, but as of writing had not been received.

Owner:
S Burston

Codes:
Not in a Special Area

Existing Use:
Small scale grazing (Resource Development)/Hobby block

Recommendation:
That the application be refused due inability to comply with Clause 26.3.1, P1.1.

Discretionary Aspects of the Application

- Artist studio & parking for mobile bus to conduct professional service (variation to setbacks in rural zone).
- Reliance on the performance criteria of the Rural Resource Zone (use, vary setbacks);
- Reliance on the performance criteria of the Flood Prone Areas Code, Car Parking and Sustainable Transport Code and Water Quality Code.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013*

Site from entrance point



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 and develop the land for the purposes of an artist studio (electronic music production) and parking for a mobile bus to conduct professional service (variation to setbacks in the rural zone).

The information provided to support the application and response to representor's concerns is not consistent, however it is understood from a discussion with the applicant, that the application is as per the original proposal:

- Locate a shipping container (2.4m x 6.08m x 2.5m high) to the north of the existing bus on site, setback 2.2 metres from the road boundary.
- The shipping container is to be fitted out at a music production studio (electronic music).
- Site facilities would be provided via a self-composting toilet.
- Parking area for a bus in the location of the existing bus on site. It is understood from the applicant that it is no longer intended to utilise the current bus on site and that it will be removed as a condition of sale. Regardless, the bus parking was included in the original, advertised

AGENDA – ORDINARY MEETING

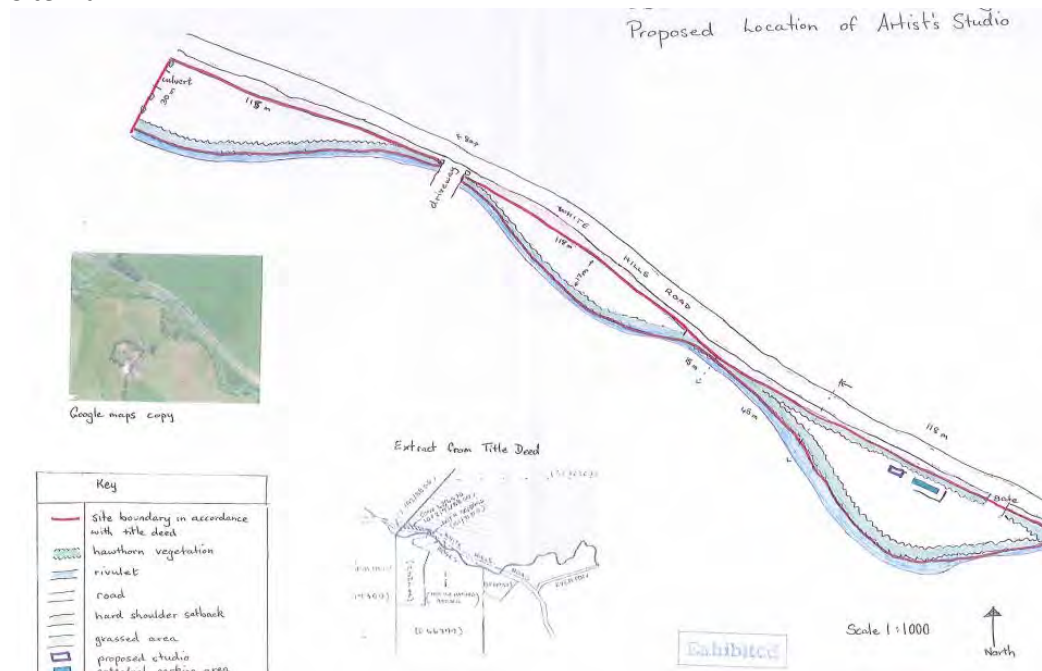
19 SEPTEMBER 2016



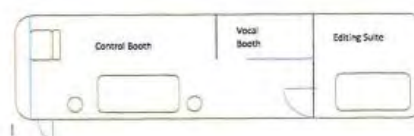
documentation so the site will be assessed on the basis of whether it is suitable to provide bus parking.

- Replace existing entrance gates.

Site Plan



Elevations



Potential Layout of vehicle

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.2 Zone and land use

Zone Map –Rural Resource



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

<i>Business and professional services</i>	<i>use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.</i>
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The *Land Use Planning and Approvals Act 1993* (Tas) defines a building as follows:

building includes –

- (a)** a structure and part of a building or structure; and
- (b)** fences, walls, out-buildings, service installations and other appurtenances of a building; and
- (c)** a boat or a pontoon which is permanently moored or fixed to land;

Business and professional services is Discretionary (Permit Required) in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on 9th September 2016. The development is located on the eastern portion of the block which is effectively divided into three small sections due to its location between Rose's Rivulet and White Hills Road. The lot has a total area of approximately 6700m². The block is largely screened from the road by hawthorn hedges which follow the property boundary.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Aerial photograph of area



Photographs of subject site



Photo: View of current property entrance

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Photo: View of sight distance available from crossover to the north



Photo: View of sight distance available from crossover to the south

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Flood Photos:



4.4 Permit/site history

Relevant permit history includes:

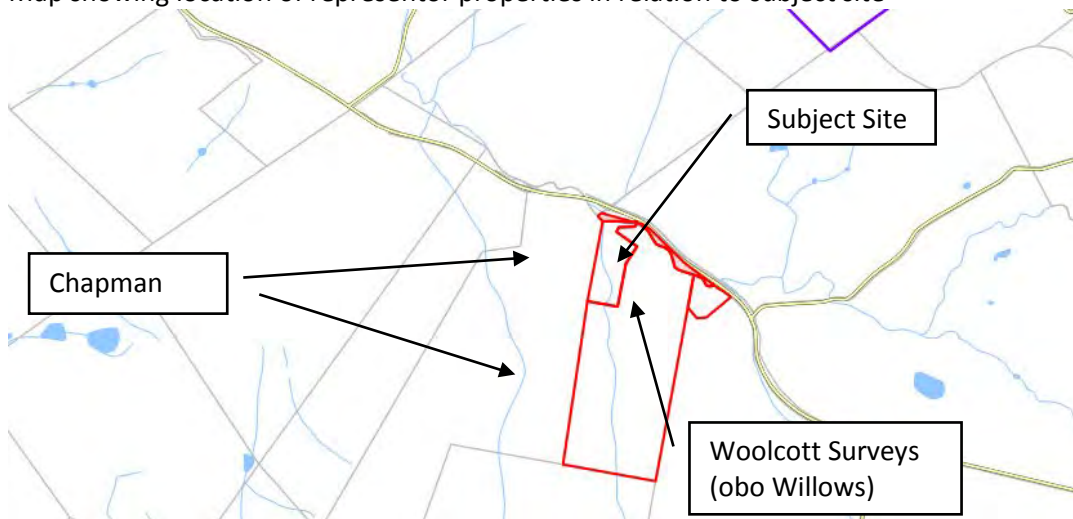
- The lot was created when White Hills Road was realigned
- P13-051 – Rural storage shed – Refused
- P15-352 – Planning Notice for illegal use (permanent motor home)
- P16-068 – Use of mobile bus as visitor accommodation – Refused

4.5 Representations

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

- M & L Chapman, 508 White Hills Rd, Relbia
- C Smith, Woolcott Surveys (obo P Willows) - 558 White Hills Rd, Relbia

Map showing location of representor properties in relation to subject site



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

Issue 1

- *The bus is referred to as mobile but in reality yes it can be moved but it is fenced in with posts cemented to the ground and concrete paths which leads to the thoughts that there is no intention to move the bus. At present it is deemed that the bus is to be removed from site and this application has no mention of retrospective approval.*

Planner's comment:

The applicant's response and subsequent consultation with the applicant indicates that it is now a condition of sale that the bus be removed from the site and that the applicant will purchase their own separate bus for parking at the site. Given this intention and to alleviate neighbour concerns, it is considered appropriate to condition the permit to remove any fittings and fixtures on the bus which tie it to the site and to prohibit any measures to fix any future buses to the site. The parking of a private motor vehicle on a property is not prohibited by the Planning Scheme and given the size of the site is considered acceptable.

Issue 2

- *The term artist studio tends to suggest someone working with canvas and paints. In reality it is a commercial sound studio to be located in a shipping container not the bus.*

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Planner's comment:

The studio was described as artist studio as it involves the production of electronic music which is deemed commensurate in terms of impacts and the fact it is creating an artistic piece. It is correct that the studio will be in the shipping container. The information submitted with the application was unclear on this in that the plans clearly showed the shipping container was to be utilised as the studio however the written description suggested it was only for storage. Given the plans to be endorsed showed use of the shipping container as a studio, it is considered the application can be approved in its current form.

Issue 3

- *The application has no mention of toilet facilities. A commercial property with the multiple persons should have a toilet and due to the small land size and close proximity to a creek the type of toilet would not be impossible but expensive to install and require regular servicing costs.*

Planner's comment:

The application material does state that given the studio will only be used by the applicant, a self-composting toilet is sufficient to meet requirements. Council's EHO will require further details of this facility as a condition of permit and will need to be satisfied it will not impact on water quality in the adjacent creek. It is also considered appropriate to apply a condition of permit that limits the use of the studio to one person.

Issue 4

- *I cannot see how the application could meet the requirements of the Rural Zone Purpose statement 26.1.1*

Planner's comment:

An application does not need to comply with all zone purposes statements which generally cover a range of issues and purposes. It is considered that the application furthers zone purpose statement 26.1.2 as outlined in the assessment below and that that it won't preclude the attainment of 26.1.1 in that the subject site is constrained in terms of productive capabilities due to size and configuration and the proximity of dwellings to the site both in a easterly and westerly direction means that immediately adjoining land is also constrained.

Issue 5

- *Whilst some variation of setbacks is allowable in the zone, the setback proposed is totally unreasonable given the objective of the zone.*

Planner's comment:

The assessment against the relevant performance criteria in respect of setbacks has determined that the reduced setback is acceptable given the reduced setback will not constrain adjoining primary industry operations due to the proximity of the two representors dwellings to the site. A large hedge screens the development from the road. The size and configuration of the site means that no building can be constructed upon it without the need to vary setback requirements and this includes any agricultural buildings.

Issue 6

- *The Planning Application includes the same bus and bus location which was refused Planning Permission as a Visitor Accommodation use with the same visual impact on this rural area.*

Planner's comment:

The previous application has no bearing on this current application.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Issue 7

- *The application still fails in terms of car parking layout. The use triggers the parking code and it is a MUST to provide a car parking layout which means the requirements of the Scheme. It is not good enough to describe the proposed parking in words.*

Planner's comment:

Whilst a formal parking plan does not accompany the application material, it is considered that given the use generates a requirement for only one parking space and the low key nature of the proposal, that a condition to require compliance with relevant Performance Criteria with respect to construction of parking spaces is acceptable in this instance. Given the area available on site, it is the assessor's opinion that reasonable provision for one car parking space can be made that meets relevant Planning Scheme standards.

Issue 8

- *Concerned about noise generation. The application does not address Clause 26.3.1, P4 and therefore must be refused.*

Planner's comment:

The applicant has provided a response to this issue raised by the representor. The following is taken from this assessment against the requirements of Clause 26.3.1, P4:

Given the nature of the use, there is obvious potential for noise emissions from the site. The applicant has provided information in response to representor's concerns that the operation will cause a noise nuisance to the area which states that the studio operates at a range of 40 – 50 decibels which is similar to an office environment to car. The noise audible to the operator of the studio through the headphones is in the range of 86 db which is still within the range of noise permitted for us to 8 hours per day. Based on this information it is unlikely the studio will emit any noise emissions. As a precaution and in the absence of any detailed acoustic assessment, it is considered appropriate to condition the permit as follows:

- *The noise emissions from the site shall comply with the Guidelines of the Environmental Protection (Noise) Regulations and/or other relevant codes of practice applicable to the development.*

Further, it is noted that uses such as Extractive Industries (permitted) and Resource Procession (permitted) both of which potentially emit noise emissions would comply with

Issue 9

- *Fails to meet Clause 26.3.1, P1, in that it must be demonstrated that the use is consistent with the local area objectives for the provision of non-primary industry uses in the zone. The representor references Local Area Objective C) and states the proposal does not comply.*

Planner's comment:

The representor is correct in stating that the application fails to (and indeed cannot) meet Clause 26.3.1 in that it does not accord with Local Area Objective C in that it proposes professional and other business services that does not accompany a residential or other established use. In all other respects it is considered that the proposal does meet the objective in that the small-scale size and nature of the proposal means that it would not impact on the integrity of existing nearby activity centres. The application is recommended for refusal on the basis that it does not comply with Clause 26.3.1.

Issue 10

- *The application does not comply with 26.1.3 Desired Future Character Statements in that the bus located 2.2 metres from the road frontage and a modified shipping container certainly cannot be considered visually unobtrusive.*

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Planner's comment:

The Hawthorn hedge located between the proposed development and the road provides excellent visual screening of the development. The visual appearance of the development from other neighbouring properties is considered to be consistent with typical agricultural development in terms of sheds (i.e shipping container has similar appearance) and vehicles and machinery being parked.

Issue 11

- *Note that the title where the bus currently sits is only 35m in width at most from the Road boundary to the top of the bank of the Creek. Based on appropriate Buffers from the Creek and the Road it would be inappropriate to site any development on this block.*

Planner's comment:

Whilst the proposal does rely on variation to setbacks to both the road and creek boundary, the nature of the use and development and adequate visual screening means the setback variations are assessed as being acceptable. All development proposed can be readily removed from the site and will not impact on either the operation of the road nor the quality of the Creek.

Issue 12

- *The Water Quality Code and Stormwater runoff are insufficiently addressed. There is mention of an onsite detention system for stormwater. Where will this be positioned, how will overflow be treated and where will the overflow go? Road and Private Tracks constructed within 50m of the Wetlands and Waterways works manual. How does this comply as this has not been addressed?*

Planner's comment:

As the development is within 50m of a water course, the Water Quality Code applies. The development does not propose to remove native vegetation or direct storm water into the waterway; therefore, the development meets the provisions of the Code. A full assessment against the code is provided within part 4.7 of this report.

4.6 Referrals

The application did not require any referrals.

4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE	
ZONE PURPOSE	
26.1.1	<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> Assessment: N/a
26.1.2	<i>To provide for other use or development that does not constrain or conflict with resource development uses.</i> Assessment: Complies –it is considered that the erection of a shipping container on the site for use for the production of electronic music will not constrain or conflict with resource development uses.
26.1.3	<i>To provide for economic development that is compatible with primary industry, environmental and landscape values.</i> Assessment: N/a
26.1.4	<i>To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i> Assessment: N/a
LOCAL AREA OBJECTIVES	
a)	<i>Primary Industries: Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability. The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context. Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</i>

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	Assessment: The proposal to erect a shipping container on the site for use as an electronic music production studio (business and professional services) will not constrain primary production on adjacent lots. The site itself is constrained in terms of its primary production potential due to its size, and configuration.
b)	<i>Tourism</i> <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> <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>
	Assessment: The proposal does not conflict with the local area objectives.
c)	<i>Rural Communities</i> <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>
	Assessment: The proposal does not meet the objective in that it proposes professional and other business services that does not accompany a residential or other established use. In all other respects it is considered that the proposal does meet the objective in that the small-scale size and nature of the proposal means that it would not impact on the integrity of existing nearby activity centres.

DESIRED FUTURE CHARACTER STATEMENTS

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

Assessment: The site is screened from the road by existing vegetation and is not easily visible from public viewing points.

USE STANDARDS

26.3.1 Discretionary Uses if not a single dwelling

Objective

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

Acceptable Solutions

A1 *If for permitted or no permit required uses.*

Performance Criteria

- P1.1 *It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and*
- P1.2 *Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.*

Comment:

The application **does not comply with P1.1** as it cannot comply with relevant Local Area Objective (c).

The proposed studio will have a floor area of 35m², therefore complying with P1.2.

It is considered that Local Area Objective (c) is relevant as follows:

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



It is clear from the wording of the objective that professional and other business services are allowable but they must accompany a residential or other established use, neither of which apply to the subject site.

A2 <i>If for permitted or no permit required uses.</i>	P2.1 <i>Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</i> i) <i>amount of land alienated/converted is minimised; and</i> ii) <i>location is reasonably required for operational efficiency; and</i> P2.2 <i>Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate that the conversion of <u>prime agricultural land</u> to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.</i>
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Comment: P1.2 is not applicable to this proposal

P1.2 is also not applicable as there will be no conversion of prime agricultural land as a result of this proposal, as the subject site is not classed as prime agricultural land

A3 <i>If for permitted or no permit required uses.</i>	P3 <i>The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</i> a) <i>the amount of land converted is minimised having regard to:</i> i) <i>existing use and development on the land; and</i> ii) <i>surrounding use and development; and</i> iii) <i>topographical constraints; or</i> b) <i>the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as:</i> i) <i>limitations created by any existing use and/or development surrounding the site; and</i> ii) <i>topographical features; and</i> iii) <i>poor capability of the land for primary industry; or</i> c) <i>the location of the use on the site is reasonably required for operational efficiency.</i>
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Comment: The proposal complies with P3(b) as follows:

- i) The site is highly constrained in its ability to support an agricultural use, as the site is bounded on one side by a rivulet, and on the other by a road and has a total area of approximately 6700m²
- ii) As above
- iii) The site is class four (non-prime agricultural land) which is normally suitable for grazing and occasional cropping, however, due to the size and configuration of the lot this would not be possible.

A4 <i>If for permitted or no permit required uses.</i>	P4 <i>It must demonstrated that:</i> a) <i>emissions are not likely to cause an environmental nuisance; and</i> b) <i>primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</i> c) <i>the capacity of the local road network can accommodate the traffic generated by the use.</i>
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Comment:

a) Given the nature of the use, there is obvious potential for noise emissions from the site. The applicant has provided information in response to representor's concerns that the operation will cause a noise nuisance to the area which states that the studio operates at a range of 40 – 50 decibels which is similar to an office environment to car. The noise audible to the operator of the studio through the headphones is in the range of 86 db which is still within the range of noise permitted for us to 8 hours per day. Based on this information it is unlikely the studio will emit any noise emissions. As a precaution and in the absence of any detailed acoustic assessment, it is considered appropriate to condition the permit as follows:

- *The noise emissions from the site shall comply with the Guidelines of the Environmental Protection (Noise) Regulations and/or other relevant codes of practice applicable to the development.*

Further, it is noted that uses such as Extractive Industries (permitted) and Resource Processing (permitted) both of which potentially emit noise emissions would comply with A1.1. The nature of the area is such that some level of noise emissions is inevitable through use of machinery.

b) The site is proposed to be used as a studio for the electronic production of music, with the closest residence 160 metre away to the south-east. A second dwelling is situated 200 metres to the west. In this regard the area between the two dwellings and the road is already constrained from agricultural production due to proximity to dwellings. The land opposite the site is used as a brewery with associated cropping and grazing. Given the nature of the proposed use, it is considered that it will not constrain this operation either.

c) The proposed use will not substantial increase traffic generated from the site and White Hills Road is a sealed, Council maintained road which is adequate to generate the additional traffic generated by a sole operator business (not anticipated to exceed that of a dwelling).

A5 <i>The use must:</i>	P5 <i>It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</i>
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AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



a) be permitted or no permit required; or	a) the impacts on skylines and ridgelines; and
b) be located in an existing building.	b) visibility from public roads; and
	c) the visual impacts of storage of materials or equipment; and
	d) the visual impacts of vegetation clearance or retention; and
	e) the desired future character statements.

Comment:

The proposal complies with P5 as follows:

a) The development is located in a gully and does not impact on skylines or ridgelines.

b) The development is barely visible from the road or public viewpoints due to its location behind an existing hedgerow.

c) All the business equipment will be stored in the shipping container which is concealed from the road and public viewpoints due to its location behind an existing hedgerow.

d) It is intended that all vegetation will be retained on site, other than the trimming/shaping and general maintenance of the hedgerow.

e) Desired Future Character Statements for the zone refer to the visual impact of the development, which is largely mitigated by the existing hedgerow.

26.3.2 Dwellings

Objective: To ensure that dwellings are:

- a) incidental to resource development; or
- b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.

Acceptable Solutions	Performance Criteria
A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or	P1.1 A dwelling may be constructed where it is demonstrated that: a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to: i) scale; and ii) complexity of operation; and iii) requirement for personal attendance by the occupier; and iv) proximity to the activity; and v) any other matters as relevant to the particular activity; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to: i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and
A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or	P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling; and
A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.	P1.3 A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles.

Comment: .Not applicable.

26.3.3 Irrigation Districts

Objective: To ensure that land within irrigation districts proclaimed under Part 9 of the Water Management Act 1999 is not converted to uses that will compromise the utilisation of water resources.

Acceptable Solutions	Performance Criteria
A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the Water Management Act 1999.	P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the Water Management Act 1999 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.

Comment: .The subject site not located within an irrigation district proclaimed under Part 9 of the Water Management Act 1999.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



26.4 Development Standards

26.4.1 Building Location and Appearance

Objective: To ensure that the:	
a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and	
b) development of buildings is unobtrusive and complements the character of the landscape.	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: a) 8m for dwellings; or b) 12m for other purposes.	P1 Building height must: a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
Comment: Complies with A1 (b).	
A2 Buildings must be set back a minimum of: a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
Comment: The proposal relies on P2 to meet this provision due to the setback variation. The proposal complies as follows: a) The topography of the land in terms of natural and artificial elements (river and road) assist in creating buffers between the subject site and the adjoining properties. In addition, to this, two other residences are located nearby, with one approximately 160m to the south east and the other approximately 200m to the west. The location of these two dwellings proximate to the site, curtails the productive potential (in terms of high intensity cropping) of the land between the dwellings (i.e the site and adjacent land). Van Diemen's Brewery is located on the property on the northern side of White Hills road, with the remainder of the property used for grazing and cropping. b) The rivulet to the south and the road to the north of the subject site, create a buffer between the proposed use and surrounding agricultural uses (grazing and cropping). c) See response to a) d) The adjoining property on the opposite side of the road to the north of the site contains Van Diemen's Brewery, with the remained used for a mix of grazing and cropping purposes. The land to the south contains two farms, each with a dwelling. These properties consist of a mixture of class four and five land, and have sections of steep terrain, limiting their potential future use. e) The lesser setback is considered acceptable taking account: i) The hedgerow and other vegetation provides good screening of the development and a buffer to adjoining agricultural use; ii) The block was sold as it was determined it was not needed for road widening purposes. The section of road has a large verge/road reserve on the northern side which would accommodate upgrades to the road. iii) as the development it screened from the road, the development is unlikely to cause any traffic hazards; iv) The site is not to be used for residential purposes therefore the impact of road noise on the use does not need to be considered.	

26.4.2 Subdivision – Not applicable.

CODES	
BUSHFIRE PRONE AREAS CODE	N/a
POTENTIALLY CONTAMINATED LAND	N/a
LANDSLIP CODE	N/a
ROAD AND RAILWAY ASSETS CODE	See Code assessment below
FLOOD PRONE AREAS CODE	See Code assessment below
CAR PARKING AND SUSTAINABLE TRANSPORT CODE	See Code assessment below
SCENIC MANAGEMENT CODE	N/a
BIODIVERSITY CODE	N/a
WATER QUALITY CODE	See Code assessment below

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



RECREATION AND OPEN SPACE CODE	N/a
ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
AIRPORTS IMPACT MANAGEMENT CODE	N/a
LOCAL HISTORIC HERITAGE CODE	N/a
COASTAL CODE	N/a
SIGNS CODE	N/a

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
Comment: N/A	
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Comment: N/A	
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Comment: Complies with A3. The site has previously been used as a hobby block, being periodically accessed to maintain it and utilise the camp ground situated on it. The proposed use of the site for a studio for use by the applicant only, is likely to generate 2 traffic movements per day at most with the applicant not utilising the site every day due to the nature of the business taking him away to festivals and gigs.	

E4.7 Development Standards

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

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:	
a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and c) avoid undesirable interaction between roads and railways and other use or development.	
Acceptable Solutions	Performance Criteria
A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:	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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



a) new road works, buildings, additions and extensions, earthworks and landscaping works; and b) building envelopes on new lots; and c) outdoor sitting, entertainment and children's play areas	a) more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to: a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.
Comment: Complies with A1.	

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.
Comment:	
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	P2 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Comment: A1 not applicable. Complies with A2. No new access points are proposed. The existing access point will continue to be utilised.	

E4.7.3 Management of Rail Level Crossings

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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

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

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

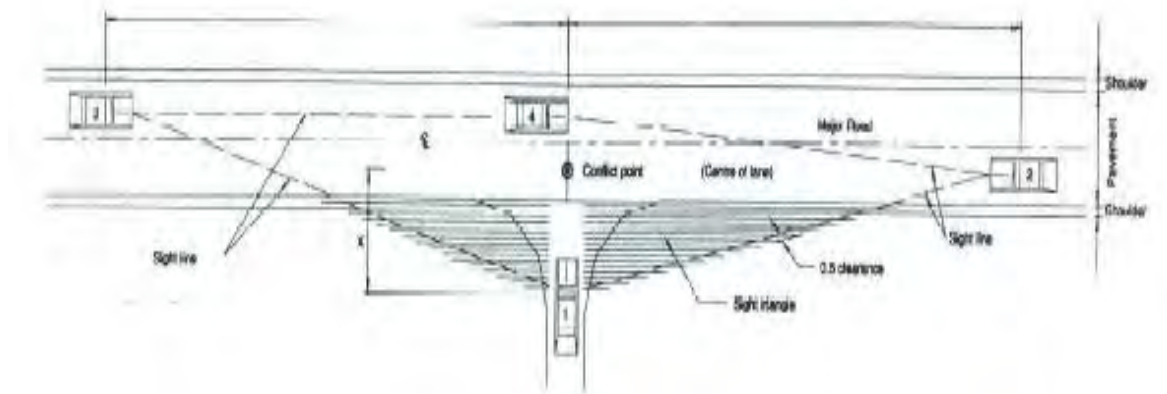


Figure E4.7.4 Sight Lines for Accesses and Junctions

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

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

Table E4.7.4 Safe Intersection Sight Distance (SISD)

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

Notes:

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



ASSESSMENT AGAINST E5.0 FLOOD PRONE AREAS CODE

E5.5 Use Standards

E5.5.1 Use and flooding

Objective: To ensure that use does not compromise risk to human life, and that property and environmental risks are responsibly managed.

Acceptable Solutions	Performance Criteria
A1 The use must not include habitable rooms.	P1 Use including habitable rooms subject to flooding must demonstrate that the risk to life and property is mitigated to a low risk level in accordance with the risk assessment in E5.7.
Comment: Complies with A1.	
A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.	P2 Use must demonstrate that the risk to life, property and the environment will be mitigated to a low risk level in accordance with the risk assessment in E5.7.
Comment: Complies with A2. No Council records or mapping indicate the site does flood although there is anecdotal evidence to say it has flooded. As such it is considered that the likelihood of an event occurring is at worst, unlikely, with the consequence, minor, resulting in a low risk in accordance with E5.7.	

E5.6 Development Standards

E5.6.1 Flooding and Coastal Inundation

Objective: To protect human life, property and the environment by avoiding areas subject to flooding where practicable or mitigating the adverse impacts of inundation such that risk is reduced to a low level.

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1.1 It must be demonstrated that development: a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or b) where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7. P1.2 Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7. P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that: a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures; c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and d) where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.
Comment: The proposal relies on performance criteria for compliance, as there is no acceptable solution. The proposal complies as follows: a) Complies. Direct access to the water is not required and the development achieves a low risk in accordance with AS/NZS4360:2004 Risk Consequence and Likelihood Matrix Table. b) N/A – the development does not propose direct access to the water. P1.2 N/A – the development achieves a low risk level P1.3 N/A – the development does not propose to mitigate flood impacts.	

E5.7 Risk Assessment

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Table E5.1

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

b) Consequence Criteria

- Catastrophic** Loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.
- Major** Extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.
- Moderate** Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces. Moderate environmental damage with a short-term natural or remedial recovery time.
- Minor** Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.
- Insignificant** No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.
- Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.

c) Likelihood – Annual Exceedance Probability

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

ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



iii) any existing structure on the land.
Comment: Table E6. Requires 1 space per employee +1 space per 50m ² floor net floor area for an office (which the proposed development is most likened to). It is proposed to only have one employee (the business owner) and given the area of the shipping container is only 35m ² , only one space is required. Whilst the plans don't delineate any formal parking area with the exception of the bus parking area, it is considered that the site has sufficient space for the requisite number of car parking spaces and therefore compliance with A1 is achieved.

Table E6.1: Parking Space Requirements

Use <i>Residential:</i>	Parking Requirement	
	Vehicle	Bicycle
Visitor accommodation (bed and breakfast, camping, caravan park, unit/cabin, backpacker hostel, motel, serviced apartments)	1 space per unit or 1 space per 4 beds whichever is greater	1 space per 10 beds

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Comment: Complies with P1. No formal bicycle parking is shown on the site and given the nature of the proposed use and isolated location of the site it is unlikely that there will be significant demand for bicycle parking spaces. In any case, there is sufficient area on site to accommodate bicycle parking if the owner/employee chose to ride to work.

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).	P1 No performance criteria.
Comment: N/A	

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: N/A	

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

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

Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.

Comment: Relies on performance criteria P1. The permit may be conditioned to ensure that the car parking plans provides for parking which satisfies the performance criteria P1. As the site will be used infrequently, and by the business owner only, impervious all weather sealed driveways and parking areas are considered unreasonable, although the applicant may upgrade parking areas to meet the acceptable solutions if they wish.

It is noted that the bus parking area is formed to an adequate level and provided with an impervious all weather seal.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: A1.1 – N/A – less than 4 parking spaces required. A1.2 – N/A – the site is not zoned General Residential.	
A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
Comment: Complies with A1.2 and P2. The site is relatively flat and given there are fewer than four car parking spaces proposed, b) does not apply although it is noted that there is sufficient area for cars to leave the site in a forward direction. The vehicular access width is estimated to be 6 metres, well in excess of the minimum 3 metres required for 1-5 parking spaces. Given the plans to do show a formal layout of parking spaces, compliance with A21 is not achieved although it is noted that the size of the size means there is ample room to provide the requisite size parking and accessways. Taking account the matters under P2, it is considered that given the nature of the use (sole operator business) and the location of development on site, there is adequate space on site to park a bus and one car and allow vehicles to exit the site in a forward direction.	

Table E6.2: Access Widths for Vehicles

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

E6.7.3 Car Parking Access, Safety and Security

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

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.	
Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 No performance criteria.
A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.	P2 No performance criteria.
Comment: Not applicable – private use only.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Acceptable Solutions	Performance Criteria
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.	P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
Comment: N/A	

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety and Security

Objective:

To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
Comment: N/A – it has been assessed that provision of a bicycle parking facility is not required.	
A2 Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
Comment: N/A – it has been assessed that provision of a bicycle parking facility is not required.	

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development

Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Comment: Complies with A1 (Table E6.5 does not require separate pedestrian access for 1-10 spaces).	

Table E6.5: Pedestrian Access

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

Notes

- a) In parking areas containing spaces allocated for disabled persons, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the principal building.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- b) Separation is deemed to be achieved by:
- i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
 - ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
 - iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

ASSESSMENT AGAINST E9.0 WATER QUALITY CODE

E9.6 Development Standards

E9.6.1 Development and Construction Practices and Riparian Vegetation

Objective: To protect the hydrological and biological roles of wetlands and watercourses from the effects of development.	
Acceptable Solutions	Performance Criteria
A1 Native vegetation is retained within: a) 40m of a wetland, watercourse or mean high water mark; and b) a Ben Lomond Water catchment area - inner buffer.	P1 Native vegetation removal must submit a soil and water management plan to demonstrate: a) revegetation and weed control of areas of bare soil; and b) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and c) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.
Comment: Complies with Acceptable Solution A1 – no native vegetation is proposed to be removed.	
A2 A wetland must not be filled, drained, piped or channelled.	P2 No performance criteria.
Comment: Complies with acceptable solution A2. No wetland will be filled, drained, piped or channelled.	
A3 A watercourse must not be filled, piped or channelled except to provide a culvert for access purposes.	P3 A watercourse may be filled, piped, or channelled: a) within an urban environment for the extension of an existing reticulated stormwater network; or b) for the construction of a new road where retention of the watercourse is not feasible.
Comment: Complies with acceptable solution A3. No wetland will be filled, drained, piped or channelled.	

E9.6.2 Water Quality Management

Objective: To maintain water quality at a level which will not affect aquatic habitats, recreational assets, or sources of supply for domestic, industrial and agricultural uses.	
Acceptable Solutions	Performance Criteria
A1 All stormwater must be: a) connected to a reticulated stormwater system; or b) where ground surface runoff is collected, diverted through a sediment and grease trap or artificial wetlands prior to being discharged into a natural wetland or watercourse; or c) diverted to an on-site system that contains stormwater within the site.	P1 No performance criteria.
Comment: Not applicable – neither the bus parking or the shipping container will generate concentrated stormwater.	
A2.1 No new point source discharge directly into a wetland or watercourse.	P2.1 New and existing point source discharges to wetlands or watercourses must implement appropriate methods of treatment or management to ensure point sources of discharge: a) do not give rise to pollution as defined under the <i>Environmental Management and Pollution Control Act 1994</i> ; and b) are reduced to the maximum extent that is reasonable and practical having regard to: i) best practice environmental management; and ii) accepted modern technology; and c) meet emission limit guidelines from the Board of Environmental Management and Pollution Control in accordance with the <i>State Policy for Water Quality Management 1997</i> .
A2.2 For existing point source discharges into a wetland or watercourse there is to be no more than 10% increase over the discharge which existed at the effective date.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	P2.2 Where it is proposed to discharge pollutants into a wetland or watercourse, the application must demonstrate that it is not practicable to recycle or reuse the material.
Comment:	
A3 No acceptable solution.	P3 Quarries and borrow pits must not have a detrimental effect on water quality or natural processes.
Comment: N/A	

E9.6.3 Construction of Roads

Objective: To ensure that roads, private roads or private tracks do not result in erosion, siltation or affect water quality.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 Road and private tracks constructed within 50m of a wetland or watercourse must comply with the requirements of the <i>Wetlands and Waterways Works Manual</i> , particularly the guidelines for siting and designing stream crossings.
Comment: The construction of any road/tracks within the site will be conditioned by the permit to ensure compliance with the requirements of the <i>Wetlands and Waterways Works Manual</i> .	

E9.6.4 Access

Objective: To facilitate appropriate access at suitable locations whilst maintaining the ecological, scenic and hydrological values of watercourses and wetlands.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 New access points to wetlands and watercourses are provided in a way that minimises: a) their occurrence; and b) the disturbance to vegetation and hydrological features from use or development.
Comment:	
A2 No acceptable solution.	P2 Accesses and pathways are constructed to prevent erosion, sedimentation and siltation as a result of runoff or degradation of path materials.
N/a – no access to the waterway is proposed.	

E9.6.5 Sediment and Erosion Control

Objective: To minimise the environmental effects of erosion and sedimentation associated with the subdivision of land.	
Acceptable Solutions	Performance Criteria
A1 The subdivision does not involve any works.	P1 For subdivision involving works, a soil and water management plan must demonstrate the: a) minimisation of dust generation from susceptible areas on site; and b) management of areas of exposed earth to reduce erosion and sediment loss from the site.
Comment: N/A – no subdivision is proposed.	

E9.6.6 Ben Lomond Water Catchment Areas

Objective: To address the effects of use and development within defined buffer areas for water catchments.	
Acceptable Solutions	Performance Criteria
A1 Development located within a Ben Lomond Water catchment area - outer buffer must be developed and managed in accordance with a soil and water management plan approved by Ben Lomond Water.	P1 No performance criteria.
Comment:	
A2 Development located within a Ben Lomond Water catchment area - inner buffer must not involve disturbance of the ground surface.	P2 Development located within a Ben Lomond Water catchment area - inner buffer that involves disturbance of the ground surface must not have a detrimental effect on water quality for the reticulated water intakes.
Comment: N/A	

SPECIFIC AREA PLANS	
TRANSLINK SPECIFIC AREA PLAN	N/a
HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 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 & Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<i>Strategic Plan 2007-2017</i> 4.3 – Development Control <i>Comment: The proposal is consistent with the Strategic Plan.</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

As the application was a discretionary use, Council has discretion to refuse the application. The proposal also relies on the performance criteria of the zone in respect of use standards and variation to setbacks. It also relies on the performance criteria of the Flood Prone Areas Code, Car Parking and Sustainable Transport Code and Water Quality Code.

Two representations were received to the proposal, both from neighbouring property owners. The matters raised in these representations are addressed by this report. The primary issues raised were visual, impact on agricultural land, flooding, parking, access, acoustic, proximity to the road and river and whether the block should have been created in the first instance.

The block has been used by the owner (not the applicant) for many years and has primarily been used as a hobby block, with occasional grazing of horses. More recently, a bus has been located on the site to allow the applicant to camp overnight. It should be noted that this is not intended that the site will be used for any form of residency. It is considered that parking of a bus on the site (whether it be fitted out as a music production studio as proposed or as a mobile home as currently) is acceptable and does not require specific planning consideration. Many property owners park various forms of vehicles at their properties. Given it is only proposed to park one bus at the site, it does not constitute a Transport Depot and distribution in accordance with Clause 8.2 of the Scheme.

The assessment has determined that the proposal meets all relevant Acceptable Solutions and Performance Criteria with the exception of one – being Clause 26.3.1, P1.1, in that the proposed use does not accord with Local Area Objective (c) which requires business uses to be associated with an existing established residential or other use. Given the site does not currently have a lawfully established, use, the application fails. Other than this standard, it was considered that the proposal was appropriate for the site and given the location, size and configuration of the site is a use that if it weren't for the failure against Clause 26.3.1 is one of very

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



few that could occur on the site without impact to neighbouring residential and agricultural properties. Nonetheless, the application does fail this test and must be refused.

8 ATTACHMENTS

- A Application & plans, correspondence with applicant
- B Representations & applicant's response

RECOMMENDATION

That application P16-061 to Artist studio & parking for mobile bus to conduct professional service (variation to setbacks in rural zone) at 530 White Hills Road, EVANDALE be refused on the following grounds:

- The proposed use (being business and professional services), located on a site which does not have an existing lawfully established residential or other use, fails to satisfy the requirement of clause 26.3.1, P1.1 in that it is not consistent with Local Area Objective (c).

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 5 PLANNING APPLICATION P16-178 593 PATEENA ROAD, LONGFORD

Attachments: Section 1 – Page 421

Responsible Officer: Des Jennings, General Manager
Report prepared by: Melissa Cunningham, Planner
File Number: 111200.18 CT12011/1

1 INTRODUCTION

This report assesses an application for 593 Pateena Road, Longford to construct an extension of a cattery shed.

2 BACKGROUND

Applicant:
Boxx Projects (obo Beech)

Owner:
W & R Beech

Zone:
Rural Resource

Codes:
Bushfire-prone area

Classification under the Scheme:
Domestic animal breeding, boarding or training

Existing Use:
Cattery

Deemed Approval Date:
19.9.16

Recommendation:
Approve

Discretionary Aspects of the Application

- Variation to setbacks in rural zone.

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 planning application process and requirements for a planning application.

3 STATUTORY REQUIREMENTS

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

4 ASSESSMENT

4.1 Proposal

It is proposed to:

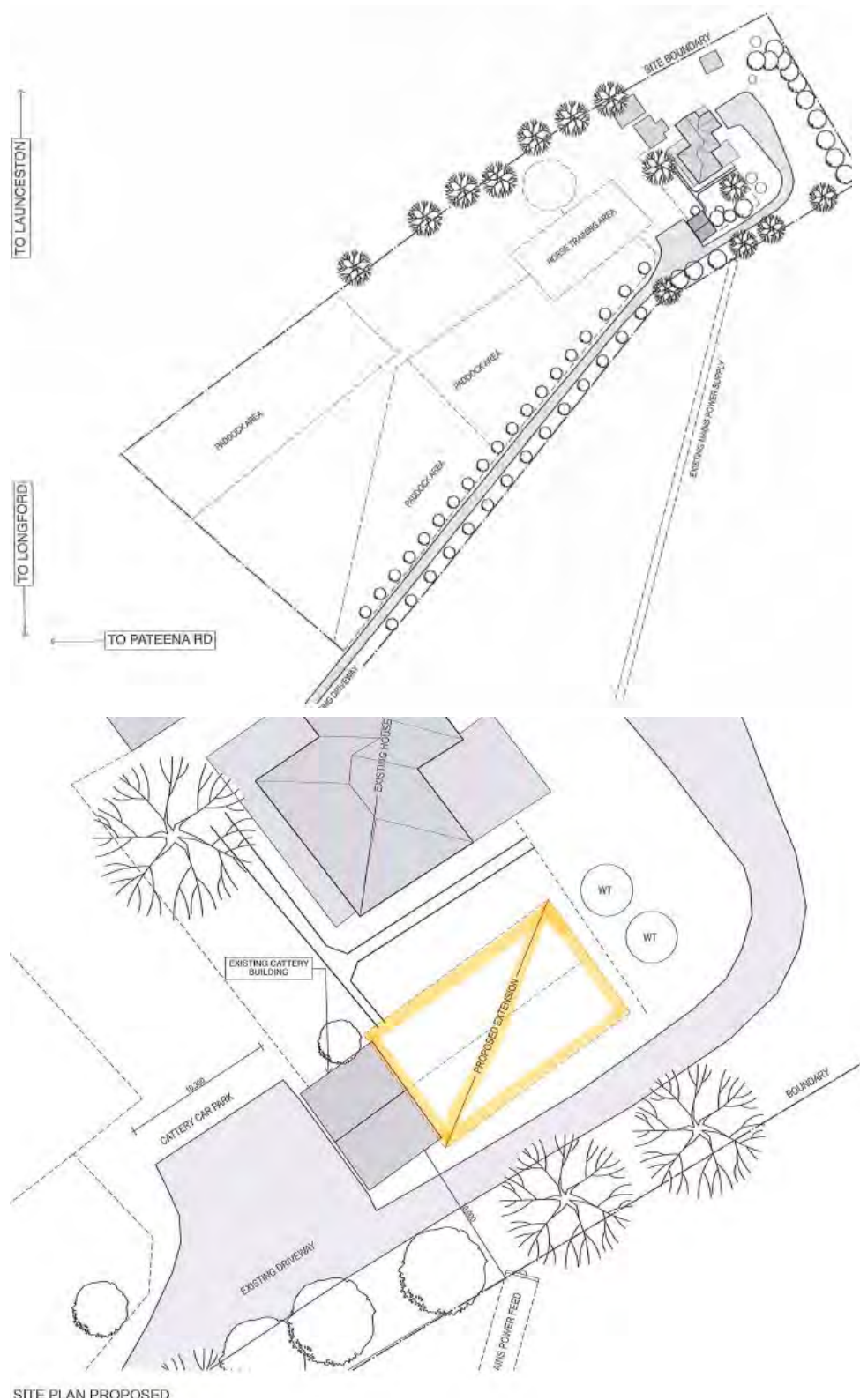
- Extend the existing cattery shed on the north-eastern side. The proposed shed is 15m x 9m x 3.9m high.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



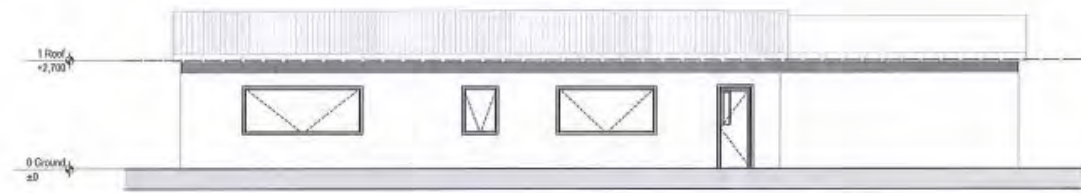
Figure 1 – Existing & proposed site plan



AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016

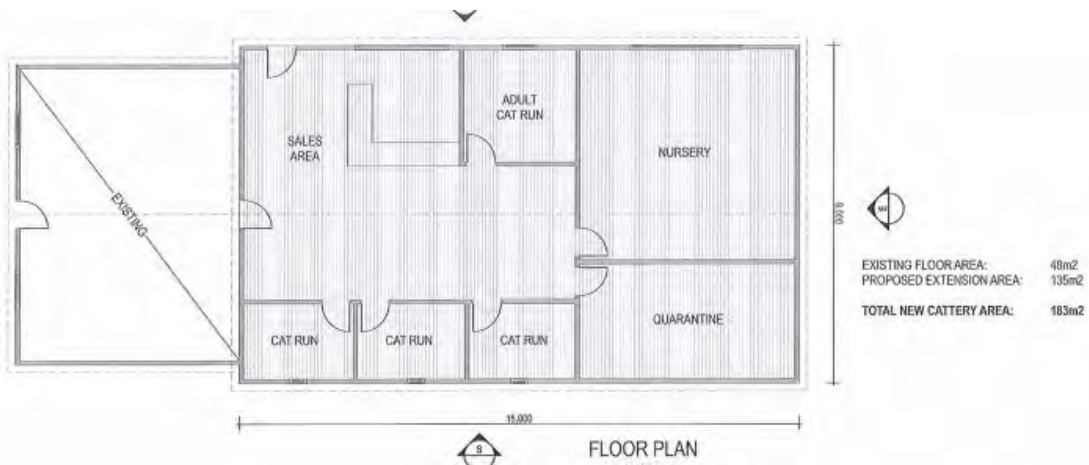
Figure 2 –Elevations



1 NORTH
SCALE: 1:100@A3



1 WEST
SCALE: 1:100@A3



4.2 Zone and land use

Zone Map –Rural Resource



The land is zoned *Rural Resource*, and is within the *Bushfire-prone area*. The relevant Planning Scheme definition is:

Domestic animal breeding, boarding or training	use of land for breeding, boarding or training domestic animals. Examples include an animal pound, cattery and kennel.
--	--

Domestic animal breeding, boarding or training is Permitted (Permit Required) in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on 01 September 2016. The subject site is located at the end of Esk Lynn Road and is accessed via a 5m-wide right-of-way. The lot has an area of 1.792ha and contains a dwelling, associated outbuilding, cattery and horse training area. The surrounding property is used for agriculture, and there are a number of rural-lifestyle allotments and animal breeding, boarding and training establishments within the vicinity.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Aerial photograph of area



Land Capability of area



Speed limit map – 50km/h



AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Photographs of subject site



4.4 Permit/site history

Relevant permit history includes:

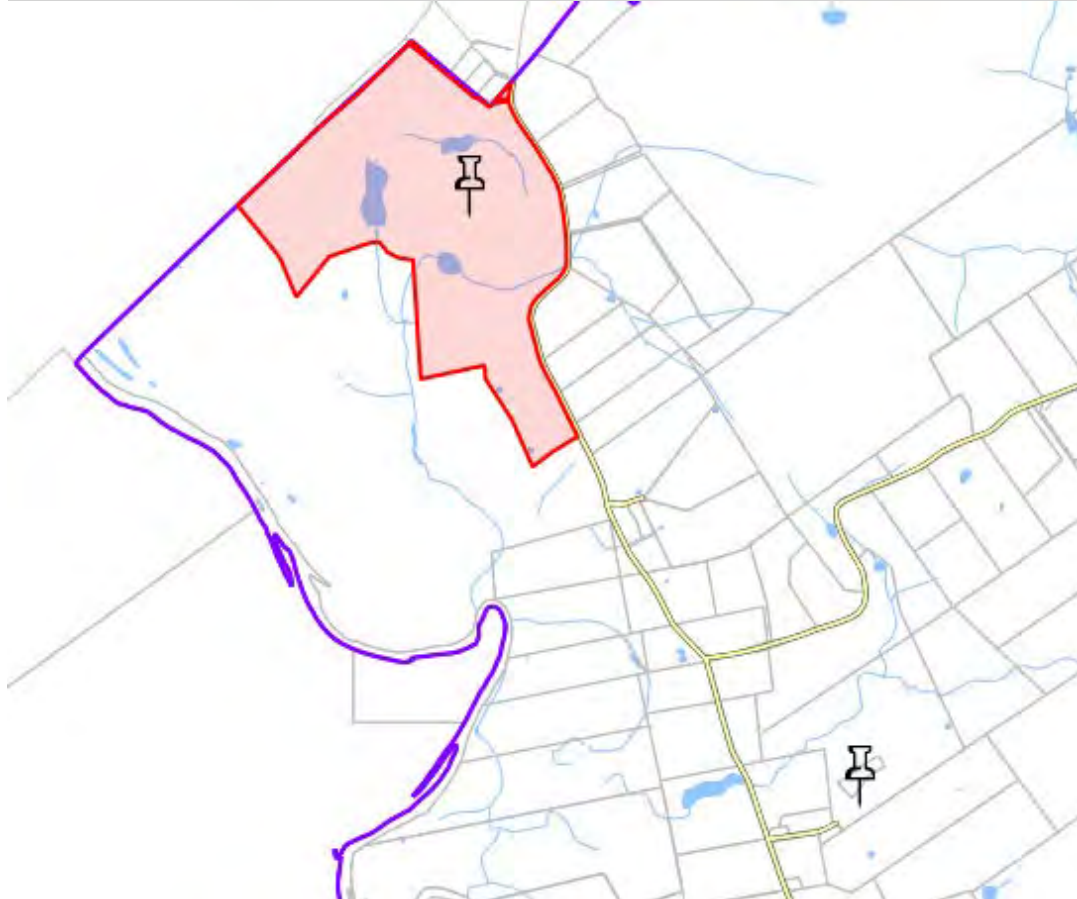
- 1930's dwelling constructed
- P06-357 – Equestrian facility
- P13-218 – Cattery
- P16-078 – Cattery extension (current application)

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 B) was received from:

- Martin Dumaresq, 358 Pateena Road, Longford

Map showing location of representor properties (highlighted in red) in relation to subject site



The applicant provided a response to the representation (Attachment C).

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

Issues

- Feral cats are an issue in the northern midlands farmland impacting on native fauna, impacting on biodiversity and purveyors of serious disease.

Planner's comment:

Not a valid planning concern. The only discretion sought is for a variation to the eastern and southern setbacks; therefore, the application can only be refused on those grounds. The proposed use is permitted within the zone and part of the property is already being used for a cattery.

Note: Cats are controlled under the *Cat Management Act 2009* and *Cat Management Regulations 2012*, which both are coordinated by the Department of Primary Industries, Parks, Water and Environment. Under the Cat Management Act & Regulations, cats cannot be sold (including cats given away) unless the cat is eight weeks old, microchipped, desexed, wormed and vaccinated. The only exemption is for cat sales between registered breeders and genuine show cats or unless a care agreement has been entered into (see Attachment C).

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.6 Referrals

The application did not require any referrals.

4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE
ZONE PURPOSE
<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>
<i>To provide for other use or development that does not constrain or conflict with resource development uses.</i>
<i>To provide for economic development that is compatible with primary industry, environmental and landscape values.</i>
<i>To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i>
Assessment: The proposal meets the zone purpose as it is for a permitted use within the zone.

LOCAL AREA OBJECTIVES
a) Primary Industries: <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> <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> <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> b) Tourism <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> <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> c) Rural Communities <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> Assessment: The proposal will not impact on the local area objectives.

DESIRED FUTURE CHARACTER STATEMENTS
<i>The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.</i>
Assessment: The proposal meets the Desired Future Character Statements

USE TABLE & STANDARDS

26.2 USE TABLE

Permitted	
Use Class	Qualification
Domestic animal breeding, boarding or training	If not on prime agricultural land
Comment: Land is not prime agricultural land as it is class 4 land.	

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- 26.3 USE STANDARDS
- 26.3.1 Discretionary Uses if not a single dwelling - NA
- 26.3.2 Dwellings - NA
- 26.3.3 Irrigation Districts - NA

DEVELOPMENT STANDARDS

26.4.1 Building Location and Appearance

Objective: To ensure that the:

- a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and
- b) development of buildings is unobtrusive and complements the character of the landscape.

Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: a) 8m for dwellings; or b) 12m for other purposes.	P1 Building height must: a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
A2 Buildings must be set back a minimum of: a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.

Comment:

Application complies with A1(b)

Application requires with P2 - Variation to the southern setback from 50m to 10m is required and eastern setback from 50m to 32m. The shed is aligned with existing buildings, it is not setback further than the existing building setbacks and does not impact on the neighbouring property, which is used for agricultural purposes.

26.4.2 Subdivision – N/A

26.4.3 Strata Division – N/A

26.4.3.1 In this scheme, division of land by stratum title is prohibited in the Rural Resource Zone.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	See assessment below
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	See assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



ASSESSMENT AGAINST E4 ROAD AND RAILWAY ASSETS CODE

E4.1 PURPOSE OF CODE

E4.1.1 The purpose of this provision is to:

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

E4.2 APPLICATION OF CODE

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

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

E4.3. DEFINITION OF TERMS

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

Category 1 – Trunk Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 2 – Regional Freight Route	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 3 – Regional Access Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 4 – Feeder Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Category 5 – Other Road	means as defined in <i>Tasmania State Road Hierarchy (DIER, 2007)</i>
Future road or railway	means a future road or railway shown on the plans of this planning scheme.
Junction	means an intersection of two or more roads at a common level, including intersections of on and off ramps and grade-separated roads.
Limited access road	means a road proclaimed as limited access under Section 52A of the <i>Roads and Jetties Act 1935</i> .

E4.4 USE OR DEVELOPMENT EXEMPT FROM THIS CODE

E4.4.1 There are no exemptions from this Code.

E4.5 REQUIREMENTS FOR A TRAFFIC IMPACT ASSESSMENT (TIA)

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

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

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

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

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

E4.6 USE STANDARDS

E4.6.1 Use and road or rail infrastructure

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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

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

Comment:

The extension is not expected to significantly increase the number of visitors or volunteers accessing the property. Opening hours of the cattery is limited and is usually for the dropping off and adoption of cats. The cattery holds an open day intermittently, but much of the promotion of the cattery is held off-site (Agfest, Cat shows etc).

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.	P2 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	and an alternate site or access to a category 4 or 5 road is not practicable; and e) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Complies with A1	

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

Complies with A1

ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6 USE STANDARDS

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

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

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	iii) any existing structure on the land.
Comment: Four parking spaces are provided at the front of the cattery and parking for the dwelling is located separately at the rear. Owners of the property work in the cattery; therefore, don't require any parking spaces. Ample parking is available for visitors and volunteers. Just Cats facebook page has the cattery open for inspection of cats generally 1-3 times a week, for three hours at a time.	

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Residential:		
If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling	1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.
Domestic animal breeding, boarding or training	1 space per staff member + 2 visitor spaces	No requirement set

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:
A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
	b) location of the site and the distance a cyclist would need to travel to reach the site; and
	c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Comment: No bicycle parking required for cattery.

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

E6.6.4 Motorbike Parking Provisions - Not applicable

E6.7 DEVELOPMENT STANDARDS

E6.7.1 Construction of Car Parking Spaces and Access Strips

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

Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be:	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
a) formed to an adequate level and drained; and	
b) except for a single dwelling, provided with an impervious all weather seal; and	
c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	

Comment: No proposed changes to car parking area and no increase in parking spaces required.

E6.7.2 Design and Layout of Car Parking

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

Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:
	a) the layout of the site and the location of existing buildings; and

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: Not applicable	
A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</i>	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
Comment: Complies.	

E6.7.3 Car Parking Access, Safety and Security - Not applicable

E6.7.4 Parking for Persons with a Disability - Not applicable

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup - Not applicable

E6.8 PROVISIONS FOR SUSTAINABLE TRANSPORT

E6.8.1 Bicycle End of Trip Facilities - Not used in this planning scheme

E6.8.2 Bicycle Parking Access, Safety & Security - Not applicable for cattery, dwelling existing

E6.8.5 Pedestrian Walkways - Not applicable

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

SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 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 & Approvals Act 1993</i> .

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES
The proposal is consistent with the section 4.3 – Development Control of the Strategic Plan 2007-2017.

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



6 OPTIONS

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

7 DISCUSSION

The property is currently being used for a single dwelling and a cattery (cat shelter). The cattery was approved under Planning Permit P13-218 in September 2013. The application seeks to extend the cat shelter by building a purpose-built cattery, which allows for all facets of the cattery to be in the one area. The extension is located on the north-eastern side of the existing cattery building. It is 15m x 9m x 3.9m high.

Discretion to refuse the application is limited to the variation to the southern and eastern setbacks. Non-sensitive use setback within the zone is 50m, the application seeks to vary the southern setback to 10m and the eastern setback to 32m. The proposed variations for the cattery extension will not constrain agricultural uses on the surrounding land, as the setbacks are consistent with the existing buildings on site.

One representation was received to the proposal, which contains no planning merit. The Planning Authority can only *exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised*. Therefore, as the representation was not relevant to the discretion being sought (setbacks), the Planning Authority cannot refuse the application on the grounds of the representation made.

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

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

8 ATTACHMENTS

- A Application & plans
- B Representation, applicant's response & representor's response

RECOMMENDATION

That land at 593 Pateena Road, Longford be approved to be developed and used for a cattery shed extension, in accordance with application P16-178, and subject to the following condition:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P8** (*Drawing No: 3101 Sheet No's: cover page & 100-1, 100-2, 1003, 100-4, 111-5, 210-7, 210-8 Dated: 17/05/16*).

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 6 PLANNING APPLICATION P16-154 18 WILMORES LANE (CNR CRESSY ROAD), LONGFORD

Attachments: Section 1 – Page 439

Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner
File Number: 114000.055

1 INTRODUCTION

This report assesses an application for 18 Wilmores Lane (corner of Cressy Road), Longford to construct a dwelling and two sheds.

2 BACKGROUND

Applicant: Rebecca Green & Associates (obo L&A Barrett)	Owner: L Pit, J Pitt, B Pitt, G Anderson, L Dunn, K Miller & M Fellows
Zone: Rural Resource	Codes: Road and Railway Assets Code; Carparking and Sustainable Transport Code; Environmental impacts & attenuation Code; Tasmanian Gas Pipeline Planning Corridor.
Classification under the Scheme: Residential (Single Dwelling)	Existing Use: Farmland
Deemed Approval Date: 3 October 2016	Recommendation: Refuse

Discretionary Aspects of the Application

- Development and use of a single dwelling in the Rural Resource zone.
- Variation to setbacks for dwelling in the Rural Resource zone.
- Development and use of a dwelling in the attenuation area around Austral Bricks.
- Development and use of a new access.

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Site from Cressy Road



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

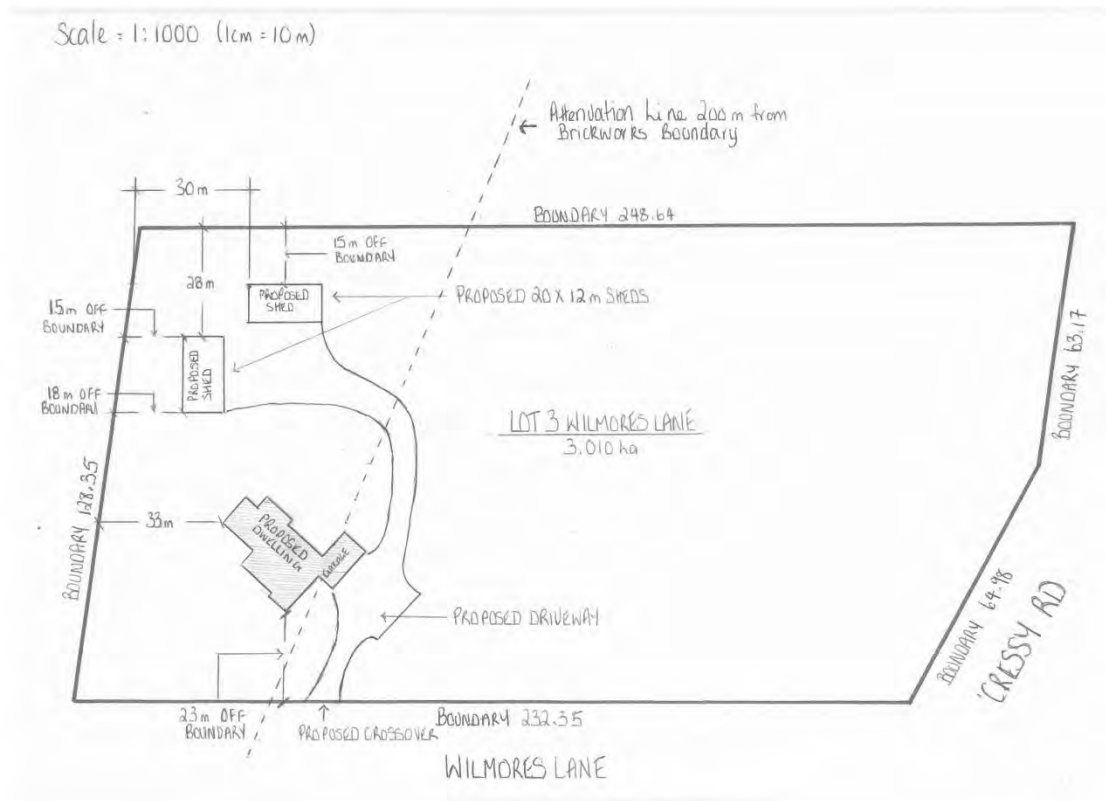
It is proposed to construct a single dwelling and two outbuildings.

AGENDA – ORDINARY MEETING

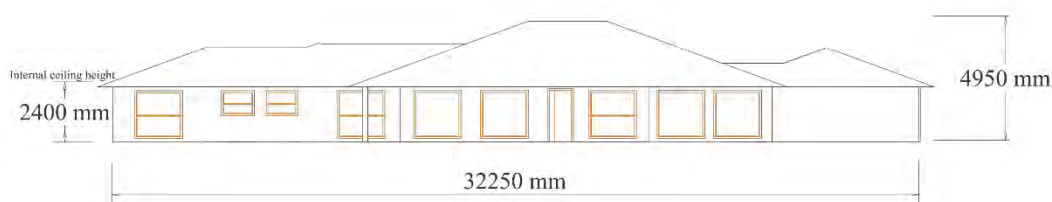
19 SEPTEMBER 2016



Site Plan



Elevations



Leigh & Aleisha Barrett
 Lot 3 Wilmores Lane, Longford
 Proposed residence
 Southern front elevation
 Scale: 1:150

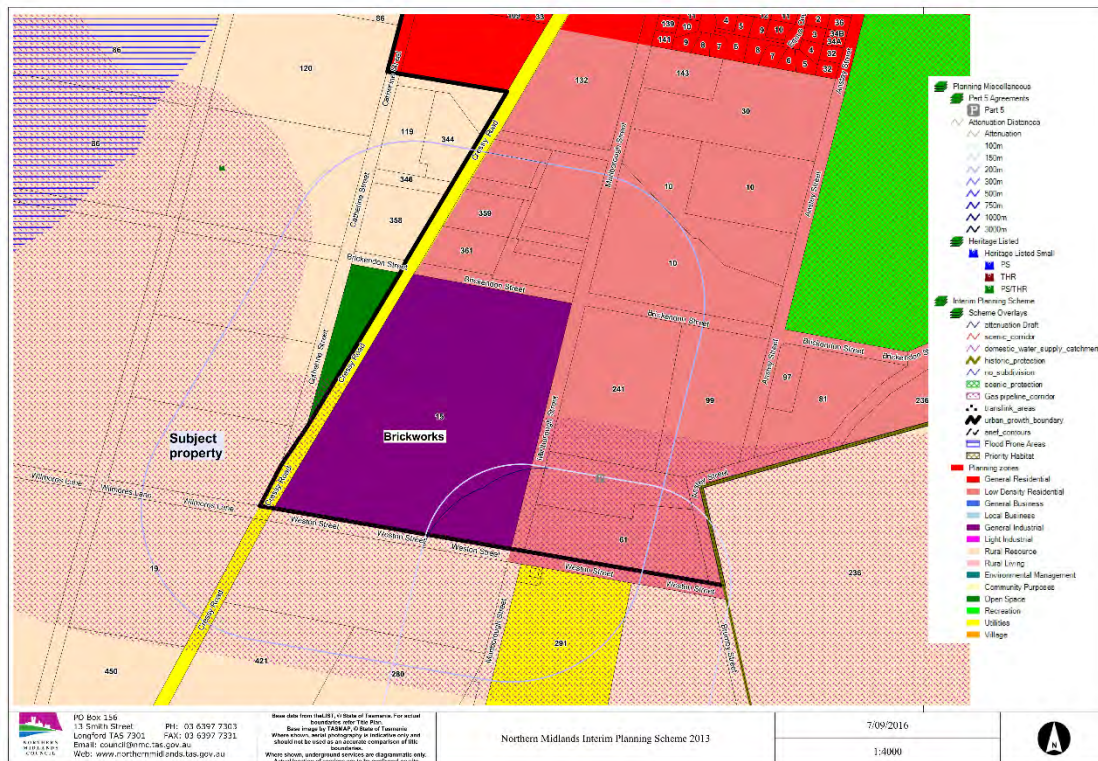
AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.2 Zone and land use

Zone Map – Rural Resource



The land is zoned Rural Resource. It is partly within the attenuation distance of the Austral brickworks and is within the Tasmania Gas Pipeline planning corridor.

The relevant Planning Scheme definitions are:

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

Residential (single dwelling) is Discretionary in the zone.

26.2 Use Table

Discretionary	
Use Class	Qualification
Residential	If for single dwelling

4.3 Subject site and locality

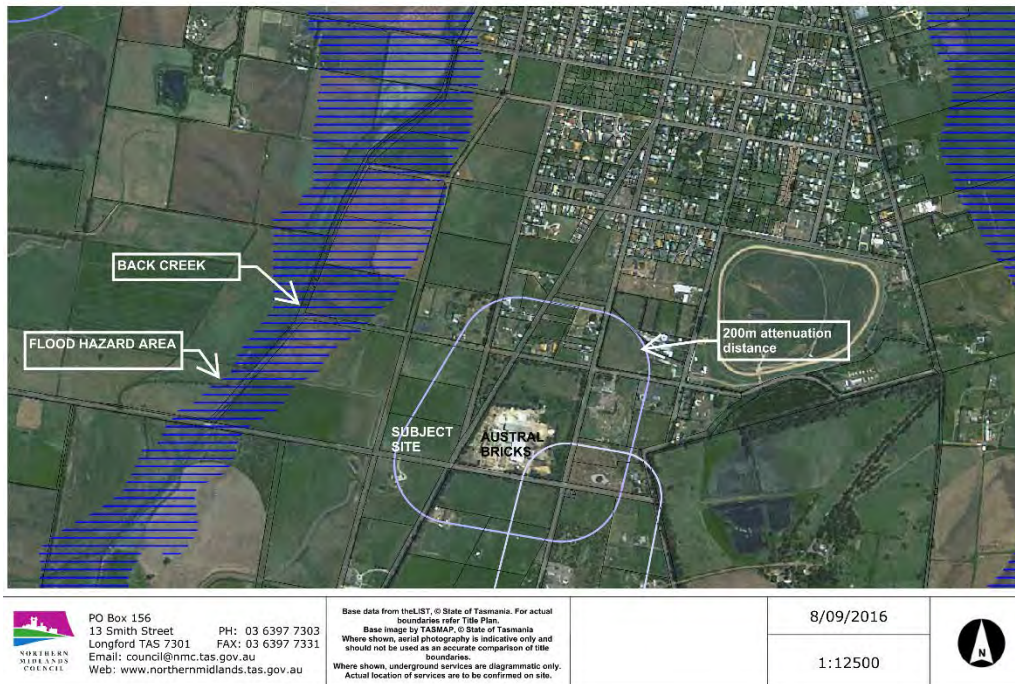
The author of this report carried out a site visit on 8th September 2016. The site is a 3 ha title to the south of Longford, on the corner of Cressy Road and Wilmores Lane. It adjoins a similar property to the north. It adjoins an unmade road reserve to the west, over which is a rural property. Over Cressy Road to the east is the Longford brickworks. Over Wilmores Lane to the south is a 4.2ha property containing a house.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Aerial photograph of area



Photograph of subject site on right and reserved road on left, from Burghley Street



4.4 Permit/site history

Council's file contains no relevant permit or site history.

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



4.6 Referrals

Council's Works & Infrastructure Department

Precis: Council's Works & Infrastructure Department (Jonathan Galbraith) provided the attached recommended conditions.

TasWater

Not applicable to this application

Heritage Adviser

Not applicable to this application

Tasmanian Heritage Council

Not applicable to this application

Department of State Growth

Not applicable to this application

Launceston Airport

Not applicable to this application

Tasrail (adjoining landowner)

Not applicable to this application

Environmental Health Officer

Precis: Council's Environmental Health Officer advises that the site is suitable for on-site waste water disposal.

Natural Resource Management Facilitator

Not applicable to this application

Environment Protection Agency (level 2 under EMPCA)

Not applicable to this application

Local District Committee

Not applicable to this application

General Manager

Not applicable to this application

Zinfra (Gas Pipeline)

Precis: Advised that the Tasmanian Gas Pipeline does not object to the proposal and advises that any activity within the pipeline easement or activity over the pipeline requires contact through Dial before you Dig 1100.

4.7 Planning Scheme Assessment

See attached 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

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

Discretion to refuse the application is limited to:

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



- **Variation to setbacks for dwelling in the Rural Resource zone.**

Comment: The variations are supported as they will not have a negative impact on surrounding agricultural use.

- **Development and use of a dwelling in the attenuation area around Austral Bricks.**

Comment: The development is supported as it is on the outside edge of the attenuation area, and the prevailing wind is from the site towards the brickworks.

- **Development and use of a new access.**

Comment: The new access to Wilmores Lane is acceptable in terms of road safety and efficiency.

- **Development and use of a single dwelling in the Rural Resource zone.**

Comment: The objective of Clause 26.3.2 is to ensure that dwellings are:

- a) incidental to resource development; or
- b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.

The relevant performance criteria is P1.1 b):

A dwelling may be constructed where it is demonstrated that the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:

- i) limitations created by any existing use and/or development surrounding the site; and
- ii) topographical features; and
- iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments).

The applicant states that:

As detailed in the Land Capability Assessment undertaken by Agronico Pty Ltd for the subject site, the land classification is Class 4 for the entire site, with main limitation of wetness and soil. The land is not prime agricultural land. The site is restricted due to its associated limitations including size (3.01 ha), adjacent land uses (residential, manufacturing and rural lifestyle type allotments) and minimal water resources. The proposed development would be located nearby existing residential dwellings, with at least 9 residential dwellings located within a 500m radius.

The development of the dwelling will not negatively impact the existing nearby residences nor does it have any impact on the nearby current rural and primary industry related enterprises, and vice versa.

The Land Capability Assessment by Agronico Pty Ltd states that *The Land Capability Survey of Tasmania, South Esk, 1:100,000 map by Grose and Morteon (1996), indicates this land as containing both class 4 (ideally suited to intensive grazing) and class 3 (suited to cropping 3-5 years out of 10). The onsite survey confirms the class 4 land classification for the entire site, with the main limitations of wetness and soil.*

Wetness – Surface accumulation of water due to areas of topographic depression and conductivity.

Soils – Conductivity, rockiness, limiting layer, coarse fragments.

*In summary, the soil on the site has medium agricultural value (class 4) and is **not prime agricultural land** as defined by the PAL Policy 2000. And, although it is generally expected that class 4 land can still be cultivated 1 to 2 years out of 10 (Grose, 1999), the land at this site should be managed with the following considerations:*

The ironstone gravels found throughout the soil profile are extremely abrasive on cultivation machinery.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



The gravels can also result in lower water holding capacity.

The potential salinity area may increase under irrigation (if cropped).

The lateritic sheet (cemented ironstone) would be extremely limited to root activity.

In conclusion, the land is well suited to the current land use of grazing with any future cultivation being limited to pasture improvement and not cropping in general.

Conclusion: The Agronico Land Capability Assessment report finds that the land is suitable for grazing and as such demonstrates that the land is not practically incapable of supporting an agricultural use, having had regard to topography and the capability of the land for primary industry.

The existing uses and developments surrounding the site such as the brickworks, residential, and rural residential uses and developments – do not present limitations to a grazing use.

The application has not demonstrated compliance with clause 26.3.2 P1.1 b).

8 ATTACHMENTS

- A Application & plans, correspondence with applicant
- B Responses from referral agencies
- C Planning Scheme Assessment

RECOMMENDATION

That application P16-154 to develop and use a dwelling & two sheds (vary setbacks in rural zone) & new access - attenuation area at 18 Wilmores Lane (cnr Cressy Rd), Longford be refused on the following grounds:

- The proposal has not demonstrated compliance with clause 26.3.2 P1.1 (b).

DECISION

Cr

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



PLAN 7 DRAFT AMENDMENT 02/15 – AMEND THE HERITAGE CODE AND THE HERITAGE PRECINCTS SPECIFIC AREA PLAN

Attachments: Section 1 – Page 536

Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner
File: A129

1 INTRODUCTION

The draft amendment was discussed at the council meeting of 18th July and the workshop of the 5th September. Councillors were seeking further advice from Council's Heritage Adviser regarding the draft amendment. This report provides comment from Council's Heritage Adviser on the various aspects of the draft amendment, and recommends modifications taking into account the representation and concerns raised by Councillors at the July meeting.

2 BACKGROUND

Applicant:

Northern Midlands Council

Proposal:

Amendment 02/2015 - Amend Clause E13 Local Historic Heritage Code, and Clause F2 Heritage Precincts Specific Area Plan

Critical Date:

Report to be sent to Planning Commission by 23 September 2016

Recommendation:

Endorse modifications to the draft amendment

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013

Planning Authority:

Northern Midlands Council

3 STATUTORY REQUIREMENTS

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

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

4 ASSESSMENT OF REPRESENTATION

Notice of the application was given in accordance with Section 38 of the *Land Use Planning & Approvals Act 1993*. A review of Council's Dataworks system after completion of the public exhibition period revealed that a representation (attached) was received from C Dixon.

Mr Dixon requests that the Council allow windows & doors in heritage listed buildings and extensions to be constructed from aluminium, rather than just timber, advising that his family owns various properties

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



throughout the Northern Midlands, and continues to improve them but would like the council to be more in line with various other Councils that allow this type of improvement.

Council's Heritage Adviser, David Denman, advised that on balance, it is acceptable to make aluminium frames discretionary - in many cases they are OK and on the occasion that they are not they can be conditioned to be timber.

5 DISCUSSION

The amendment as presented is much more limited in scope than as originally drafted. It has removed much of the proposed discretion surrounding development within heritage precincts. The draft amendment now brings the exemptions in line with surrounding council's, and addresses identified operational issues.

Comment from Council's Heritage Adviser are included for each of the proposed changes.

6 OPTIONS

- Move the recommendations; or
- Move alterations to the recommendations; or
- List the matter to be discussed at the October workshop.

7 ATTACHMENTS

A Representation

RECOMMENDATION

That Council, under section 39 (2) of the *Land Use Planning & Approvals Act 1993*, recommend to the Tasmanian Planning Commission that the representation has merit, and that the draft amendment needs to be modified so that the amendment reads as follows (highlights added, strikethroughs deleted):

E13 Local Historic Heritage Code

E13.3 Exemptions

E13.3.1 The following use or development is exempt from this code:

- works required to comply with an Emergency Order issued under section 162 of the Building Act 2000;
- electricity, optic fibre and telecommunications cables, and water, sewerage, drainage connections and gas lines to individual buildings ~~which connect above ground or utilize existing service trenches~~;
- internal alterations to buildings if the interior is not included in the historic heritage significance of the place or precinct;
- maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric;
- repainting of an exterior surface that has been previously painted, in a colour similar to that existing;
- the planting, clearing or modification of vegetation for safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove unacceptable risk to the public or private safety, or where vegetation is causing or threatening to cause damage to a building or structure; and
- the maintenance of gardens, unless there is a specific listing for the garden in Table E13.1 or Table E13.2.

Heritage Adviser's comments:

This exemption allows the property owner to undertake basic maintenance work on their property that does not impact on the cultural heritage significance of the building or place. Ongoing maintenance to historic buildings is critical to maintain their historic integrity. The Permit application process can be a

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



deterrent to property owners undertaking minor maintenance works. These amendments will have a positive impact in this regard.

Table E13.2: Local Heritage Places Outside Heritage Precincts

Where a Local Heritage Place is contained in the Tasmanian Heritage Register, the place is limited to that part of the title defined on the Tasmanian Heritage Council's Central Plan Register.

Heritage Adviser's comments:

There is often confusion as to the extent to which the heritage controls relate to a Heritage Place included in the Tasmanian Heritage Register, this amendment clarifies the matter.

F2 Heritage Precincts Specific Area Plan

Table F2.1: Heritage Places Inside Heritage Precincts

Where a Local Heritage Place is contained in the Tasmanian Heritage Register, the place is limited to that part of the title defined on the Tasmanian Heritage Council's Central Plan Register.

Heritage Adviser's comments:

There is often confusion as to the extent to which the heritage controls relate to a Heritage Place included in the Tasmanian Heritage Register, this amendment clarifies the matter.

Address	Description
ROSS	
Southern side of Bridge St & Church St intersection	Ross Canon

Heritage Adviser's comments:

This item has a strong Historic Cultural Association with the local community and is important to the Community's sense of place and therefore should be included in the register.

F2 Heritage Precincts Specific Area Plan

F2.2 Application of Specific Area Plan

F2.2.1 This Specific Area Plan applies to those areas of land designated as Heritage Precincts on the Planning Scheme maps.

F2.2.2 The following development is exempt from this Specific Area Plan:

- works required to comply with an Emergency Order issued under section 162 of the Building Act 2000;
- electricity, optic fibre and telecommunications cables, and water, sewerage, drainage connections and gas lines to individual buildings;
- maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric;
- repainting of an exterior surface that has been previously painted, in a colour similar to that existing;
- the planting, clearing or modification of vegetation for safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove unacceptable risk to the public or private safety, or where vegetation is causing or threatening to cause damage to a building or structure; and
- the maintenance of gardens, unless there is a specific listing for the garden in Table E13.1 or Table E13.2.

Heritage Adviser's comments:

These amendments allow for Infrastructure works that can be carried out with no or low impact on the Historic Cultural Heritage Values of the Place. In the case of maintenance, repairs and painting, (that do not involve removal, replacement or concealment of any building fabric) the work will make a positive contribution to the historic integrity of the place.

F2.5 Standards for Development

F2.5.4 Roof Forms

Objective To ensure that the roof form and elements respect those of the existing main building and the streetscape.	
Acceptable Solutions	Performance Criteria
A1.1 The roof form for new buildings, extensions, alterations, and additions must, if visible from the street, be in the form of hip or gable, with a maximum span of 6.5m	P1 No performance criteria

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



and a pitch between 30 – 40 25 – 40 degrees (refer Figure F2.14 & F2.18), or match the existing building; and A1.2 Eaves overhang must be a maximum of 300mm excluding guttering, or match the existing building.	
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Heritage Adviser's comments:

The 6.5m span is relevant to cottages but not to other forms of development in heritage precincts such as houses or commercial buildings. These amendments will provide more flexibility for new roof forms to suit the many varied existing building roof forms and scales with in heritage precincts. They will not have any unacceptable impacts on the heritage design outcomes.

F2.5.8 Windows

Objective To ensure that window form and details are consistent with the streetscape.	
Acceptable Solutions	Performance Criteria
A1 Window heads must be a minimum of 300mm below the eaves line, or match the existing.	P1 No performance criteria.
Solid-void ratio	
A2 Front façade windows must conform to the solid/void ratio (refer Figure F2.24 & F2.25).	P2 No performance criteria.
Window sashes	
A3 Window sashes must be double hung, casement, awning or fixed appropriate to the period and style of the building (refer Figure F2.22 & F2.23).	P3 No performance criteria
A4 Traditional style multi-pane sashes, when used, must conform to the traditional pattern of six or eight vertical panes per sash with traditional size and profile glazing bars.	P4 No performance criteria.
A5 Horizontally sliding sashes must not be used.	P5 No performance criteria.
A6 Corner windows to front facades must not be used.	P6 No performance criteria.
Window Construction Materials	
A7 Clear glass must be used.	P7 No performance criteria.
A8 Reflective and tinted glass and coatings must not be used where visible from public places.	P8 No performance criteria.
A9 Additions to heritage-listed buildings must have timber window frames, where visible from public spaces.	P9 No performance criteria.
A10 Painted aluminium must only be used where it cannot be seen from the street and in new buildings, or where used in existing buildings.	P10 No performance criteria. Window frames must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct.
A11 Glazing bars must be of a size and profile appropriate for the period of the building	P11 No performance criteria.
A12 Stick-on aluminium glazing-bars must not be used	P12 No performance criteria.
A13 All windows in brick or masonry buildings must have projecting brick or stone sills, or match the existing.	P13 No performance criteria.

Heritage Adviser's comments:

These amendments acknowledge that there are many existing buildings and additions to buildings within the heritage listed precincts that are not contributory to the historic character of the precincts. These amendments address this situation and will provide more flexibility to property owners to alter and extend their building in a similar style and materials to the existing building. These amendments will not have a detrimental impact on the buildings with high architectural or historic integrity.

F2.5.9 Roof Covering

Objective To ensure that roof materials are compatible with the streetscape.	
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AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



Acceptable Solutions	Performance Criteria
A1.1 Roofing of additions, alterations and extensions must match that of the existing building; and A1.2 Roof coverings must be: a) corrugated iron sheeting in grey tones, brown tones, dark red, or galvanized iron, Woodland Grey; or Windspray; or Shale Grey; or Manor Red; or Plantation; or Jasper; or b) slate or modern equivalents, shingle and low profile tiles, where compatible with the style and period of the main building on the site and the setting. Tile colours must be: • dark gray; or • light grey; or • brown tones; or • dark red; or c) traditional metal tray tiles where compatible with the style and period of the main building on the site; or d) for additions, alterations and extensions, match that of the existing building.	P1 No performance criteria

Heritage Adviser's comments:

These amendments replace the use of proprietary product colour names that can be subject to change or deletion over time. They are replaced with generic terms that reflect to intent of the provision. Amendment d) acknowledges that there are cases where it is acceptable for additions, alterations and extensions to be roofed with materials that match the existing building.

F2.5.10 Roof Plumbing

Objective To ensure that roof plumbing and fittings are compatible with the streetscape.	
Acceptable Solutions	Performance Criteria
A1.1 Gutters must be OG, D mould, or Half Round profiles (refer Figure F2.26), or match the existing guttering; and A1.2 Downpipes must be zincalume natural, colorbond round, or PVC round painted, or match the existing downpipes.	P1 No performance criteria

Heritage Adviser's comments:

These amendments acknowledge that there are cases where it is acceptable for additions, alterations and extensions to have gutters and downpipes that match the existing building.

F2.5.13 Outbuildings

Objective To ensure that outbuildings do not reduce the dominance of the original building or distract from its period character.	
Acceptable Solutions	Performance Criteria
A1 Sheds Outbuildings must not be located on the lot between the back wall of the main house on the site and the front street boundary line. A1 The roof form of outbuildings must, if visible from the street, be in the form of hip or gable, with a maximum span of 6.5m and a pitch between 22.5 – 40 degrees.	P1 No performance criteria
A2 Sheds Outbuildings must be designed, in both scale and appearance, to be subservient to the primary buildings on the site.	P2 No performance criteria
A3 Garages and Carports Outbuildings must not be located in front of existing heritage-listed buildings, and must be setback a minimum of 3 metres behind the line of the front wall of the house that is set furthest back from the street (refer Figure F2.1 & F2.3).	P3 No performance criteria
A4 Any garage, including those conjoined to the main building, must be designed in the form of an outbuilding, with an independent roof form.	P4 No performance criteria

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



A5	Those parts of garages and sheds outbuildings visible from the street must be consistent, in both materials and style, with those of any existing heritage-listed building on-site.	P5	No performance criteria
A6	The eaves height of a garage must not exceed 3m, and where visible from the street, the roof form and pitch must be the same as that of the main house. Where visible from the street, the eaves height of outbuildings must not exceed 3m and the roof form and pitch must be the same as that of the main house	P6	No performance criteria

Heritage Adviser's comments:

These amendments simplify the terminology by referencing all detached garages, sheds and carports as outbuildings.

F2.5.15 Fences and Gates

Objective To ensure that original fences are retained and restored where possible and that the design and materials of any replacement complement the setting and the architectural style of the main building on the site.			
Acceptable Solutions		Performance Criteria	
A1.1	Replacement of front fence must be in the same design, materials and scale; or	P1	No performance criteria
A1.2	a) Front fence must be a timber vertical picket, masonry to match the house, heritage style woven wire, galvanized tubular fencing, other than looped, or iron palisade fence with a maximum height of 1200mm 1500mm. b) Side and rear fences must be vertical timber palings to a maximum height of 1800mm.		

Heritage Adviser's comments:

This amendment allows for more flexibility with the height of fencing and will not have an unacceptable impact on the Historic Cultural Heritage values of the Place.

F2.5.16 Paint Colours

Objective To ensure that new colour schemes maintain a sense of harmony with the street or area in which they are located.			
Acceptable Solutions		Performance Criteria	
A1.1	Colour schemes must be drawn from heritage-listed buildings within the precinct; or	P1	No performance criteria
A1.2	Colour schemes must be drawn from the following: a) Walls – Off white, creams, beige, tans, fawn and ochre. b) Window & Door frames – white, off white, Indian red, light browns, tans, olive green and deep Brunswick green. c) Fascia & Barge Boards - white, off white Indian red, light browns, tans, olive green and deep Brunswick green d) Roof & Gutters – deep Indian red, light and dark grey, (black, green and blue are not acceptable).		Colour schemes must be compatible with the local historic heritage significance of the local heritage place or precinct having regard to the character and appearance of the existing place or precinct.

Heritage Adviser's comments:

This amendment provides more choice with colour schemes to reflect the particular character and appearance of commercial and residential building styles within the particular location.

F2.6 Use Standards

F2.6.1 Alternative Use of heritage buildings

Objective To ensure that the use of heritage buildings provides for their conservation.			
Acceptable Solutions		Performance Criteria	
A1	No acceptable solution.	P1	Notwithstanding Clause 8.9, a permit may be granted for any use of a building listed in table F2.1 where: a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and b) the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



	c) a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.
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Heritage Adviser's comments:

If heritage buildings are to be conserved and maintained, they must have a viable use. This amendment provides the opportunity for all potential uses to be considered. This will result in redundant and neglected historic buildings being adapted for innovative new uses. Ensuring the building is conserved and makes a positive economic and social contribution to the local community.

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.

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



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*.
Tyre Storage Update

AGENDA – ORDINARY MEETING

19 SEPTEMBER 2016



CON 3 (7) PROPOSALS FOR THE COUNCIL TO ACQUIRE LAND OR AN INTEREST IN LAND OR FOR THE DISPOSAL OF LAND

As per provisions of Section 15(2)(f) of the *Local Government (Meeting Procedures) Regulations 2015*.
Perth Structure Plan

CON 4 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 Sections 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*.
Appeal

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 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*.
Local District Committee membership

CON 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*.
Stormwater

CON 8 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

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

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