



**NORTHERN
MIDLANDS
COUNCIL**

MINUTES

Ordinary Meeting of Council

Monday, 23 January 2017

MINUTES – ORDINARY MEETING

23 JANUARY 2017



MINUTES OF THE MEETING OF THE NORTHERN MIDLANDS COUNCIL HELD AT THE COUNCIL CHAMBERS, LONGFORD AT 5.00PM ON MONDAY, 23 JANUARY 2017.

01/17 ATTENDANCE

1 PRESENT

Mayor Downie, Deputy Mayor Goss, Cr Adams, Cr Calvert, Cr Gordon, Cr Goninon, Cr Knowles, Cr Lambert, Cr Polley AM (from 5.02pm)

In Attendance:

Mr Jennings – General Manager, Miss Bricknell – Corporate Services Manager, Mrs Bond – Regulatory and Community Services Manager, Mr Leigh McCullagh – Works Manager (to 5.56pm), Mr Godier – Senior Planner (to 7.41pm), Ms Boer – Planner (from 6.45pm to 7.41pm), Ms Cunningham – Planner/Compliance Officer (from 6.45pm to 7.41pm), Ms Georgina Brown – Executive & Communications Officer (to 5.56pm), Mrs Eacher – Executive Assistant

2 APOLOGIES

Nil

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DECISION

Cr Adams/Cr Goninon

That Council agree to the inclusion in the Agenda of the following items:

- CON 7 Launceston Airport Ex-gratia Rates
- Mill Dam Discussion

Carried unanimously

03/17 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.

No pecuniary interest was declared.

Cr Polley attended the meeting at 5.02pm.

04/17 CONFIRMATION OF MINUTES

1 ORDINARY COUNCIL MEETING – 12 DECEMBER 2016

DECISION

Cr Goss/Cr Knowles

The Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 12 December 2016, be confirmed as a true record of proceedings.

Carried unanimously

2 CONFIRMATION OF MINUTES OF COMMITTEES

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

	Date	Committee	Meeting
i)	28/11/2016	Northern Midlands Economic Development Committee	Ordinary
ii)	06/12/2016	Campbell Town District Forum	Ordinary
iii)	06/12/2016	Evandale Community Centre and Memorial Hall Management Committee	Ordinary
iv)	06/12/2016	Perth Local District Committee	Ordinary
v)	06/12/2016	Evandale Advisory Committee	Ordinary
vi)	07/12/2016	Ross Local District Committee	Ordinary
vii)	10/12/2016	Epping Forest Hall Committee	Ordinary
viii)	14/12/2016	Ross Community Sports Club Inc.	Ordinary

DECISION

Cr Lambert/Cr Gordon

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

Carried unanimously

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3 RECOMMENDATIONS OF SUB COMMITTEES

That Council note the following recommendation/s of Committees:

Meeting Date	Committee	Recommendation
07/12/2016	Ross Local District Committee	Ross School Oval - The Ross Local District Committee does not support the development or disposal of the former Ross School oval.

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

DECISION

Cr Knowles/Cr Calvert

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

The Ross Local District Committee does not support the development or disposal of the former Ross School oval.

Carried unanimously

05/17 **DATE OF NEXT COUNCIL MEETING**
20 FEBRUARY 2017

Mayor Downie advised that the next Ordinary Council Meeting would be held at the Northern Midlands Council Chambers at Longford at 5.00pm on Monday, 20 February 2017.

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06/17 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
12/12/2016	Council Workshop prior to Council meeting

2 MAYOR'S COMMUNICATIONS

Mayor's Communications for the period 13 December 2016 to 23 January 2017 are as follows:

Date	Activity
13 December 2016	Attended Perth Primary School End of Year Awards Assembly, Perth
14 December 2016	Attended Longford Primary School End of Year Awards Assembly, Longford
16 December 2016	Attended Cressy District High School End of Year Awards Assembly, Cressy
20 December 2016	Attended Campbell Town District High School End of Year Awards, Campbell Town
22 December 2016	Attended Northern Midlands Council Works Department end of year function, Longford
17 January 2017	Attended Northern Midlands Council workshop, Longford
17 January 2017	Attenders Premiers Cabinet meeting
23 January 2017	Attended Northern Midlands Council Workshop and Meeting, Longford
Attended to numerous email, phone, media and mail inquiries.	

3 PETITION

1 PURPOSE OF REPORT

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

2 OFFICER'S COMMENT

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

Section 57. Petitions

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains –
 - (a) a clear and concise statement identifying the subject matter; and
 - (b) a heading on each page indicating the subject matter; and
 - (c) a brief statement on each page of the subject matter and the action requested; and
 - (d) a statement specifying the number of signatories; and
 - (e) the full printed name, address and signature of the person lodging the petition at the end of the petition.

58. Tabling petition

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

3 Petitions Received

Nil.

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4 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES

1 PURPOSE OF REPORT

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

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

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

2 CONFERENCES AND SEMINARS

Nil

5 WORKS & INFRASTRUCTURE REPORT

This item has been updated to incorporate all departmental capital works and is included as an attachment to the Monthly Financial Statements.

6 132 & 337 CERTIFICATES ISSUED

	No. of Certificates Issued 2016/2017 year												Total
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	2015/2016
132	77	48	77	62	69	46							379
337	31	33	40	34	28	24							190

7 ANIMAL CONTROL

Item	Income/Issues 2015/2016		Income/Issues for December 2016		Income/Issues 2016/2017	
	No.	\$	No.	\$	No.	\$
Dogs Registered	3,773	92,210	25	2,008	3,507	84,267
Dogs Impounded	76	5,460	8	167	36	2,881
Euthanized	7	-	-	-	3	-
Re-claimed	60	-	8	-	30	-
Re-homed/To RSPCA	9	-	-	-	3	-
New Kennel Licences	12	816	1	69	2	138
Renewed Kennel Licences	60	2,460	-	-	68	2,898
Infringement Notices (paid in full)	53	9,776	3	468	39	6,369
Legal Action	-	-	-	-	-	-
Livestock Impounded	2	130	-	-	1	281
TOTAL		110,852		2,712		96,834

8 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	2014/2015		2015/2016		2016/2017	
	Persons	Vaccination	Persons	Vaccination	Persons	Vaccination
July-September	65	68	31	31	43	49
October-December	66	68			46-	52-
January-March	-	-	-	-	-	-

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MONTH	2014/2015		2015/2016		2016/2017	
	Persons	Vaccination	Persons	Vaccination	Persons	Vaccination
April-June	85	163			*	*

Some previous data for 2015 – 2016 is not included as Launceston City Council were delivering the immunisation program during that period.

*The total number of vaccinations increases because there are several vaccinations given to each student.

The National Immunisation Program Schedule recommends that two vaccinations be provided in the school based program in 2017, including Human Papillomavirus (HPV) and diphtheria, tetanus and acellular pertussis (whooping cough) (dTpa).

Immunisations will be undertaken by the Longford Surgery during 2017.

Other Environmental Health Services

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

Ensure safe standards of food offered for sale are maintained.

Investigations/Inspections	2013/2014	2014/2015	2015/16	2016/17
Notifiable Diseases	6	2	5	2-
Inspection of Food Premises	126	118	154	45

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.

9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Animal Control	5	-	-	-	-	-						
Building & Planning	3	1	1	-	2	7						
Community Services	-	-	-	-	-	-						
Corporate Services	-	1	-	-	1	-						
Governance	-	-	-	-	1	-						
Waste	1	-	-	-	-	-						
Works (North)	42	33	27	33	29	12						
Works (South)	1	4	9	3	2	7						

10 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
12-Sep-16	Fluers Flowers	Flowers - Passing of Marie Barnes	\$50
19-Oct-16	Campbell Town District High School	Chaplaincy	\$1,500
19-Oct-16	Campbell Town District High School	Inspiring Positive Futures Program	\$8,000
18-Oct-16	Campbell Town District High School	Donation - School Achievement Awards	\$90
18-Oct-16	Perth Primary School	Donation - School Achievement Awards	\$30
18-Oct-16	Evandale Primary School	Donation - School Achievement Awards	\$30
18-Oct-16	Longford Primary School	Donation - School Achievement Awards	\$27
18-Oct-16	Cressy District High School	Donation - School Achievement Awards	\$90
18-Oct-16	Avoca Primary School	Donation - School Achievement Awards	\$30
18-Oct-16	Perth Fire Brigade	Donation	\$50
18-Oct-16	Longford Fire Brigade	Donation	\$100
23-Nov-16	Longford Cricket Club	Donation - Longford -v- Cressy Cup 2016	\$120
13-Dec-16	Cressy District High School	Inspiring Positive Futures Program	\$8,000
	Council wages and plant	Assistance to Campbell Town SES	\$91

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Date	Recipient	Purpose	Amount
Planning/Building Applications Remitted			
5-Aug-16	Christ Church Longford	Planning / Building Application fees - removal of trees	\$340
19-Sep-16	Avoca Tourist Centre	Planning Application fees - public wifi	\$340
18-Oct-16	Evandale Community Centre Management Ctee	Planning Application fees - solar panels	\$340
5-Jan-17	Longford Mens Shed	Planning Application fees - carpark	\$463
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
18-Oct-16	Mr Harry Heathcote	Metal Minds Robotics Team - Tech Challenge at Macq Uni	\$60
18-Oct-16	Mr Jonathan Heathcote	Metal Minds Robotics Team - Tech Challenge at Macq Uni	\$60
18-Oct-16	Mr Alex Mountney	Metal Minds Robotics Team - Tech Challenge at Macq Uni	\$60
23-Nov-16	Mr Mitchell Shadbolt	2017 AEBF Junior Nationals in Darwin	\$60
23-Nov-16	Miss Kysha Hill	U18 Australian All School Athletics Championships	\$60
6-Dec-16	Miss Sophie Parkin	National Cricket Carnival	\$60
TOTAL DONATIONS			\$20,506

11 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
12/12/2016	352/16	Australia Day 2018 Community Recognition Award & Policy Review: Australia Day Awards And Volunteer Recognition Policy	Council endorses the inclusion of a 'Business Presentation' award as part of its annual Australia Day Awards from 2018 and adopts amendments to Australia Day Awards and Volunteer Recognition policy, and that the criteria for the award be workshopped	Regulatory & Community Services Manager	Policy Amended.	
21/11/2016	313/16	CMCA RV Park Project	1. That Council supports, in principle, the proposal for a CMCA RV Park in Blackburn Park, Campbell Town, subject to: a) completion of community consultation for the proposal; b) completion of consultation with the Ross Motel & Caravan Park and the Longford Caravan Park for their input; c) the preparation of a business case in support of the proposal. 2. That Council consider additional locations at a future workshop.	Regulatory & Community Services Manager	Invitation to attend February meeting of Campbell Town District Forum sent. Meeting with caravan park owners to occur in early 2017.	
12/12/2016	347/16	Confirmation Of Minutes - Cressy Local District Committee	That Council be proactive in the eradication of Capeweed in the Northern Midlands and include Cressy in the 2016/17 tree planting program.	Regulatory & Community Services Manager		
12/12/2016	347/16	Confirmation Of Minutes - Longford Local District Committee	Perth Bypass – That a Council officer attends the January meeting to brief the committee about how Longford will be linked to the new system.	Regulatory & Community Services Manager		
12/12/2016	347/16	Confirmation Of Minutes - Longford Local District Committee	That Council be proactive in the eradication of Capeweed in the Northern Midlands and include Cressy in the 2016/17 tree planting program.	Regulatory & Community Services Manager		
18/01/2016	Jul-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.	Regulatory & Community Services Manager	Presentation to February 2017 Council Workshop.	
12/12/2016	364/16	Policy Review: Accounting Policy	That Council endorse the amended Policy	Regulatory & Community Services Manager	Complete.	
12/12/2016	361/16	Policy Review: Councillors Allowances, Travelling & Other Expenses Policy	That Council adopt the amendments to the Councillors Allowances, Travelling & Other Expenses Policy	Regulatory & Community Services Manager	Complete.	
12/12/2016	363/16	Policy Review: Risk Management Policy	That Council adopt the amendments to the Risk Management Policy	Regulatory & Community	Complete.	

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Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
				Services Manager		
12/12/2016	359/16	Policy Review: Business Credit Card Policy	That Council resolves to adopt the Business Credit Card Policy as amended	Regulatory & Community Services Manager	Complete.	
12/12/2016	362/16	Policy Review: Information And Communication Technology Resources And Electronic Communications Acceptable Use Policy	That Council adopt the amendments to the Information and Communication Technology Resources and Electronic Communications Acceptable Use Policy	Regulatory & Community Services Manager	Complete.	
12/12/2016	360/16	Policy: Private Works & Driveway Entrances	That Council resolve to adopt the attached Private Works and Driveway Entrances Policy	Regulatory & Community Services Manager	Complete.	
12/12/2016	353/16	Ross Town Square Master Plan	That Council: i) Accept in principle the Ross Town Square Master Plan; ii) Adopt the Parkland Style Design (Option One) for the site; iii) Endorse the name 'Village Green' for the site; iv) Have prepared detailed documentation of construction and tendering purposes; v) 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	Regulatory & Community Services Manager	Tendering documentation in progress.	
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 as an element of the development of the Economic Development Strategy.	
17/10/2016	286/16	Fruit Growers Tasmania – Request For Sponsorship	That Council ... ii) seek further information on the waiting period prior to being permitted to having access to Centrelink benefits, after taking up such employment.	General Manager	Investigation underway.	
19/09/2016	263/16	Launceston Gateway Precinct Master Plan: Demand Analysis	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.	General Manager	To be progressed.	
18/04/2016	106/16	Proposed Natural Gas Main Extension To Translink Industrial Precinct	That a fee offer be sought for the preparation of a business case to support the natural gas main extension to TRANSLINK Industrial Precinct and reported to Council.	General Manager	Matter in progress.	
21/11/2016	309/16	West Perth Flood Mitigation Working Group	That a West Perth Flood Mitigation Work Group be established and terms of reference for the group be prepared.	General Manager	Meeting held 12 December. Terms of Reference agreed.	
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	Progressed as part of the West Perth Flood Mitigation Working Group.	
12/12/2016	350/16	Northern Midlands Council Strategic Plan 2017 – 2027	...Departmental Managers report bi-monthly to Council on key areas of Strategic Department Outcomes	Executive Assistant	Noted.	
19/09/2016	244/16	Confirmation Of Minutes - Ross Local District Committee	That Council note and investigate the following recommendation/s of the Ross Local District Committee: That Council 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.	Engineering Officer	Traffic count to be conducted during tourist season when user numbers are highest.	

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Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
19/09/2016	244/16	Confirmation Of Minutes - Campbell Town District Forum	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.	Works Manager	No Camping signs to erected. Officers following up with State Growth.	
19/09/2016	244/16	Confirmation Of Minutes - Perth Local District Committee	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.	Works Manager	Estimate of costs awaited. To be listed for consideration in the 2017/2018 budget.	
21/11/2016	326/16	Guardrail At Illawarra Road / Bishopsbourne Road Intersection	Council address their concerns to State Growth by way of letter, requesting the extension of guardrail at Bishopsbourne Road intersection be considered of significant importance to Northern Midlands Council.	Works Manager	Meeting to be arranged.	
21/11/2016	325/16	Longford Caravan Park & Carins Park Fence	That council approves the suggested design and engagement of appropriate contractors to undertake the fence replacement work and installation of the Hawthorn hedge – temporary type fencing (6m span of 2 panels in a gate type arrangement).	Works Manager	In progress, temporary panels erected.	
17/10/2016	280/16	Recommendations Of Sub Committees - Campbell Town District Forum	That Council note and investigate the following recommendation/s of the Campbell Town District Forum: That Council review the cleaning schedule of the Campbell Town toilets given the high volume of usage, with the view to increase the daily cleaning.	Works Manager	Solutions being explored, cleaning schedule expanded.	
12/12/2016	351/16	Ross Toilet Block Facility At Town Hall	That Council authorise officers to progress with the replacement of the Ross public amenities.	Works Manager	To be progressed.	
19/09/2016	244/16	Confirmation Of Minutes - Northern Midlands Economic Development Committee	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. ...	Project Officer	1. Representative to be invited to future Council Workshop. 2. Noted that this issue may be addressed by a LGAT/ DPIPWE taskforce - to be monitored.	
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	Council has made application under the ALGCP for \$1M to implement the Master Plan. Outcome awaited.	
21/11/2016	312/16	Longford Recreation Ground 2030 Masterplan	That the matter be discussed at a future Council Workshop.	Project Officer	Scheduled for 6 February 2017 Council workshop.	
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	Initial consultation with Local District Committees - February.	1/03/2017
19/09/2016	266/16	Perth Structure Plan	That the draft plan, including options 1 and 3, be endorsed for public exhibition, following discussions with the affected landowners.	Senior Planner	Exhibited to 22/10/2016, GHD to present to 23/1/2017 Council workshop.	23/01/2017
19/09/2016	267/16	Planning Practice Quarterly Report: April To June 2016	That the report be noted and that the presentation of the quarterly report be enhanced.	Senior Planner	Format being addressed - proposal to workshop.	
12/12/2016	356/16	Tasmanian Planning Commission Panel Assessment Potential Urgent Amendment To The Northern	That Council advise the Tasmanian Planning Commission that it supports the proposed urgent amendments.	Senior Planner	TPC Advised.	

MINUTES – ORDINARY MEETING

23 JANUARY 2017



Date	Min. Ref.	Details	Action Required	Officer	Current Status	Expected Date of Completion
		Midlands Interim Planning Scheme 2013				
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	Land to be identified - February 2017.	1/03/2017
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	Legal advice to be sought.	1/03/2017
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	By-law updated in line with comments from key stakeholders, to be sent to solicitor prior to report to Council.	

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 - complete. Avoca design work to commence in new year.	
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.	
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 be finalised by June 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.	
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.	Senior Planner	Draft brief being reviewed, to be discussed at Workshop on 6/2/2017.	

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

12 KEY ISSUES BEING CONSIDERED: MANAGERS' REPORTS

1. GOVERNANCE

a. Governance – Meetings/Conferences

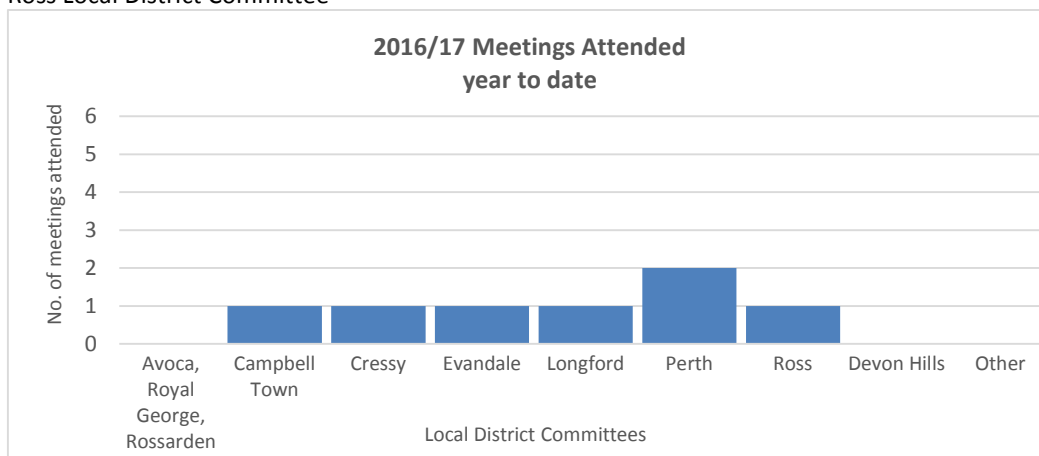
- Council meetings:
 - Ordinary meeting 12 December
- Council Workshop:
 - 12 December
- Executive Management Team:
 - 7 December
 - 21 December
- Staff Meeting
 - 13 December
 - End of Year Indoor Staff BBQ
 - Works Christmas Break Up

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- Community meetings:
 - Ross Local District Committee



- Other Meetings:
 - Met with Andrea Dawkins, Greens Member for Bass re Airport Rates
 - Met with Lange Design re Edward Street Youl Road Wetlands
 - Met with Chris Griffin re Ben Lomond
 - Attended West Perth Flood Mitigation Working Group meeting re Sheepwash Creek concept plan
 - Met with Business Owner re Perth Structure Plan
 - Met re Benchmarking Project
 - Attended June 2016 Flood Review Meeting
 - Met with Carlton Dixon
 - Attended meeting with Andrew Floyd and David Gatenby re Campbell Town Oval Development
 - Met on-site re Longford Village Green lighting
 - Met on site re proposed on street dining development
 - Met re Land Use Development
 - Attended Local District Committee Christmas Function (North)

b. General Business:

- Health & Safety and Risk Management Review
- NBN Rollout
- Sub Regional Alliance
- Legal issues, leases and agreement reviews
- Interim Planning Scheme matters
- Road Construction
- Engineering Services
- Drainage issues & TRANSlink stormwater
- Road and Traffic matters
- Resource Sharing
- Animal Control matters
- Buildings
- Tourism
- NRM North
- Recruitment, staff separations, general staff matters
- Childcare matters
- 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
- Strategic Plan

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- Local Government Reform
- Newsletters
- General correspondence.

NRM

- Continuation of delivery of NRM Facilitator Network Partnership with NRM North.
- On-going facilitation of Mill Dam Action Group and partnership relationships.
- Operation of NRM Committee of Council.
- Coordination of Mill Dam bank stabilisation project follow up and maintenance.
- Participation in facilitation of NRM North's Green Army Teams working with Northern Midland's landholders Community Engagement with supervised exhibition at Longford and Campbell Town Shows.
- On-going participation support with local Landcare groups as requested and where required – Perth/ Evandale, Nile, Rossarden.
- On-going collaboration with Department of Primary Industries Parks Water and Environment, with particular focus on Bio-security regarding reported weed infestations.
- Assistance to EHO, by undertaking Recreational Water Sampling for the 2014-15 season, data entry and Annual Recreational Water Report development.
- Participation with Development application assessment process as part of the Planning and Development team.
- Continuation of relationship with TAS TAFE Horticulture Certificate II & III.
- Council Host Officer for Round 4 Northern Midlands Council hosted Green Army Teams.
- Council representative to Tamar Estuary and Esk River (TEER) Scientific Technical Committee (STC).
- Support and facilitation of devolved grant submissions for landholders and community groups such as:
 - NRM North on ground works
 - TEER River Bank Erosion Grant.
- Attended Tas TAFE planting day.
- Attended Defensive Driver training.
- Assisted with Small landholder revegetation materials distribution.
- Attended site visit with Hydro Tas Senior Environmental Scientist at Brumby's Creek.
- Assisted and facilitated with Green Army Team Two participant interviews (*2).

2. REGULATORY & COMMUNITY SERVICES

a. Animal Control/Compliance

- Respond and investigate complaints in respect to dog management, including issuing notices and fines, declaration of dangerous dogs, and where required attend Court hearings in respect to disputed dog matters
- Conduct routine dog patrols within the municipality
- Review and renew kennel licences within the municipality
- Undertake training to conduct dog microchipping service
- Respond and investigate complaints in respect to fire abatement, including inspections, issuing reminders and notices, engaging contractors to complete works, where required
- Undertake continuing audit of planning permits
- Undertake regular inspections of overhanging trees and issue Abatement Notices where required
- Undertaking review of Council's Footpath Trading Policy
- Conduct inspections of Council's free overnight camping facilities

b. Community Services

- Community master plans:
 - Campbell Town War Memorial Oval redevelopment – Federal Government funding confirmation received, preliminary designs prepared, presentation to stakeholders to occur 31 January 2017
 - Campbell Town CBD Urban Design Master Plan – awaiting draft master plan and costings
 - Cressy Recreation Ground Master Plan: quotes for development of master plan awaited
 - Cressy War Memorial Swimming Pool Master Plan – awaiting structural review
 - Honeysuckle Banks Master plan – original master plan independently reviewed in light of the flood prone nature of the reserve, on agenda for Council's 6 February 2017 Workshop

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- Longford Urban Design Master Plan – site investigation report received, community information gathering workshops held December 2016, draft urban design strategy being prepared, parklet design and plans being progressed
- Longford Recreation Ground Master Plan - draft master plan submitted November 2016, on agenda for Council's 6 February 2017 Workshop
- Morven Park Master Plan – consultant appointed, work underway
- Perth Recreation Ground Master Plan – Master Plan accepted in principle by Council, seeking funding opportunities
- Ross Swimming Pool Master Plan – awaiting structural review
- Ross Town Square Master Plan – Master Plan accepted in principle at December 2016 Council Meeting; quote received 13 January 2017 from JMG for design and documentation, tendering and project management
- TRANSLink Precinct Renewal program – consideration being given to making application for funding through the Building Better Regions Fund (applications open 18 January 2017 and close 28 February 2017)
- Tourism
 - Heritage Highway Tourism Region Association
 - Assisting with website upgrade, marketing activities, itineraries, newsletter and social media campaigns
 - Updating event directory
 - Image library photo shoot
 - Providing support and information for all Northern Midlands Visitor Centres and provision of information to Regional Tourism organisations and tourism operators
 - Working with Campbell Town Museum & Information Centre on development of Campbell Town brochure
- 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
- Media and communications
 - Preparation of monthly 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
- Events
 - Liaising with various organisations and community groups regarding holding events within the Northern Midlands
 - Finalising details for Northern Midlands Council Australia Day Event 2017
 - Advertising events through Council's web and social media publications
 - Draft hire form and erection/dismantling instructions relating to the new council marquees being trialled
 - Liaising with organisers of the CMCA Solos rally in Campbell Town in February, collating information and brochures
- War Memorial
 - Funding application submitted to contribute to refurbishment of BL 15lb Mark I No. 788 Field Gun, Ross
 - Received funding to development of information brochures to commemorate Sergeant Lewis McGee VC
- Council Volunteer committees
 - Attendance at Local District Committee meetings and provide secretarial support
 - Liaising with Council's Management Committees
 - Maintaining Council's Volunteer Register
 - Requesting bi-monthly risk checklists be completed by facility committees of management
 - Liaising with booking officers regarding booking of Council facilities
- Citizenship ceremonies
- Emergency Management
 - Updating Council's Social Recovery Plan

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- 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

c. Environmental Health

- Monitoring air, noise and water quality as required
- Advising in respect to development applications, as required
- Investigating reported breaches of environmental health matters
- Issuing food licences and conducting inspections
- Responding to general enquiries from the public on health matters
- Issuing Place of Assembly licences for events, as required
- Engaged local medical practice to undertake school immunisations in 2017
- Investigating environmental incidents, as required
- Investigating notifiable diseases, as required

3. CORPORATE SERVICES

a. Customer Service

- Member of the National Local Government Customer Service Network.
- Service Tasmania contract review 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.
- 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.
- Stimulus loan funding applications and administration.
- 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, 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 After School Care proposal negotiations.
- General accounting, customer service, feedback survey, correspondence and reports.
- Audit & Audit committee procedures, processes and support.
- 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.

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- Community events and Special Projects support/funding.
- Light Fleet Management.
- LG Benchmarking Project

C. Risk Management

- Risk Management register review
- safety management and reporting
- drug & alcohol testing administration
- contractor and volunteer management/induction/audits
- SDS Register and database
- Plant risk assessments
- Swimming pool risk management
- Recreation ground risk audit
- Emergency Management meetings, EM Plan reviews, Emergency Risk Register, Strategic Fire Plan meetings, Emergency desktop exercise and general administration issues.

c. Insurance

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

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.
- Office renovation arrangements and setup.

4. DEVELOPMENT SERVICES

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.

MINUTES – ORDINARY MEETING

23 JANUARY 2017



b. Building.

- Follow up of illegal building works continues
- Plumbing and building inspections and assessments continue
- Commencement of New Building Act 2016 and Building Regulations 2016
- Update of workflows to ensure compliance with new legislation.

c. Planning

- Participation in the Launceston Gateway Precinct Master Plan project working group.
- Participation in Regional Planning Scheme issues.
- Attendance at State Planning Provisions hearings.
- Consideration of Planning Directives.
- Consideration of proposed planning legislative amendments.
- Ongoing review of procedures.
- Management of Perth Structure Plan project.
- NMC Land Use Strategy.
- Response to enquiries and development opportunities.
- Amendments to interim scheme.
- Assessment of development proposals.
- Liaison with appellants and RMPAT regarding Planning Appeals.
- Upload of new templates into NMC systems in preparation for new year and legislation changes.

d. 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.

5. WORKS & INFRASTRUCTURE

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 Hollejett subdivision (3 lots) in Edward Street, Perth has reached practical completion.
- 3 lot Gadsby subdivision in Cromwell Street, Perth has reached final completion.
- 5 lot Chugg subdivision in Malcombe Street, Longford has reached practical 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.

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- 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

- Nile township – kerb & channel.
- Cromwell Street – kerb & channel.
- Woolmers Lane – Reconstruction.
- Bridge St – Campbell Town – Construction of Kerb & Channel.

13 RESOURCE SHARING SUMMARY FROM 01 JULY 2016

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.

14 STRATEGIC PROJECTS / PLANS

Prepared by: Lorraine Green, Project Officer

Status schedule to 16 January 2017 was circulated in the Attachments.

15 VANDALISM

Prepared by: Jonathan Galbraith; Engineering Officer

Incident	Location	Estimated Cost of Damages		
		December 2016	Jan – Dec 2016	December 2015
Nil recorded		\$ 0		
TOTAL COST VANDALISM		\$ 0	\$ 11,390	\$ 200

16 YOUTH PROGRAMME UPDATE: DECEMBER 2016

Prepared by: Lorraine Green, Project Officer

Youth Activity Programs

Council contracted the Longford and Launceston PCYCs to continue to provide youth programs weekly across the 2016 school year terms. The Longford and Perth programs assisted high school-aged students to learn life and interpersonal skills through physical activity-based programs. The Evandale program targeted primary school-aged children.

The Longford Friday evening Youth Program at the Sports Centre had 26 participants across the three December sessions: averaging 9 participants at each session.

The Perth Youth program on Thursdays 6.30-8.30pm had one session with two participants. It has been decided to open this program up to 10-12 year-old children as they are showing interest in participating. A promotional campaign is underway prior to the recommencement of the program on 2 February 2017.

The Evandale Program on Friday afternoons had three sessions in December, averaging 14 participants per session.

Youth Mentoring Program

Council contracts 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 were ongoing.

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

Both District High Schools have written to Council providing evidence of the value of the 2016 mentoring program.

MINUTES – ORDINARY MEETING

23 JANUARY 2017



17 ANIMAL CONTROL UPDATE

Prepared by: Tammi Axton, Animal Control Officer

Kennel Licences – Since November, there have been 2 applications for new kennel licences where there have been more dogs than specified on the original licence.

Kennel licence inspections are being conducted twice a year to ensure that they comply with the provisions of the licence. The first inspections to be conducted in March.

Registration Audit of Longford and Rossarden – A registration audit of Longford and Rossarden will commence in March/April 2017

Microchipping – Councils Animal Control Officer is now able to microchip dogs and we are offering the service at a cost of \$49 per dog to be microchipped.

This service is being advertised on Northern Midlands Councils facebook page and also in the Country Courier. 3 dogs were microchipped in December/January.

Animal Management By-Law – The draft by-law has been adjusted to reflect the comments made by Key Stakeholders. There have been quite a few representations not only by Key Stakeholders but also by members of the public.

The draft by-law will be tabled at the February Council meeting.

DECISION

Cr Gordon/Cr Lambert

That the Information items be received.

Carried unanimously

Cr Goninon/Cr Adams

That Council write to the Department of State Growth to advise of the issues relating to the Conara park and to seek a solution.

Carried unanimously

MINUTES – ORDINARY MEETING

23 JANUARY 2017



07/17 POLICY UPDATE: FIRE ABATEMENT

File: 44/001/001
Responsible Officer: Amanda Bond, Regulatory & Community Services Manager
Report prepared by: Amanda Bond, Regulatory & Community Services Manager
Tammi Axton, Compliance Officer

1 PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of an amendment to its Fire Abatement Policy.

2 INTRODUCTION/BACKGROUND

The Fire Abatement Policy was last reviewed in November 2016.

Given the high rainfall experienced last year there has been increased vegetation growth in the municipality in the lead up to the summer period. This season Council's Compliance Officer has issued more Fire Abatement notices than in the previous two years.

Several complaints were received by Council in December 2016 regarding fire abatements. This prompted a further review of Council's Fire Abatement Policy. Council officers have reviewed the legislation, as well as the complaints received and attach to this report a marked up version of the amended Fire Abatement Policy, showing proposed changes in red.

3 STRATEGIC PLAN 2017/2027

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

- Lead – Best Business Practice and Compliance
 - Core Strategies – Council complies with all Government legislation:
 - ♦ Update compliance policy and procedure as required

4 POLICY IMPLICATIONS

It is important Council's policies accurately reflect the services offered, and do not stipulate services where Council does not have the resources available to provide.

5 STATUTORY REQUIREMENTS

5.1 *Local Government Act 1993*

Division 6.

6 FINANCIAL IMPLICATIONS

The amendment to this policy includes a provision that Council will conduct municipal inspections in spring of each year. Presently there are no pre-season inspections conducted, unless a complaint is received.

It is anticipated that these inspections will be incorporated with existing dog patrols, however, this will result in some extra time and therefore cost to Council.

MINUTES – ORDINARY MEETING

23 JANUARY 2017



7 RISK ISSUES

Failure to have a comprehensive policy and procedure for fire abatement issues may result in increased risk to the community, in the event of a fire.

8 CONSULTATION WITH STATE GOVERNMENT

N/A

9 COMMUNITY CONSULTATION

Council officers have considered feedback provided to Council by the community in the review of this policy.

10 OPTIONS FOR COUNCIL TO CONSIDER

To agree / not agree to update the Fire Abatement Policy as recommended.

11 OFFICER'S COMMENTS/CONCLUSION

The changes to the policy arise from the following:

- a) Review of the applicable division of the *Local Government Act 1993* and ensuring consistency of the wording between the policy and the legislation;
- b) Review of complaints received from the community in conjunction with the wording of the policy; and
- c) Restructuring the format of the policy ensuring the information provided flows chronologically, is succinct and easy to read.

12 ATTACHMENTS

12.1 Fire Abatement Policy with tracked changes.

RECOMMENDATION 1

That Council endorse the amendments to the Fire Abatement Policy.

DECISION

Cr Polley/Cr Goninon

That

- i) Council endorse the amendments to the Fire Abatement Policy;
- ii) Council write to the Department of State Growth requesting that they consider, in years of high growth, additional mowing of the verges; and
- iii) with regard to fire abatement inspections, a report be tabled at the February meeting.

Carried unanimously

MINUTES – ORDINARY MEETING

23 JANUARY 2017



08/17 MONTHLY FINANCIAL STATEMENT

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

1 PURPOSE OF REPORT

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

2 INTRODUCTION/BACKGROUND

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

3 ALTERATIONS TO 2016-17 BUDGET

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

SUMMARY FINANCIAL REPORT

For Month Ending: 31-Dec-16 6

A. Operating Income and Expenditure						
	Budget	Year to Date Budget	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$9,798,545	-\$9,798,545	-\$9,621,749	-\$177	98.2%	
Recurrent Grant Revenue	-\$4,084,068	-\$2,042,034	-\$2,282,809	\$241	111.8%	
Fees and Charges Revenue	-\$1,731,851	-\$865,926	-\$832,513	-\$33	96.1%	
Interest Revenue	-\$435,842	-\$217,921	-\$82,014	-\$136	37.6%	Accrued revenue adjustment included
Reimbursements Revenue	-\$96,867	-\$48,434	-\$45,206	-\$3	93.3%	
Other Revenue	-\$1,660,334	-\$830,167	-\$193,597	-\$637	23.3%	
	-\$17,807,507	-\$13,803,026	-\$13,057,888	-\$745	94.6%	
Employee costs	\$5,165,838	\$2,582,919	\$2,870,637	-\$288	111.1%	
Material & Services Expenditure	\$4,563,969	\$2,281,985	\$2,732,188	-\$450	119.7%	
Depreciation Expenditure	\$5,327,234	\$2,663,617	\$2,663,414	\$0	100.0%	
Government Levies & Charges	\$685,419	\$342,710	\$170,163	\$173	49.7%	
Councillors Expenditure	\$190,097	\$95,049	\$62,596	\$32	65.9%	
Other Expenditure	\$1,284,412	\$841,433	\$633,928	\$208	75.3%	
Plant Expenditure Paid	\$497,495	\$248,748	\$273,659	-\$25	110.0%	
	\$17,714,464	\$9,056,459	\$9,406,585	-\$350	103.9%	
	-\$93,043	-\$4,746,567	-\$3,651,303			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$300,000	\$150,000	\$51,392	\$99	34.3%	
Underlying (Surplus) / Deficit	\$206,957 \$0	-\$4,596,567	-\$3,599,911 \$0			
Capital Grant Revenue	-\$2,291,976	-\$1,145,988	-\$737,301	-\$409	64.3%	
Subdivider Contributions	-\$430,000	-\$215,000	0	-\$215	0.0%	
Capital Revenue	-\$2,721,976	-\$1,360,988	-\$737,301			
	-		-			
Budget Alteration Requests						
- For Council authorisation by absolute majority						

B. Balance Sheet Items				
	Year to Date Actual	Monthly Change	Same time last year	Comments
Cash & Cash Equivalents Balance				
- Opening Cash balance	\$10,346,134	\$13,406,157		

MINUTES – ORDINARY MEETING

23 JANUARY 2017



- Cash Inflow
- Cash Payments
- Closing Cash balance

\$11,714,168	\$803,548
-\$9,374,224	-\$1,523,626
\$12,686,078	\$12,686,078

Account Breakdown

- Trading Accounts
- Investments

\$494,953	
\$12,191,125	
\$12,686,078	

Summary of Investments

Tasmanian Public Finance Corporation Call

Account

CBA Call Account

CBA

CBA

CBA

ANZ

CBA

ANZ

Bass & Equitable

CBA

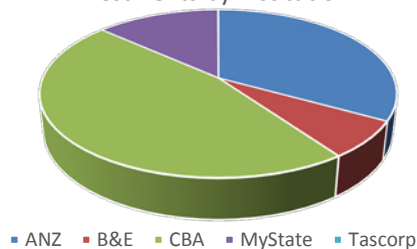
ANZ

My State Financial

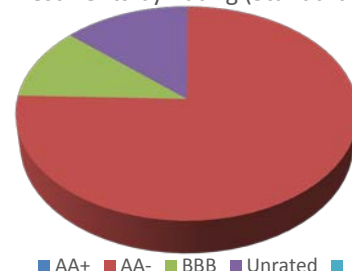
Total Investments

Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value
1/12/2016	31/12/2016	1.50	\$5,150	\$5,156
21/12/2016	31/12/2016	1.40	\$504,994	\$505,187
5/10/2016	5/01/2017	2.51	\$1,000,000	\$1,006,327
14/10/2016	13/02/2017	2.55	\$1,000,000	\$1,008,523
2/11/2016	2/03/2017	2.56	\$1,000,000	\$1,008,416
2/10/2016	2/04/2017	2.60	\$1,557,144	\$1,577,332
14/12/2016	13/04/2017	2.52	\$1,500,000	\$1,512,427
14/05/2016	14/05/2017	2.70	\$1,313,367	\$1,348,828
23/11/2016	24/05/2017	2.70	\$621,220	\$629,584
30/11/2016	29/05/2017	2.58	\$1,500,000	\$1,519,085
8/12/2016	8/06/2017	2.60	\$1,000,000	\$1,012,964
25/12/2016	25/12/2017	2.85	\$1,189,250	\$1,223,144
			\$12,191,125	\$12,356,974

Investments by Institution

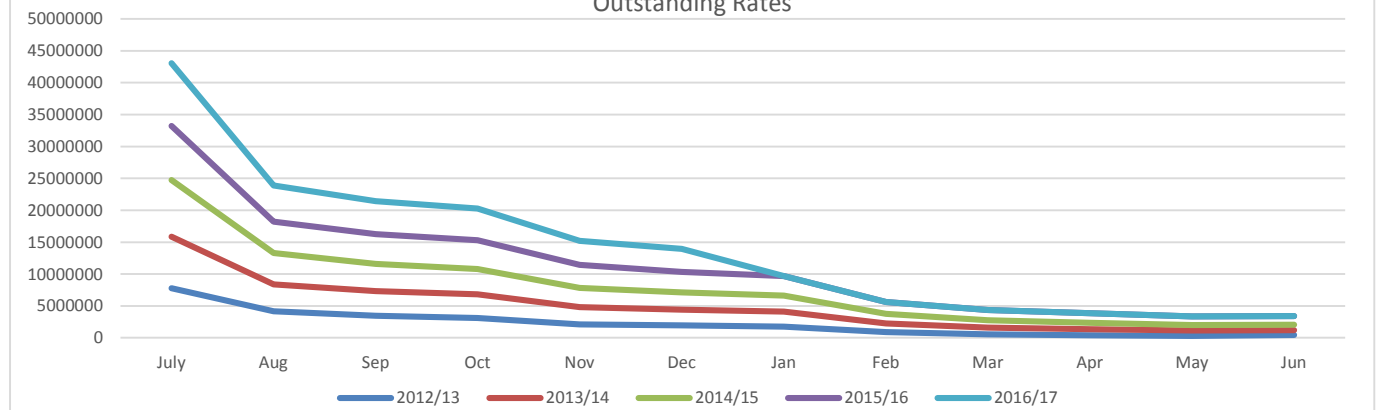


Total Investments by Rating (Standard & Poor's)



Rate Debtors	2016/17	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$1,365,785		\$1,017,753	
Rates Raised	\$9,667,404		\$9,325,191	
	\$11,033,189		\$10,342,945	
Rates collected	\$7,089,160	73.3%	\$6,783,037	72.7%
Pension Rebates	\$426,038	4.4%	\$408,088	4.4%
Discount & Remissions	\$30,455	0.4%	\$47,244	0.5%
	\$7,545,653		\$7,238,369	
Rates Outstanding	\$3,602,324	37.3%	\$3,210,729	34.4%
Advance Payments received	-\$114,787	1.0%	-\$106,153	1.1%

Outstanding Rates



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Trade Debtors

Current balance	\$83,609		
- 30 Days	\$11,881		
- 60 Days	\$2,692		
- 90 Days	\$11,790		
- More than 90 days	\$57,246		
Summary of Accounts more than 90 days:	-	0	
- Norfolk Plains Book sales		1,004	Paid by outlet as sold
- Hire/lease of facilities		87	
- Removal of fire hazards		2,791	
- Dog Registrations & Fines		25,319	Sent to Fines
- Sales		3,500	Enforcement
- Grants		13,266	Arrangement to pay
- Private Works		11,278	Pension Grants

C. Capital Program				
	Budget	Actual (\$,000)	Target 50%	Comments
Renewal	\$8,816,130	\$2,125,085	24%	
New assets	\$5,339,270	\$1,180,749	22%	
Total	\$14,155,399	\$3,305,834	23%	
Major projects:				
- Lake River Bridge Replacement	\$1,430,000	\$1,614,478	113%	Complete
- Campbell Town Recreation Ground Complex	\$1,500,000	\$1,784	0%	Design tender assessment stage
- Rossarden Bridge Replacement	\$300,000	\$0	0%	
- Nile Road reconstruction	\$264,000	\$80,917	31%	Commenced
- Woolmers Lane reconstruction	\$510,000	\$818	0%	Commenced
- Longford Playspace Equipment	\$253,000	\$253,522	100%	Complete
- Longford Boat Ramp jetty replacement	\$140,000	\$9,592	7%	Commenced

* 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	55.0%	57.8%	-2.8%	↑	
- Own Source Revenue / Total Revenue	77%	82.5%	-5.5%	↘	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	-1.2%	27.6%	-28.7%	↘	
- Debt / Own Source Revenue	0.0%	0.0%	0.0%	↔	
Efficiency Ratios					
- Receivables / Own Source Revenue	26.9%	34.2%	-7.3%	↘	
- Employee costs / Revenue	29.0%	22.0%	7.0%	↗	
- Renewal / Depreciation	165.5%	79.8%	85.7%	↗	
Unit Costs					
- Waste Collection per bin	\$10.58	\$9.09		↔	
- Employee costs per hour	\$43.05	\$43.35		↗	
- Rate Revenue per property	\$1,405.82	\$1,387.00		↔	
- IT per employee hour	\$3.17	\$2.61		↘	

E. Employee & WHS scorecard			
	YTD	This Month	
Number of Employees	81.3	83	
New Employees	17	7	
Resignations	3	0	
Total hours worked	66219.76	10737.29	
Lost Time Injuries	2	0	
Lost Time Days	5	0	
Safety Incidents Reported	10	1	
Hazards Reported	8	0	
Risk Incidents Reported	4	2	
Insurance claims - Public Liability	1	0	
Insurance claims - Industrial	0	0	
Insurance claims - Motor Vehicle	4	0	
IT - Unplanned lost time	0	0	
Open W/Comp claims	7	1	

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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 December 2016.
- 5.2 Capital Works Report to end December 2016.

RECOMMENDATION

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 December 2016.
- ii) authorise budget alterations as detailed in section 3.

DECISION

Cr Goninon/Cr Polley

That Council

- i) receive and note the Monthly Financial Report for the period ending 31 December 2016.
- ii) authorise budget alterations as detailed in section 3.
- iii) note the 2017-2027 Long Term Financial Plan for discussion at the February Council meeting.
- iv) congratulate Council officers on the preparation of the information for the Accelerated Local Government Capital Program financial stimulus funding submission and the successful outcome thereof.

Carried unanimously

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09/17 STREET TREES PROGRAMME

Responsible Officer: Leigh McCullagh – Works Manager
Report prepared by: Leigh McCullagh – Works Manager, Wayne Chellis –Project Adviser;
Gail Eacher – Executive Assistant

1 PURPOSE OF REPORT

The purpose of this report is to provide information relating to the planting and maintenance of street trees in towns and in response to requests received from Local District Committee's for the provision of street trees.

2 INTRODUCTION

This report includes the tree planting/management strategy that the Works Department adopted in 2011 and extracts from previous reports.

Council does not have a formal program for the planting of street trees in the municipality, however, during the annual budget process an allocation is made for street trees for the municipality as a whole.

Priority is given to CBD areas, main streets and other streets in which the property owners are more enthusiastic about the planting of trees at the frontage of their properties. Experience has proven that priority should be given to streets in which the property owners agree to water the trees as required.

In most instances the property owners in the newer subdivisions are more in favour of planting and watering trees than owners of established properties.

Trees are therefore planted on an as required basis as appropriate and in conjunction with street reconstruction works.

In excess of 5,600 trees have been planted in the Northern Midland's streets & parks and reserves which are recorded in Council's tree register.

The planting of street trees is subject to a number of limitations, which include verge width, presence of underground / overhead services, such as Aurora, Telstra, Sewer and Stormwater. Once a location and tree type is identified as being appropriate, the owners of neighbouring properties are consulted and if property owners agree to water the trees during the summer period, trees are then planted.

3 BACKGROUND

3.1 Tree Plantings Longford Main Street

Proposed Stage 1 Marlborough Street CBD 1997

On the recommendation of a highly qualified tree arborist, supported by Council's Technical Services Department and the consensus of the committee, Council was to plant *Platanus Acerifolia* (Plane Tree Autumn Glory) in the CBD area as stage 1 in the winter of 1997.

During the planning approval process Council received a large adverse response by the public to the planting of trees in the verge (parking area) in the CBD area between William and High streets due to the proposed loss of parking space and impediment to the movement of large trucks; and the planting of the trees in the CBD was not approved by Council at that time.

In 2013 the Longford Local District Committee requested once again that trees be planted in the CBD area and given the rejection of the planning approval in 1997 it was suggested that a smaller tree *Pyrus Capital* be planted at selected locations in the footpath in accordance with the tree planting strategy;

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following public consultation and the receipt of planning approval trees were planted on both sides of the street over a two-year period.

Stage 2 Wellington Street Tree Planting 1999 & Replanting 2011

In 1999 the proposal by the tree arborist to plant London Plane trees between Union and Archer streets was endorsed by Council following planning approval

At the time management raised concerns regarding the potential size of the trees and the tree arborist selected a new species of London Plane tree *Bloodgood* being a smaller variety and the trees not being planted within a concrete surround and without tree guards to provide protection from vehicles when parking. The trees were planted in accordance with the direction of the arborist, without tree guards, between Union Street and Archer Street in the verge at selected locations to ensure the number of parking spaces were not reduced.

During the following 12 years some of the trees were removed following ongoing concern from businesses and vehicle damage; others died. The few remaining trees grew too large and were removed in 2011.

Replacement of London Plane Trees

During the replacement of the London Plane trees in 2011 between Union and Archer Street the previous concerns raised were addressed by the Works Department

Pyrus Calleryana Capital (Ornamental Pear) was selected to provide adequate canopy development space above pedestrians and vehicles.

This particular species is proposed to be the narrowest growing *Pyrus* cultivar growing in Australia and is considered to be an ideal choice for narrow restricted areas around car parks and along narrow road verges and tolerates a wide range of soil and weather conditions.

3.2 Strategies for Planting Street Trees

In 2010, under the direction of Council officers, designs and castings were constructed for the planting of street trees in sealed road verges and footpaths, prior to that time Tasmanian Councils sourced their tree grates and guards from the Mainland

The concrete surrounds have been designed to fit on the top of a cast in situ concrete root barrier which is installed to increase the visual amenity, protect the trees from vehicle damage and support the tree guard, with steel formwork fabricated to bolt onto the concrete surround to hold the tree guard in place.

The concrete surrounds are predominately used in sealed parking areas and wide grass verges mowed with Council's ride-on mower.

Grates are required to be installed around trees installed within the footpath e.g. Longford CBD, with tree guards being installed in areas of increased pedestrian usage.

Watering of Trees in the CBD

New trees planted are watered by hand at least once per week in peak summer period for the first three years and the time period lengthens as the trees become established.

Future Damage by Tree Roots to Footpath and kerb

Under the tree planting guidelines council's insurers require root barriers to be installed to ensure root growth does not cause damage (tripping points) in footpaths which may result in a future public liability claim.

The purpose of installing root barriers is to direct the roots downwards instead of outwards.

Unfortunately, this directs the roots into the clay which sometimes prevents growth if the barriers are installed too deep and may even cause the tree to die as the trees become established.

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3 STRATEGIC PLAN 2017/2027

The Strategic Plan 2017/2027 provides the guidelines within which Council operates. The following Strategic outcomes and strategies have relevance to this issue:

- People and Place
 - People
 - Sense of Place*
 - Lifestyle*
 - Place
 - Environment*
- Core Departmental Responsibilities
 - Works and Infrastructure
 - Area Management Plan*

4 POLICY IMPLICATIONS

There is currently no policy in relation to this matter, however, a recognised process is followed in regard to the planting of street trees and the maintenance thereof.

5 STATUTORY REQUIREMENTS

Legislation allows for service providers such as Aurora and Telstra; as well as the Department of State Growth to undertake maintenance/pruning of trees which are considered a threat to their infrastructure. Planning permits are applicable for plantings in some areas.

6 FINANCIAL IMPLICATIONS

Council allocates some \$106,000 to street tree maintenance and tree planting. The amount allocated for the planting of new trees varies subject to the maintenance required.

This financial year Council will expend \$40,000 to the treatment of Elm leaf beetle.

The cost of planting each tree ranges from \$500 to \$4,500 subject to the location and associated infrastructure necessary for risk management, protection of tree, visual amenity and to ensure the tree continues to grow to its full potential.

7 RISK ISSUE

Risk issues identified include:

- Trees planted on verges which are too narrow to allow for safe use of footpaths by users and which overhang the road pavement.
- Trees which hinder line of sight of road users.
- Trees dying when they are young due to insufficient water.
- Parking issues created by inappropriate plantings.
- Destruction of assets.

Under the tree planting guidelines council's insurers require root barriers to be installed to ensure root growth does not cause damage (tripping points) in footpaths which may result in a future public liability claim.

8 COMMUNITY CONSULTATION

From time to time, Local District Committees and communities request that Council consider the planting of street trees. Consideration is given to these requests with trees being planted as deemed appropriate. Consideration is given to a number of factors, including verge width, presence of underground / overhead services; once a location and tree type is identified as being appropriate, the owners of neighbouring

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properties are consulted.

Prior to planting trees, the owners of the properties are provided with a letter from Council advising of the proposed planting and seeking their input into the watering of the trees.

9 OPTIONS FOR COUNCIL TO CONSIDER

As per the recommendation.

Consideration be given to the appointment of a landscape architect or suitably qualified person to undertake plans for the main streets of each town within the municipality as Stage 1 and other streets as future stages.

Unfortunately, the sealed street widths and location of services i.e. sewer, water, stormwater, Telstra cables, hydro poles and footpaths are not of a uniform width or in a straight alignment for the entire length of the streets, these factors would need to be considered in the formulation of any plan.

Councils outdoor workforce developed standard widths and alignments for sealed roads in new subdivisions and street reconstructions in 1993; however, the majority of streets were constructed prior to 1993.

10 OFFICER'S COMMENTS/CONCLUSION

The Northern Midlands council trees are one of the most important assets. These trees, in particular the ones planted in Ross, are crucial to the amenity of the unique township and provide numerous environmental, social, health and financial benefits to the town and community.

Northern Midlands Council through judicious planting and maintenance of trees, aims to conserve and enhance streetscapes within the municipality, whilst maintaining safe access for pedestrians and road users to all public thoroughfares.

Council's priority is to maintain public safety with respect to the planning, provision and maintenance of its trees and streetscapes. Council is aware that trees will conflict with other elements of a streetscape but recognizes that all components of a streetscape are essential to provide a pleasant and functional environment.

In 2011, under the direction of the then Works & Infrastructure Manager Council officers designed and developed associated street furniture and planting strategies, some of which have been taken-up by neighbouring councils.

10.1 Value of street trees

Social Values – Street trees can:

- Beautify and soften the harshness of streets and buildings
- Enhance heritage, character and significance
- Screen unattractive views
- Provide shade, therefore reduce sunburn and skin cancer
- Calm traffic and improve public safety
- Make streets more pedestrian friendly and improve community health
- Provide sensory stimulation – colours, forms, scents and sounds.

Environmental values – Street trees can:

- Reduce Carbon Dioxide CO₂ gas levels by direct absorption and reduced car use
- Provide compost
- Slow down wind speeds
- Reduce storm water run-off
- Produce oxygen - O₂ gas
- Trap airborne particles and pollutants

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- Shade houses, cars and reduce energy consumption
- Provide fauna habitat and enhance biodiversity.

Economic values – Street trees can:

- Improve property values
- Reduce energy expenditure
- Encourage walking and reduce car usage.

10.2 Matters to be addressed when giving consideration to the planting of trees

- Traffic conditions and location of proposed trees in relation to driveways
- Alignment and uniformity
- Verandas constructed over footpaths
- Location of underground and overhead services
- Dropping of leaves, flowers, seeds, twigs, sap and branches
- Potential to cause damage to footpaths and contribute to property damage
- Conceal views and overshadow
- Become a mowing obstacle
- Compete with grass or garden plants
- Harbor pest animals, leading to noise and droppings
- Incur maintenance costs – pruning, street cleaning
- Existing streetscape character
- Environmental conditions
- Growing space and conditions
- Existing streetscape plans (if applicable)

10.3 Tree Planting

Tree planting is an essential component of the management of Council's tree assets. Continued tree planting by Council is required to maintain and increase the number of trees on public land throughout the municipality.

Council generally undertakes street tree planting in the cooler months of the year from June to September. The planting of larger advanced quality stock of the most suitable specie with improved installation and maintenance methods should ensure the tree grows to a healthy, mature specimen.

It is important to realise that Street trees are council's responsibility. Due to tree management and legal liability trees should generally only be planted by Council and not residents unless it is a condition of development consent.

10.4 Tree selection

Selecting a tree species to fit (at maturity) within the available space and making sure it is suitable to the climate conditions is critical to the long term survival.

Council has a list of trees that are recommended to be planted and those which should not be planted.

10.5 Planting of trees

10.5.1 *Planting by residents*

Unauthorised planting of street trees by residents is discouraged

10.5.2 *Resident opposition to tree planting*

The establishment or maintenance of a consistent planting theme can sometimes require Council to plant a tree in a nature strip against the wishes of the resident immediately adjacent (in particular in the CBD area). This is a difficult situation that calls for Council to

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make a judgement regarding the rights of the wider community over the individual resident. However, past experience has shown that trees are unlikely to survive if the property owner does not want a tree planted at the front of the property. When making such a decision, it should be borne in mind that a major factor in the survival of a newly planted street tree is the cooperation of the nearest resident in maintaining that tree.

10.5.3 *Tree Removal*

Removal of trees from nature strips and parks is potentially the greatest source of conflict in the management of Council's trees. Decisions regarding tree removal become necessary in response to applications by residents, developers and external authorities or through observation of problem trees by Council staff. Concern associated with the removal of trees can be minimized through proper consultation with nearby residents.

Prior to removing large trees that are believed to be at the end of their useful life a report is undertaken by Council's arboricultural consultant Enspeg.

10.6 **Tree maintenance and Elm Leaf Beetle Treatment**

Council should be mindful that the planting of trees may not be time consuming, however, the ongoing maintenance requires human and financial resources. Therefore, tree planting is a gradual process. Council has a documented tree maintenance and elm leaf beetle treatment regime, which includes:

10.6.1 *Watering of street trees*

It is not practical to install water systems in streets unless it is done prior to and in conjunction with the construction of the concrete kerb & gutter and driveways. The increased cost of water connections and ongoing annual cost of the connection is also prohibitive.

Trees are watered by hand using a small water tank on a utility, this work is carried out in the early morning when disruptions to the travelling public are minimal.

10.6.2 *Tree maintenance by residents*

Residents will be encouraged wherever possible to undertake tree maintenance, e.g. removing weeds, trimming grass, mulching and watering, however, pruning, fertilising and pest control is Council's responsibility.

10.6.3 *Tree pruning*

Council trees are pruned, in accordance with the Australian Standard for Tree Pruning (AS4373) to:

- Maintain public safety through the removal of structurally unsound or dangerous limbs;
- Maintain tree health through the removal of dead or diseased material;
- Uplift the canopy (prune lower branches) to allow pedestrian and road clearance
- Maintain prescribed clearances from services (in accordance with the *Code of Practice for Powerline Clearance (Vegetation) 1996*);
- Maintain prescribed clearances over roads, footpaths and driveways;
- Ensure traffic safety and visibility of street signs;
- To reduce leaf fall or bird droppings
- To improve street lighting over private property
- Minimize future work requirements through the removal of potential problems at an early stage.

10.6.4 *Tree Maintenance*

Tree inspections are carried out by Enspeg a privately owned company who are qualified and experience arboricultural and environmental consultants operating out of Victoria.

Enspeg also undertake tree inspection for a number of other Councils in Tasmania including

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Launceston City and Meander Valley councils, as well as for Forestry Tasmania, Port Arthur and a number of councils on the mainland.

10.6.5 Number of Trees Inspected and Frequency

In excess of 5,600 trees planted in the Northern Midland's streets, parks and reserves are inspected every two years. In the interim, isolated tree concerns within the two-year period are inspected by Enspeg on request when making monthly visits to Tasmania. Inspections are undertaken to ensure the trees do not pose a risk to person or property and to mitigate any potential public liability claims. Following inspections, a report is provided on each one of the 5,600 trees.

10.6.6 Documentation/ Tree Inventory

Documentation provided on each tree includes a number of features on each tree, including: ID number, precise location, genus, species, height, trunk width and type, canopy width, proximity to buildings/roads, age, life expectancy, root structure, overall condition, risk rating and score, work required, priority and time frame. Council recognises that the fundamental component of the management of Council's tree assets is the development of a Tree Inventory. Council has been working on the continual upgrading and development of the tree inventory in parks and streets for a number of years. New tree plantings and tree removals are also documented in the Tree Inventory.

10.6.7 Elm Leaf Beetle Treatment

As a result of their considerable past experience Enspeg and the mainland contractors Arbor Spray undertake inspections and provide reports on trees, which included the specifications required in preparation for the elm leaf beetle treatment, treatment undertaken by Arbor Spray has previously had a success rate of 100%.

10.6.8 Damage caused by trees

The response to damage caused by trees will vary according to the type and extent of the damage. Procedures have been developed to ensure insurance claims received by Council are managed in an efficient and effective manner.

Tree planting should be a gradual process and there is no urgent requirement to make significant changes to Council's current successful tree planting strategy and maintenance regime.

RECOMMENDATION 1

The matter be discussed.

RECOMMENDATION 2

That Council

- i) continue to undertake the planting of street trees as outlined in this report;
- ii) undertake a survey and provide report on the existing services and available space to plant trees in accordance with the tree planting strategy (as listed in this report) for the main streets of Northern Midlands townships; and
- iii) engage a landscape architect or suitably qualified person to develop a Stage 1 Main Street Tree Program for the municipality.

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DECISION

Cr Adams/Cr Knowles

That Council

- i) continue to undertake the planting of street trees as outlined in this report;
- ii) undertake a survey and provide report on the existing services and available space to plant trees in accordance with the tree planting strategy (as listed in this report) for the main streets of Northern Midlands townships; and
- iii) engage a landscape architect or suitably qualified person to develop a Stage 1 Main Street Tree Program for the municipality.

Carried unanimously

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10/17 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings – General Manager

1 PURPOSE OF REPORT

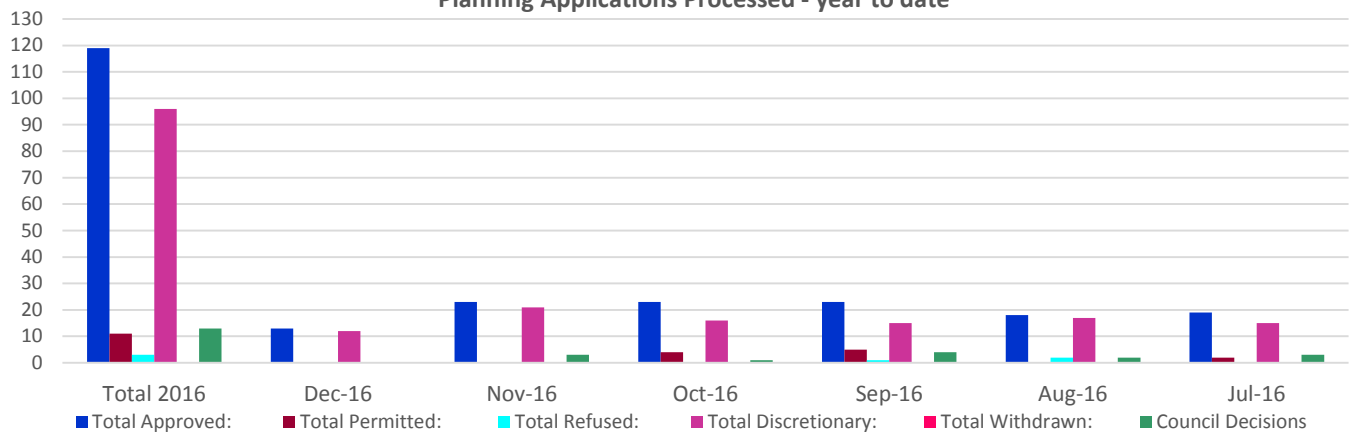
The purpose of this report is to present the Development Services activities as at 31 December 2016.

2 DEVELOPMENT SERVICES REPORTING

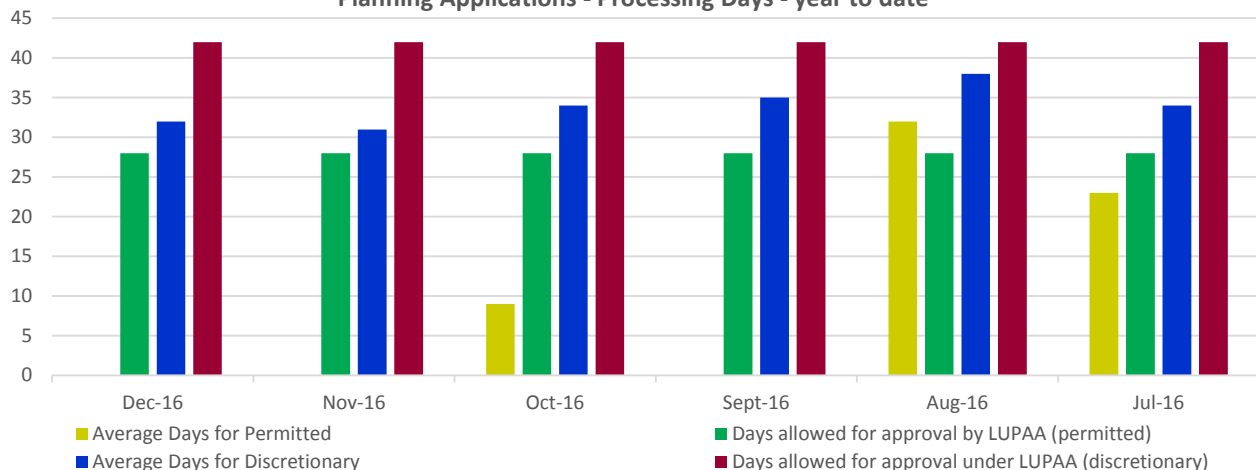
2.1 Planning Decisions

	Total 2016	Dec- 16	Nov- 16	Oct- 16	Sept- 16	Aug- 16	Jul- 16
Total Approved:	106	13	23	23	23	18	19
Total Permitted:	11	0	0	4	5	0	2
Average Days for Permitted		0	0	8	8	-	11
Days allowed for approval by LUPAA		28	28	28	28	28	28
Total Exempt under IPS:	11	1	2	3	3	1	2
Total Refused:	3	0	0	0	1	2	0
Total Discretionary:	84	12	21	16	15	17	15
Average Days for Discretionary:		32	31	29	38	36	38
Days allowed for approval under LUPAA:		42	42	42	42	42	42
Total Withdrawn:	0	0	0	0	0	0	0
Council Decisions:	14	1	3	1	4	2	3

Planning Applications Processed - year to date



Planning Applications - Processing Days - year to date



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December 2016					
Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
P16-292	Dwelling	13A Hartnoll Place, Evandale	Homes 4 You	0	E
P16-289	Dwelling & garage (heritage area) - vary rear setback for garage	16A William Street, Perth	Leslie Tibor Penzes Architect	32	D
P16-284	Garage & relocation of existing carport (vary floor area & side [sw] boundary) - scenic protection area	220 Norwich Drive, Longford	D & K Chugg	28	D
P16-281	Demolition of Rural Youth shed	2A Macquarie Street, Cressy	Northern Midlands Council	27	D
P16-279	Resubdivision between 2 lots in rural zone (6.3ha lot for horse stud operation approved by Planning Permit P16-250, and 95.2ha rural lot)	206 Maitland Road, Toiberry	Cohen & Associates Pty Ltd	41	D
P16-278	Carport (vary front & side [s] setbacks)	19 Howick Street, Longford	P & S Quarrell	33	D
P16-277	Garage - vary setbacks (ancillary to dwelling in rural zone)	76 Macquarie Street, Cressy	G Clarke	27	D
P16-265	Use building as bookshop/coffee shop & signage (heritage-listed place in heritage precinct)	103 High Street, Campbell Town	CL Brunskill & ME Roach	29	D
P16-264	Pump station adjacent to Poatina Tailrace	Weir No 1 Poatina Tailrace, Poatina	Keach Pastoral Co	35	D
P16-260	Tree removal (heritage precinct)	147-149 High St/Midland Hwy/Edgar St, Campbell Town	Department of State Growth	42	D
P16-258	Dwelling, garage (vary rear setback) & retaining wall (vary N side setback)	22 Minerva Drive, Perth	T Page & J Fox	30	D
P16-236	Two shops & signage (heritage precinct, vary car parking provisions & two freestanding signs)	75 Main Road, Perth	Prime Design	38	D
COUNCIL DECISIONS					
-	-				
COUNCIL DECISIONS - REFUSAL					
-	-				
RMPAT DECISIONS					
-	-				
TPC DECISIONS					
P16-204	Amendment 02/2016 to rezone from Community Purpose to Local Business (heritage precinct) APPROVED BY TPC	39 Church Street, Ross	J Bolton		D

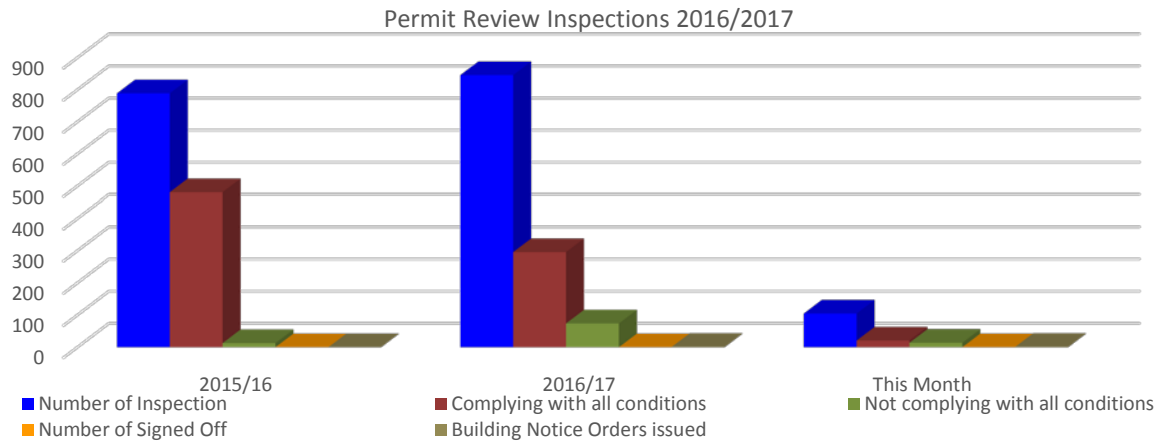
2.2 Planning Compliance – Permit Review

Permit Reviews Undertaken

	2015/2016	This Month	2016/2017
Number of Inspections	789	105	846
Property owner not home or only recently started (Recheck in three months)	295	70	295
Complying with all conditions / signed off	481	21	296
Not complying with all conditions	13	14	74
Building Notice Orders issued		1	1

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2.3 Matters Awaiting Decision by TPC & RMPAT

TPC	Tasmanian Planning Commission
IPS	Northern Midlands Interim Planning Scheme 2013 – effective date 1.6.13. Report on representations sent to TPC. TPC held a meeting on 21.5.15 with Council staff and representors to discuss representations to the Interim Scheme. TPC proposed urgent amendment supported at December Council meeting and TPC advised.
TPS	Tasmanian Planning Scheme – State Planning Provisions (SPP). TPC panel heard submissions in relation to the SPP zones and codes on dates from July to October 2016 and are complete. The Commission has to complete its consideration of the draft SPPs and report to the Minister.
02/15	Draft Amendment 02/15 – revisions to heritage provisions – TPC hearing held 10.11.16.
07/15	Draft Amendment & Planning Permit P15-331 - 2 Hudson Fysh Drive, Western Junction – Carpark (variations to development standards). TPC held hearing 17.6.16. Amendment modified as directed by the TPC by way of making the amendment more widely applicable and sent to TPC.
01/16	Site-specific Planning Scheme Amendment 01/16 & 24-hour service station. TPC hearing held 10.11.16
RMPAT	Resource Management & Planning Appeals Tribunal
-	-
Decisions received	
TPC	
02/2016	Draft Amendment 02-2016 rezone 39 Church St, Ross from Community Purpose to Local Business. TPC decision received – amendment approved – applicant advised and planning scheme updated.
RMPAT	
-	-

2.4 Building Approvals

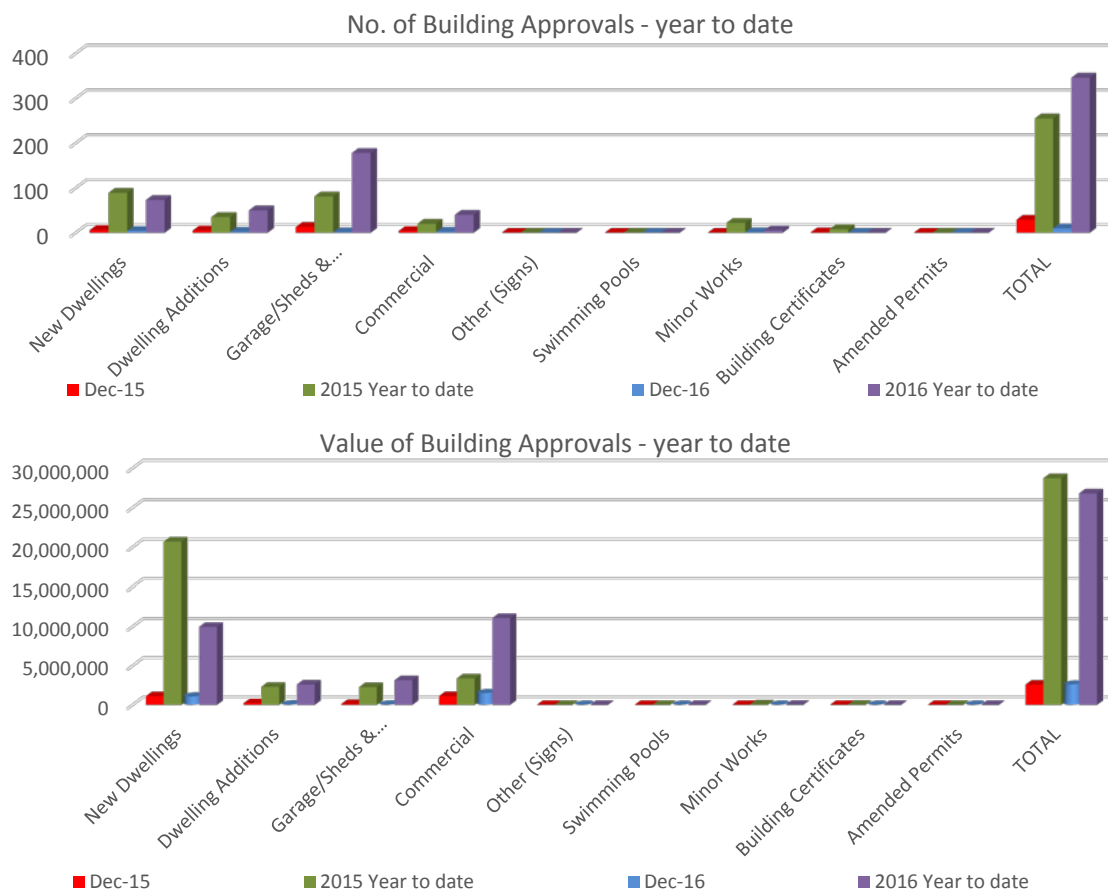
The following table provides a comparison of the number and total value of building works for 2015 and 2016.

	YEAR - 2015				YEAR - 2016			
	DEC		JAN – DEC		DEC		JAN – DEC	
	No.	Total Value	No.	Total Value	No.	Total Value	No.	Total Value
		\$		\$		\$		\$
New Dwellings	6	1,114,514	89	20,697,732	4	1,044,000	73	9,962,588
Dwelling Additions	5	227,500	35	2,305,043	2	37,000	50	2,598,710
Garage/Sheds & Additions	13	117,651	81	2,270,363	1	15,000	178	3,146,670
Commercial	4	1,126,667	20	3,378,133	2	1,483,546	40	11,087,146
Other (Signs)	-	-	-	-	-	-		
Swimming Pools	-	-	-	-	-	-		
Minor Works	-	-	22	60,190	1	4,000	5	10,600
Building Certificates	1	2,000	8	17,061	0	-		
Amended Permits	-	-	-	-	0	-		
TOTAL	29	2,588,332	255	28,728,522	10	2,583,546	346	26,805,714
Inspections								
Building					25		370	
Plumbing					31		301	

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

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3 STRATEGIC PLAN 2007/2017

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

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

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4 STATUTORY REQUIREMENTS

4.1 *Land Use Planning & Approvals Act 1993*

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

4.2 *Building Act 2016*

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

5 RISK ISSUES

Overall Council currently has a good reputation throughout the development community and that people are aware of the need for building approvals. 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.

6 COMMUNITY CONSULTATION

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

7 OFFICER'S COMMENTS/CONCLUSION

Planning approval timelines for processing of applications have increased to 32 days, up from 31 days in November (42 days allowed by LUPAA).

Permit reviews are on track with last year with 846 being inspected to date, compared to 789 in the previous year.

There have been 346 building approvals at a value of \$26,805,714 compared to 255 approvals at a value of \$28,728,522 for the 2015 year.

RECOMMENDATION

That the report be noted.

DECISION

Cr Goninon/Cr Adams

That the report be noted.

Carried unanimously

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11/17 APPLICATION TO PURCHASE ROAD RESERVE TRAFALGAR STREET, ROSS

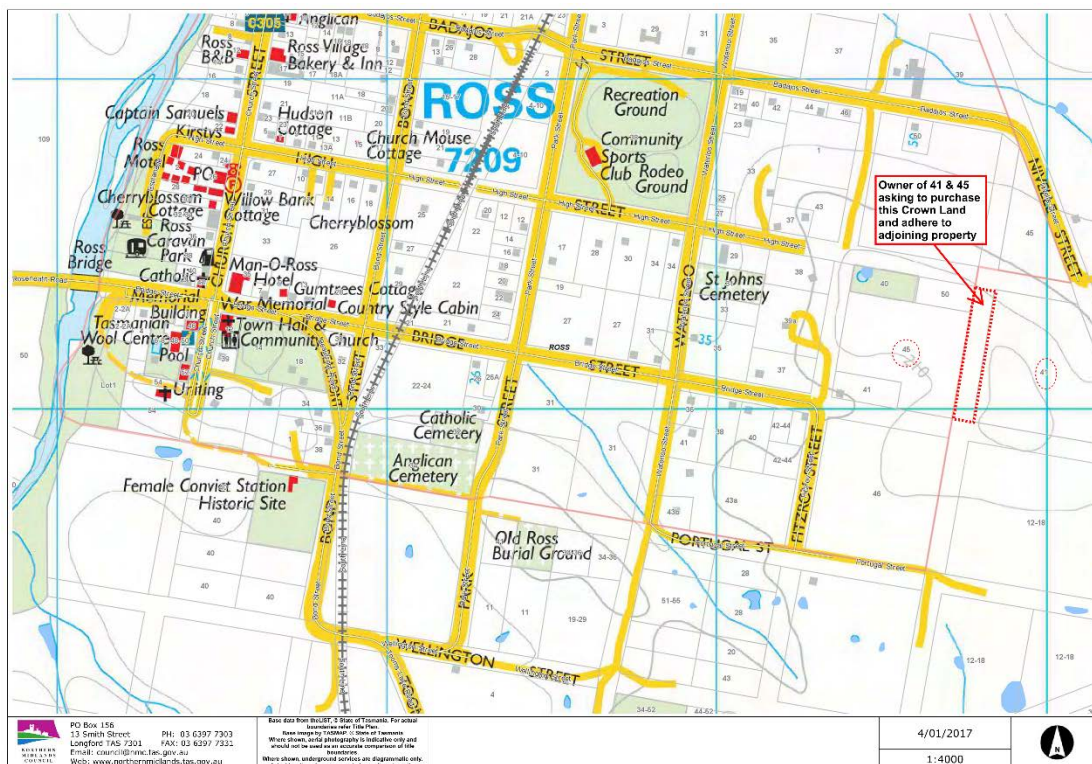
File: 17/011
Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner

1 PURPOSE OF REPORT

This report seeks Council's view on an application to purchase a road reserve in Ross.

2 INTRODUCTION/BACKGROUND

The Department of Primary Industries, Parks, Water & Environment is investigating an application to purchase Crown land between 41 and 45 Bridge Street, Ross.



3 STRATEGIC PLAN 2017-2027

The requested purchase of Crown land does not conflict with Council's Strategic Plan 2017-2027.

4 POLICY IMPLICATIONS

There are no policy implications identified.

5 STATUTORY REQUIREMENTS

5.1 Crown Lands Act 1976

The sale of Crown land is provided for in Part III of the Crown Lands Act 1976.

MINUTES – ORDINARY MEETING

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6 FINANCIAL IMPLICATIONS

No financial implications to Council are identified.

7 RISK ISSUES

No risk issues to Council are identified.

8 CONSULTATION WITH STATE GOVERNMENT

The State Government has requested Council's comments on the request to purchase from a local government and planning perspective.

9 COMMUNITY CONSULTATION

Crown Land Services request for Council's view on the application to purchase allows for community consultation.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can advise the Department of Primary Industries, Parks, Water & Environment that it supports recommending to the Minister that:

- The land be sold to the applicant, on the condition that it be adhered to the adjoining title; or
- The land not be sold to the applicant, stating reasons why.

11 OFFICER'S COMMENTS/CONCLUSION

The land does not appear needed for a future road, and is adjacent to the applicant's property. Sale of the land would allow it to be incorporated into that property and maintained with it.

12 ATTACHMENTS

N/A

RECOMMENDATION 1

That the matter be discussed.

RECOMMENDATION 2

That Council advise the Department of Primary Industries, Parks, Water & Environment that it supports a recommendation of the sale of the Crown land on the condition that it is adhered to the adjoining title.

DECISION

Cr Polley/Cr Lambert

That the matter be deferred to be considered following consultation with the Ross Local District Committee.

Carried unanimously

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12/17 **MILL DAM**

Councillor Goninon queried the reason for the ongoing works at the Mill Dam and sought clarification in regard to the future plans for the area.

DECISION

Cr Goninon/Cr Goss

That the Mill Dam matter be discussed.

Carried unanimously

Cr Goss/Cr Polley

That the General Manager provide a report to Council detailing plans developed; current status; and the identified future works to be undertake at the Mill Dam precinct.

Carried unanimously

Mayor Downie adjourned the meeting for the meal break at 5.56pm, at which time Mrs Bond, Miss Bricknell, Ms Brown and Mr McCullagh left the meeting.

Mayor Downie reconvened the meeting after the meal break at 6.45pm, at which time Ms Boer and Ms Cunningham attended the meeting.

MINUTES – ORDINARY MEETING

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13/17 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

No questions were forthcoming from the gallery.

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14/17 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 Gordon /Cr Lambert

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda item PLAN 1 - PLAN 5.

Carried unanimously

2 STATEMENTS

PLAN 4: P16-286 - 66 Bulwer Street, Longford

Mr Les Heath, Longford

Mr Heath advised that his property neighboured the subject property and the owner of the subject property had advised him that it was no longer their intent to progress with the erection of the fence on the frontage of the property.

Mr Heath was advised that as the proponent had not issued notice to Council directly, the matter would be considered as listed in the Agenda.

MINUTES – ORDINARY MEETING

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15/17 PLANNING APPLICATION P16-215 22 TANNERY ROAD, LONGFORD

Responsible Officer: Des Jennings, General Manager
Report prepared by: Paul Godier, Senior Planner
File Number: 113000.03

1 INTRODUCTION

This report assesses an application for 22 Tannery Road, Longford to install a covered anaerobic lagoon (CAL) waste water treatment facility to improve the quality, and reduce the amount, of trade waste sent from the JBS Longford abattoir to the TasWater Longford Wastewater Treatment Plant (WWTP).

The wastewater from the abattoir is currently divided into two separate streams where the 'red' stream is treated through dissolved air flotation and the 'green' stream is pumped directly through a save-all, both streams are then pumped to the Longford WWTP.

The proposed CAL will be positioned alongside the existing pipeline that runs from the JBS Longford abattoir to the TasWater Longford WWTP, and that pipeline will be intercepted to allow flow into and then out of the proposed CAL.

The CAL will be fitted with sludge withdrawal pipes along the base and a weighted high-density polyethylene (HDPE) cover. Methane generated will be dried in a gas treatment process and flared.

2 BACKGROUND

Applicant:
Pitt & Sherry (obo JBS Australia Pty Ltd)

Owner:
JBS Australia Pty Ltd

Zone:
Rural Resource

Codes:
Road and railway assets code; Carparking and sustainable transport code; Environmental impacts & attenuation code

Classification under the Scheme:
Resource processing (not directly associated with produce from subject site)

Existing Use:
Vacant land at rear of abattoir site

Deemed Approval Date:
27/1/2017

Recommendation:
Approve subject to conditions

Discretionary Aspects of the Application

- Development and use of covered anaerobic lagoon associated with existing abattoir in the Rural Resource zone.
- Development and use of anaerobic lagoon within 550m of sensitive uses.

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 correspondence are attached.

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Subject site from southern boundary



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 covered anaerobic lagoon comprising two ponds with a combined volume of 30ML to treat approximately 375,000kL of waste per year.
- An 8m high gas flare stack.
- 3m x 3m x 2m high effluent metering shed.

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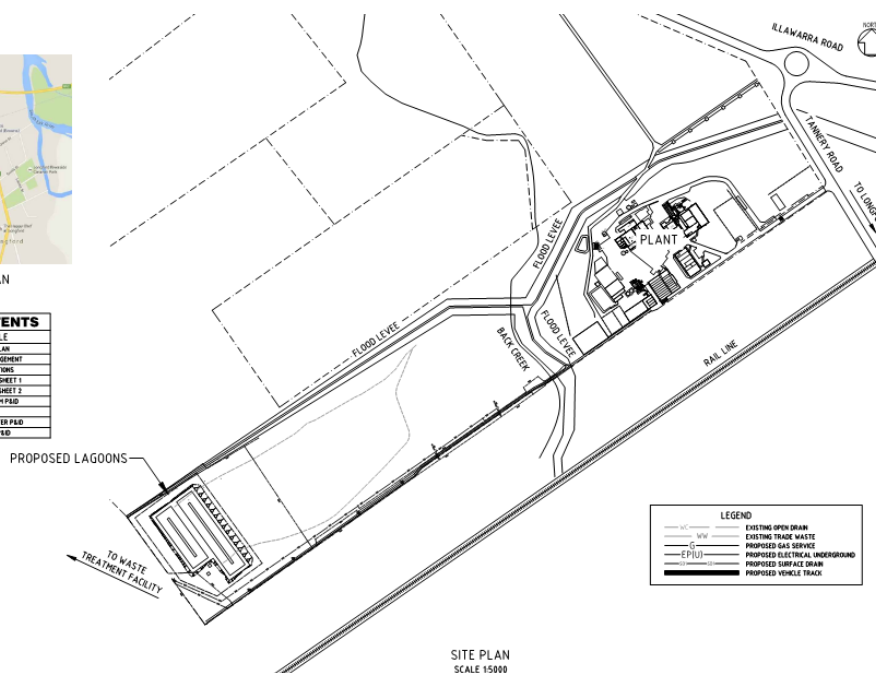


Site Plan



LOCATION PLAN
NOT TO SCALE

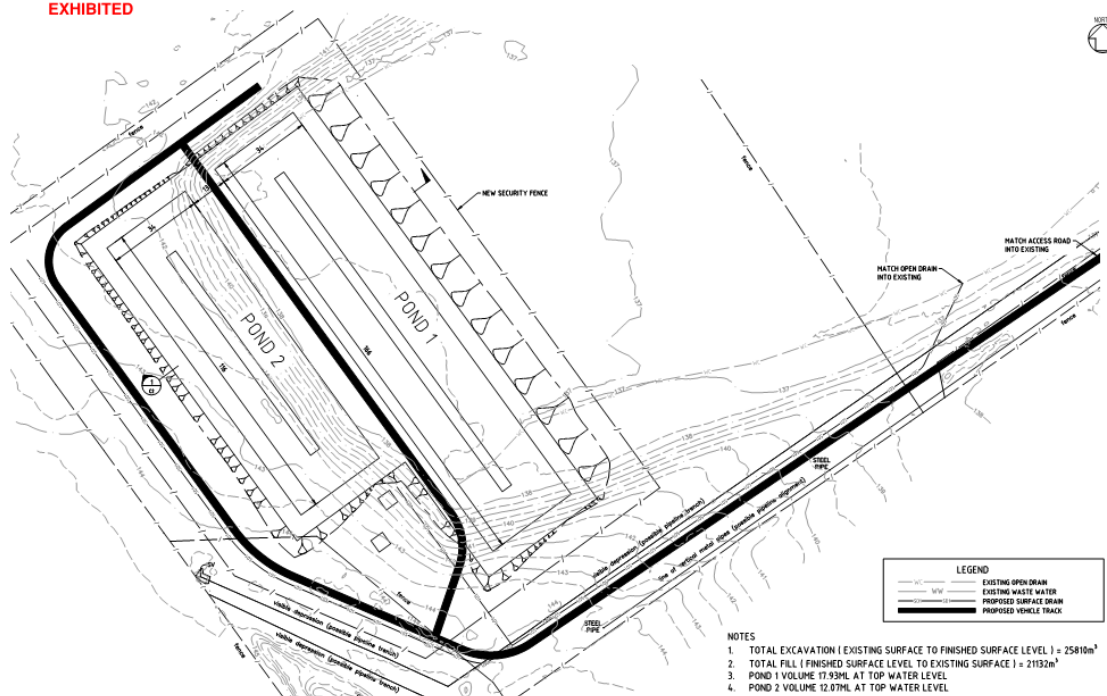
SHT NO.	DRAWING TITLE
01	LOCATION & SITE PLAN
C1	CIVIL - GENERAL ARRANGEMENT
C2	CIVIL - TYPICAL SECTIONS
C3	PROPOSED SERVICES - SHEET 1
C4	PROPOSED SERVICES - SHEET 2
H1	WASTE WATER STREAM P&ID
H2	GAS P&ID
H3	POND COVER STORMWATER P&ID
H4	SLUDGE HANDLING P&ID



SITE PLAN
SCALE 1:5000

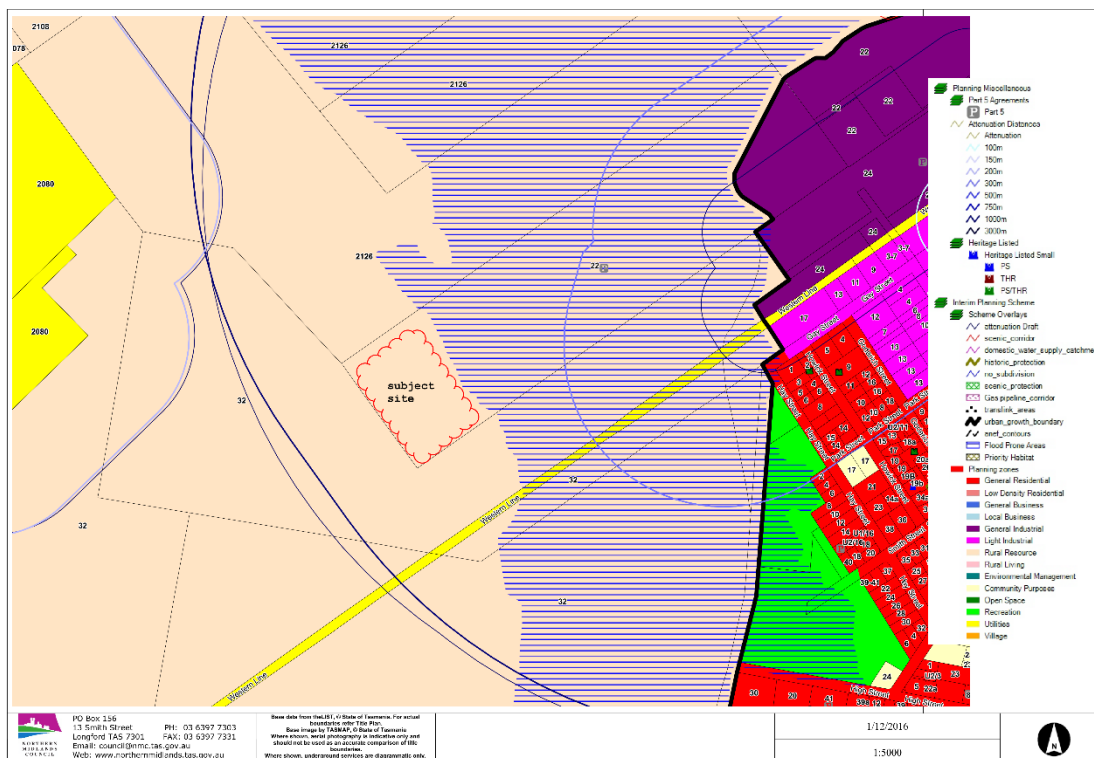
Proposed ponds

EXHIBITED



NORTHERN
MIDLANDS
COUNCIL

Zone Map – Rural Resource



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

<i>Resource processing</i>	<i>use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.</i>
----------------------------	---

Resource processing (where not directly associated with produce from subject site) is discretionary in the zone.

26.2 Use Table

Discretionary	
Use Class	Qualification
<i>Resource processing</i>	<i>If not directly associated with produce from the subject site</i>

4.3 Subject site and locality

The author of this report carried out a site visit on 20 September 2016. The site is located at the rear of 22 Tannery Road, which contains the Longford abattoir. The nearest houses are on rural land, approximately 200m north of the site and 400m south of the site. The nearest houses within the township of Longford are approximately 550m from the site.

Aerial photograph of area



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Subject site from southern boundary



4.4 Permit/site history

There are multiple permits associated with the abattoir on site.

4.5 Representations

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

4.6 Referrals

Council's Works & Infrastructure Department

Precis: Council's Works & Infrastructure Department noted that the proposed wall height around the CAL is 141.2. The 100 year climate change level with Back Creek gates open is 140.56.

Council's Consultant Engineer – Steve Ratcliffe, Hydrodynamica

Precis: Mr Ratcliffe advised:

Two dimensional hydrodynamic modelling of Longford with the Back Creek Floodgate in the open position for the 1% AEP climate change flood event indicates that a flood level of 140.56 m AHD could be anticipated in the vicinity of the proposed plant under climate change conditions.

Drawings provided to council by the treatment lagoon designers Pitt & Sherry proposes an embankment level of 141.2m AHD giving a freeboard of 0.64 metres.

The proposed lagoon embankment level in our opinion provides adequate protection against predicted current and future (2070-2099) 1% AEP flood levels with an appropriate margin to protect against wave action. The potential wave height for a wind blowing from the south in the direction of the plant is 0.62 metres consequently the proposed embankment height of 141.2m AHD just caters for this condition.

TasWater

Precis: Taswater provided a Submission to Planning Authority Notice including conditions to be attached to any permit that council issues.

Water Licence and Dam Administration – Department of Primary Industries, Parks, Water & Environment

Precis: Advice was received from the Section Head of Water Licence and Dam Administration that:

The assessment was restricted to the dam engineering and safety aspects of the project pursuant to the Act. It included a review by assessment staff of relevant investigation, design, and construction reports submitted by JBS Australia. It also involved assessing the consistency of the proposal with the Water Management (Safety of Dams) Regulations 2015 and the relevant guidelines for dam safety published by the Australian National Committee on

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Large Dams Inc. It had been determined that the consequence category of the dam is “Low” and the conditions for such a dam (attached) should be included the permit if granted.

Environment Protection Agency

Precis: The EPA advised that the proposal is not considered a Wastewater Treatment Works under Clause 3(a) of Schedule 2 of EMPCA, as effluent will be discharged only to the TasWater Longford wastewater treatment plant (and not to land or water). Therefore, the proposal can be considered ancillary to the existing level 2 activity (abattoir).

Council’s Consultant Environmental Scientist

Precis: The Council engaged Environmental Services and Design Pty Ltd to conduct a technical review of the proposed waste water treatment facility in relation to potential environmental impacts of the covered anaerobic lagoon. The review is attached and is discussed in part 7 of this report.

4.7 Planning Scheme Assessment

26 RURAL RESOURCE ZONE

26.1 Zone Purpose

26.1.1 Zone Purpose Statements

- 26.1.1.1 *To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*
- 26.1.1.2 *To provide for other use or development that does not constrain or conflict with resource development uses.*
- 26.1.1.3 *To provide for economic development that is compatible with primary industry, environmental and landscape values.*
- 26.1.1.4 *To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.*

26.1.2 Local Area Objectives

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.

26.1.3 Desired Future Character Statements

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

26.2 Use Table

Discretionary	
Use Class	Qualification
Resource processing	If not directly associated with produce from the subject site

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.*

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e)	<i>Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.</i>	
f)	<i>The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.</i>	
	Acceptable Solutions	Performance Criteria
A1	<i>If for permitted or no permit required uses.</i>	P1.1 <i>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</i> P1.2 <i>Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.</i>
	Does not comply.	P1.1 The proposal is consistent with the objective that 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 P1.2 Not applicable
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> <i>ii) 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 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.</i>
	Does not comply.	Not applicable – not 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> <i>a) the amount of land converted is minimised having regard to:</i> <i>i) existing use and development on the land; and</i> <i>ii) surrounding use and development; and</i> <i>iii) topographical constraints; or</i> <i>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> <i>i) limitations created by any existing use and/or development surrounding the site; and</i> <i>ii) topographical features; and</i> <i>iii) poor capability of the land for primary industry; or</i> <i>c) the location of the use on the site is reasonably required for operational efficiency.</i>
	Does not comply.	Complies with P3 a) and c) – the CAL is to be located on the highest ground of the site to be above the 1:100 year flood level.
A4	<i>If for permitted or no permit required uses.</i>	P4 <i>It must be demonstrated that:</i> <i>a) emissions are not likely to cause an environmental nuisance; and</i> <i>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</i> <i>c) the capacity of the local road network can accommodate the traffic generated by the use.</i>
	Does not comply.	a) <i>emissions are not likely to cause an environmental nuisance;</i> The Council engaged Environmental Services and Design Pty Ltd to conduct a technical review of the proposed waste water treatment facility in relation to potential environmental impacts of the covered anaerobic lagoon. This is discussed in section 7 below. b) <i>primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</i>

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	Complies – The development and use of the CAL won't unreasonably confine or restrain primary industry uses from conducting normal operations. c) the capacity of the local road network can accommodate the traffic generated by the use. Complies – It is expected that the existing abattoir access to Wellington Street will be able to accommodate the additional traffic generated during construction and operation of the CAL.
A5 The use must: a) be permitted or no permit required; or b) be located in an existing building.	P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to: 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.
Does not comply.	The development is generally low lying at less than 3m above ground level. It will incorporate a gas flare stack to 8m. In the context of the surrounding development of the abattoir and Longford Waste Water Treatment Plant, and distance from public roads, it is considered that the visual appearance is consistent with the local area.

26.3.2 Dwellings

Not applicable – not a dwelling.

26.3.3 Irrigation Districts

Objective <i>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.</i>	
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.
Does not comply	Comment: It is considered that the irrigation potential of the land is not unreasonably reduced due to the the proposal using the amount of land necessary for the development, between the property boundary and the flood plain.

26.4 Development Standards

26.4.1 Building Location and Appearance

Objective <i>To ensure that the:</i> 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.
Complies. Gas flare stack to 8m high.	Not applicable

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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.
Does not comply.	The proposed development is located on the highest part of the land to be above the 1:100 flood level and the use is such that it is not likely to constrain adjoining primary industry operations.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	Not applicable
E2.0 POTENTIALLY CONTAMINATED LAND	Not applicable
E3.0 LANDSLIP CODE	Not applicable
E4.0 ROAD AND RAILWAY ASSETS CODE	Not applicable
E5.0 FLOOD PRONE AREAS CODE	Not applicable
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – no changes to employee numbers
E7.0 SCENIC MANAGEMENT CODE	Not applicable
E8.0 BIODIVERSITY CODE	Not applicable
E9.0 WATER QUALITY CODE	Not applicable
E10.0 RECREATION AND OPEN SPACE CODE	Not applicable
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	See code assessment below
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	Not applicable
E13.0 LOCAL HISTORIC HERITAGE CODE	Not applicable
E14.0 COASTAL CODE	Not applicable
E15.0 SIGNS CODE	Not applicable

ASSESSMENT AGAINST E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE

E11.1 Purpose of the Code

E11.1.1 The purpose of this provision is to:

- ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of new sensitive land uses; or
- ensure the environmental impacts of new development are considered to eliminate, reduce or mitigate potential for environmental harm or environmental nuisance.

E11.2 Application of the Code

E11.2.1 The code applies to use or development of land for:

- sensitive use located within the attenuation distance of existing or approved uses with the potential to create environmental harm and environmental nuisance or within a buffer area shown on the planning scheme map; and
- uses listed in Table E11.1 or E11.2.

E11.3 Definitions

Site specific study means an environmental impact assessment carried out by a suitably qualified person in accordance with s.74 Environmental Management and Pollution Control

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Act 1994.

Attenuation distance means the distance listed in Tables E11.1 and E11.2.

E11.4 Use or Development Exempt from this Code

E11.4.1 The following use or development is exempt from this code:

- a) Level 2 activities assessed by the Board of Environmental Management and Pollution Control.

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.
Not applicable	Not applicable
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 National Health and Medical Research Council Guidelines.
Does not comply. The proposed CAL has a design capacity of just over 1,000 kL per day. Table E11.2 requires an attenuation distance of 550m. The proposed CAL is 220m from the nearest residence.	The Council engaged Environmental Services and Design Pty Ltd to conduct a technical review of the proposed waste water treatment facility in relation to potential environmental impacts of the covered anaerobic lagoon. This is discussed in section 7 below.

Table E11.2 Attenuation Distances for Sewage Treatment Plants

TYPE OF INSTALLATION	DISTANCE IN METRES			
	Designed capacity dry weather flow			
KL/Day	<275	<1,375	< 5,500	<13,750
Anaerobic ponds	400	550	700	850

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	Not applicable
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	Not applicable

SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	Not applicable
9.2 Development for Existing Discretionary Uses	Not applicable
9.3 Adjustment of a Boundary	Not applicable
9.4 Demolition	Not applicable

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9.5 Subdivision	Not applicable
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STATE POLICIES

The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

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

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

Strategic Plan 2017-2027

Statutory Planning

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Development and use of covered anaerobic lagoon associated with existing abattoir in the Rural Resource zone.
- Development and use of anaerobic lagoon within 550m of a sensitive use.

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

Flooding

Council's Works & Infrastructure section identified that the proposed wall height around the CAL is 141.2m and that the Northern Midlands and Meander Valley Councils had recently had Hydrodynamica produce flood modelling of Longford-Hadspen which showed a flood level of 141.2m in the vicinity of the proposed CAL for the 100 year Annual Exceedance Probability (1% AEP).

The matter was discussed with Cameron Oakley of Hydrodynamica who advised that the 141.2m level was a result of the modelling being undertaken with the Back Creek flood gate closed, which is undesirable in a South Esk-Macquarie River 1% AEP flood event.

Steve Ratcliffe of Hydrodynamica advised that:

- The modelling of Longford with the Back Creek Floodgate in the open position for the 1% AEP climate change flood event indicates that a flood level of 140.56m could be anticipated in the vicinity of the proposed plant under climate change conditions.
- The proposed CAL has an embankment level of 141.2m AHD giving a freeboard of 0.64 metres.
- In Hydrodynamica's opinion the proposed lagoon embankment level provides adequate protection against predicted current and future (2070-2099) 1% AEP flood levels with an appropriate margin to protect against wave action.
- The potential wave height for a wind blowing from the south in the direction of the plant is 0.62 metres consequently the proposed embankment height of 141.2m AHD just caters for this condition.

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Environmental Impacts

A review of the applicant's Environmental Management Plan by Environmental Service & Design Pty Ltd for Council, and by the EPA is attached.

The main areas of potential concern are odour and operational contingencies in event of plant failures. In addition, it is desirable to ensure that the cover is suitably design and weighted for the site's conditions, and that groundwater monitoring be undertaken.

To this end the conditions are recommended requiring:

- Details of the cover weighting system to be submitted;
- A Hazard and Operability Study to be submitted;
- Groundwater monitoring bore/s to be installed;
- Odour monitoring to be undertaken.

It is considered that the proposal satisfies the requirements of the planning scheme and is recommended for approval with the conditions given below.

8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Responses from referral agencies
- Technical Assessment Report for Northern Midlands Council, by Environmental Services and Design Pty Ltd, Response from Pitt & Sherry, Comments on the Report.

RECOMMENDATION

That land at 22 Tannery Road, Longford be approved to be developed and used for a covered anaerobic lagoon (Resource Processing) in accordance with application P16-077, and subject to the following conditions:

1 Layout not altered

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

- **P1 – Site plan** (Drawing: LN15117-G1, Revision A, Date: 6-11-15).
- **P2 – General Arrangement** (Drawing: LN15117-C1, Revision A, Date: 11-9-15).
- **P3 – Typical Section** (Drawing: LN15117-C2, Revision A, Date: 11-9-15).
- **P4 – Proposed Services Sheet 1** (Drawing: LN15117-C3, Revision A, Date: 6-11-15).
- **P5 – Proposed Services Sheet 2** (Drawing: LN15117-C4, Revision A, Date: 6-11-15).
- **D1 – Report to Support Development Application** (Pitt & Sherry, 17 October 2016, Rev02).

2 Details of cover weighting system

Before the development commences, details of the cover weighting system must be submitted to the satisfaction of the General Manager.

3 Hazard and Operability Study

- 3.1 Before the development commences, a Hazard and Operability Study (HAZOP) must be submitted to the satisfaction of the General Manager.
- 3.2 When approved, the HAZOP will be endorsed and will form part of this permit.
- 3.3 The use and development must be undertaken in accordance with the endorsed HAZOP.

4 Groundwater Monitoring

- 4.1 Before the development commences, groundwater monitoring bore/s must be installed to the satisfaction of the General Manager.
- 4.2 Groundwater must be monitored on a six (6) monthly basis and the results provided to the Council.
- 4.3 Any adverse effect on groundwater by the use and development must be rectified immediately.

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5 Odour Monitoring

- 5.1 Within six (6) months of the commencement of use of the CAL, odour monitoring must be undertaken to the satisfaction of the General Manager.
- 5.2 The results of the odour monitoring must be provided to the Council.
- 5.3 Any adverse effect due to odour caused by the use and development must be rectified immediately.

DECISION

Cr Goss/Cr Knowles

That the matter be discussed.

Carried unanimously

Cr Goss/Cr Knowles

- A) That land at 22 Tannery Road, Longford be approved to be developed and used for a covered anaerobic lagoon (Resource Processing) in accordance with application P16-077, and subject to the following conditions:

1 Layout not altered

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

- **P1 – Site plan** (Drawing: LN15117-G1, Revision A, Date: 6-11-15).
- **P2 – General Arrangement** (Drawing: LN15117-C1, Revision A, Date: 11-9-15).
- **P3 – Typical Section** (Drawing: LN15117-C2, Revision A, Date: 11-9-15).
- **P4 – Proposed Services Sheet 1** (Drawing: LN15117-C3, Revision A, Date: 6-11-15).
- **P5 – Proposed Services Sheet 2** (Drawing: LN15117-C4, Revision A, Date: 6-11-15).
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- 4.2 Groundwater must be monitored on a six (6) monthly basis and the results provided to the Council.
- 4.3 Any adverse effect on groundwater by the use and development must be rectified immediately.

5 Odour Monitoring

- 5.1 Within six (6) months of the commencement of use of the CAL and every 6 months thereafter, odour monitoring must be undertaken to the satisfaction of the General Manager.
- 5.2 The results of the odour monitoring must be provided to the Council.
- 5.3 Any adverse effect due to odour caused by the use and development must be rectified immediately.

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6. Cover

Regular inspections of the cover to be undertaken to ensure the integrity of the cover.

- B) That the applicant be advised that Council recommends that the top of the CAL be raised by a further 500mm, or that a levee be constructed around the CAL to decrease the risk of flooding.

Carried unanimously

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16/17 PLANNING APPLICATION P16-165 4 ROSE GOLD COURT, PERTH

Responsible Officer: Des Jennings, General Manager
Report prepared by: Melissa Cunningham, Planner
File Number: 111730.04 CT169991/5

1 INTRODUCTION

This report assesses an application for 4 Rose Gold Court, Perth to construct four multiple dwellings.

2 BACKGROUND

Applicant:
Urban Design Solutions

Zone:
General Residential

Classification under the Scheme:
Residential (Multiple Dwelling)

Deemed Approval Date:
27-01-2017

Owner:
Shervan Developments Pty Ltd

Codes:
Road & Railway Assets Code

Existing Use:
Vacant lot

Recommendation:
Approve

Discretionary Aspects of the Application

- 10.4.2 Vary front (W) setback from 4.5m to 4.035m (dwelling 1) & to 1.5m (dwelling 2).
- E4.7.1 Development within 50m of railway.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013*

Preliminary Discussion

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

3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (ie 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.

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Site from Rose Gold Court



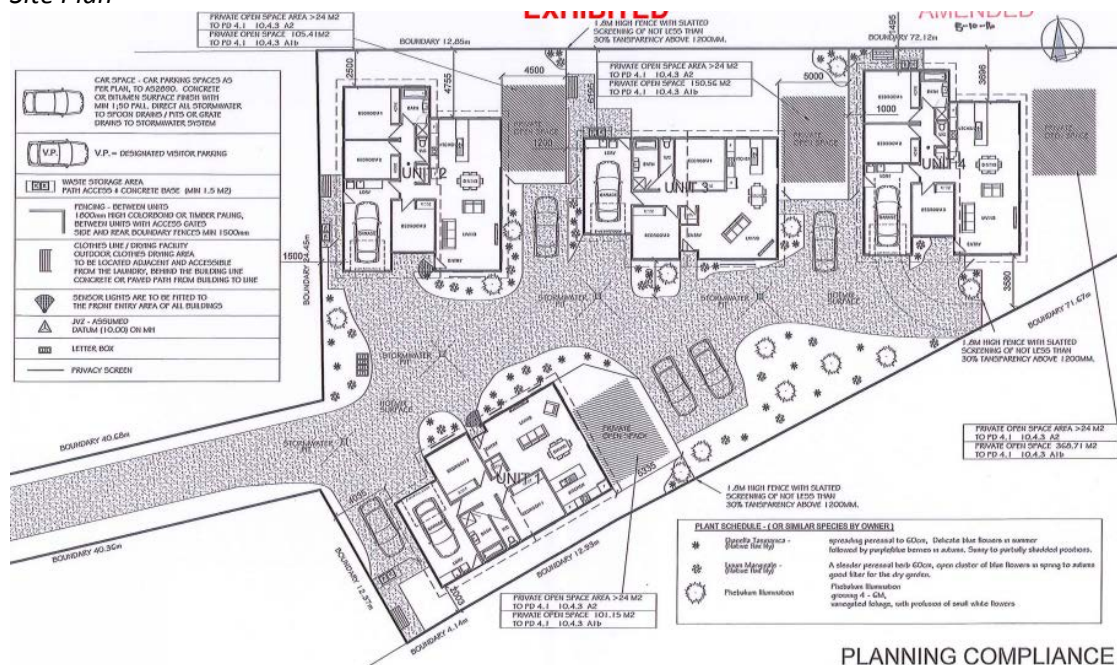
4 ASSESSMENT

4.1 Proposal

It is proposed to:

- Construct two two-bedroom dwellings and two three-bedroom dwellings, all with attached single garages (multiple dwellings).

Site Plan



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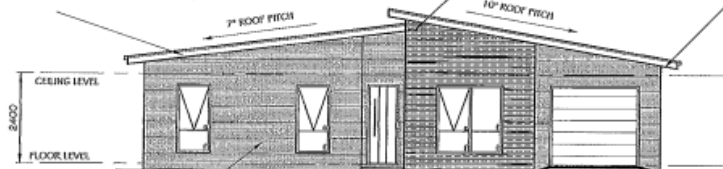


Elevations (example of dwelling construction)

ROOF FRAMING (GREATER THAN 5 DEGREES)
CUSTOM ORS OR SIMILAR APPROVED SHEET ROOFING
COLORBOND COLOUR TO SELECTION, OVER ROOF
BATTENS (TO AS1684.2) AND APPROVED
ROOF TRUSSES INSTALLED STRICTLY IN ACCORDANCE
WITH MANUFACTURERS RECOMMENDATIONS.
ALL FINISH DETAILS TO BE ADHERED TO.
SEALATE ROOF PRIOR TO SHEETING
ALL TRUSS LOADS ARE TO BE DISTRIBUTED TO
PERIMETER WALLS ONLY - UNLESS OTHERWISE SPECIFIED
REFER TO ENGINEERS DETAILS FOR ALL UNITS SIZES

FEATURE PANEL CLADDING
CSR CEMITEC DESIGNER SERIES
PRE FINISHED WALL SYSTEM
INSTALLED STRICTLY TO
MANUFACTURERS SPECIFICATIONS

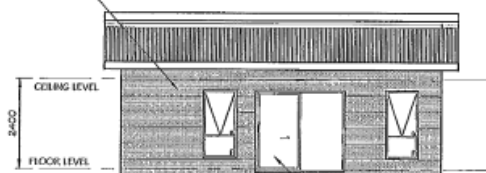
EAVES
OVERHANG ROOFS 450mm
FRAME FOR LEVEL EAVES AND
LINE WITH FLEXBOARD SHEETING
FASCIA
COLORBOND PRE - COATED POLYESTER
METAL GUTTER - FASCIA TRIM



NORTH ELEVATION

SCALE: 1:100

WALL CLADDING
SCYON S100A PANEL
INSTALLED STRICTLY TO
MANUFACTURERS SPECIFICATIONS



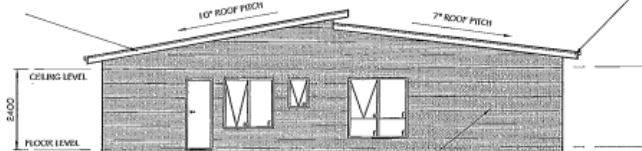
EAST ELEVATION

SCALE: 1:100

WINDOWS & DOORS
SELECTED ALUMINUM FRAMED WINDOWS & DOORS
SLIDING OR AWNING STYLE (CONFIRM WITH OWNER)
SELECTED MGF REVEALS & TRIMS
INSTALL TO MANUFACTURERS SPECIFICATIONS
4 AS2047, GLAZING TO DCA PART 3.6 & AS1288.
VENTILATION TO DCA 3.6.5

ROOF FRAMING (GREATER THAN 5 DEGREES)
CUSTOM ORS OR SIMILAR APPROVED SHEET ROOFING
COLORBOND COLOUR TO SELECTION, OVER ROOF
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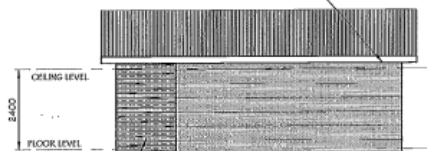
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LINE WITH FLEXBOARD SHEETING
FASCIA
COLORBOND PRE - COATED POLYESTER
METAL GUTTER - FASCIA TRIM



SOUTH ELEVATION

SCALE: 1:100

WALL CLADDING
SCYON S100A PANEL
INSTALLED STRICTLY TO
MANUFACTURERS SPECIFICATIONS



WEST ELEVATION

SCALE: 1:100

FEATURE PANEL CLADDING
CSR CEMITEC DESIGNER SERIES
PRE FINISHED WALL SYSTEM
INSTALLED STRICTLY TO
MANUFACTURERS SPECIFICATIONS

WINDOWS & DOORS
SELECTED ALUMINUM FRAMED WINDOWS & DOORS
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VENTILATION TO DCA 3.6.5

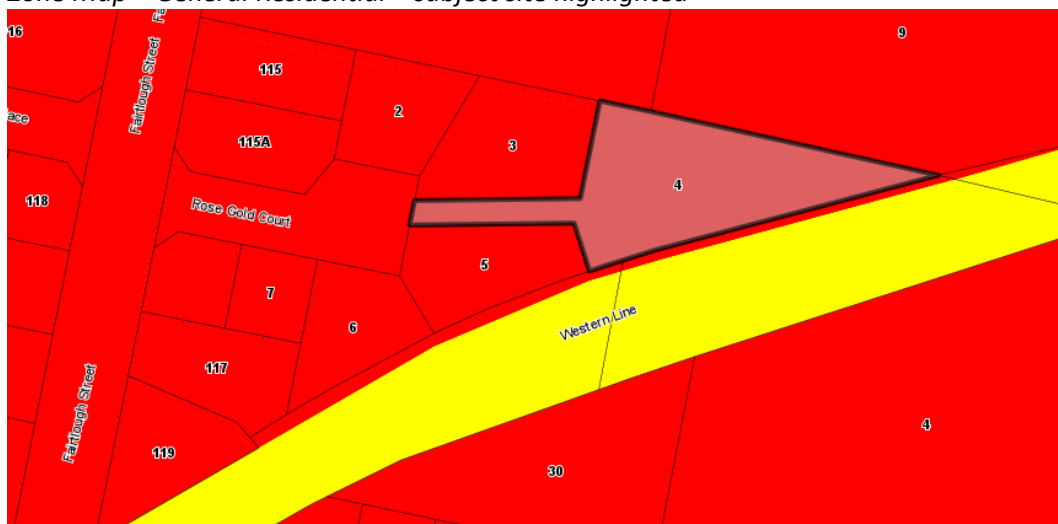
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4.2 Zone and land use

Zone Map – General Residential – subject site highlighted



The land is zoned *General Residential*, and is subject to the *Road & Railway Assets Code*. The relevant Planning Scheme definition is:

<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>
<i>dwelling</i>	<i>means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.</i>

Residential (Multiple Dwelling) is Permitted (Permit Required) in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on 7 October 2017 and 11 January 2017. The subject site is located near the north-eastern side of Perth and at the end of Rose Gold Court. Rose Gold Court runs off the eastern side of Fairtlough Street. The 2063m² lot is an internal arrow shaped lot, with a slight slope to the south-west. The land is currently vacant and is partially fenced. The properties to the north are large lots used for residential purposes, which are accessed off Seccombe Street. Some mature trees are growing along the boundary. The two lots to the west each contain a recently constructed dwelling. To the south is the railway line (western line). The rail reserve is approximately 28 metres wide, and has some wattle trees growing along the boundary. The actual line is cut into the land, and it is approximately 150m to where the railway crosses Arthur Street.

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Aerial photograph of area – subject site highlighted



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Photographs of subject site:

Looking east from Rose Gold Court



Looking east from access



Looking south from end of access (along boundary of 5 Rose Gold Court)



Looking east towards railway reserve



Looking north from end of access (along boundary of 3 Rose Gold Court)



Looking north-easterly along south boundary



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Looking west along railway boundary Railway cut into land



Looking east along railway reserve



Looking north-west from lot



Looking west to rear of 5 Rose Gold Ct



4.4 Permit/site history

Relevant permit history includes:

- Title created in 2015.

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 representation (attached) was received from:

- TasRail.

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

Issue 1

- Two metres from the rail boundary is too close to construct a sensitive use (dwelling) regardless of sound insulation stated in the application and train horn noise is already an issue; the train has to sound the horn at a minimum twice for one second. Trains run 24/7 and typically in the early hours. The train horn is noted at 116dBA, but the horn noise was not included in the sound assessment.

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Planner's comment:

VIPAC Engineers & Scientists provided a rail noise report for when the subdivision application was made in 2014. The report assessed the land as suitable for residential development. The tested noise levels were below the guidelines for new rail line development. Although the horn blast level was higher than the allowable level, VIPAC proposed a number of recommended conditions for the façade building elements for the living and sleeping areas to further reduce the train noise intrusion.

Issue 2

- Engineering measures are required to ensure that, if approved, the development will not be impacted by vibrations and noise. Appropriate design and materials should be required for extreme environments (ie earthquakes and cyclones areas).

Planner's comment:

VIPAC assessment for the subdivision reported that the ground vibration measurements were within the allowable criteria and no mitigation measures were required.

Issue 3

- TasRail recommends that the minimum distance from the rail boundary for sensitive uses and new developments is 10 metres.

Planner's comment:

The planning scheme requires all development within 50 metres of the railway line to demonstrate that the use maintains or improves the safety and efficiency of the railway and not impede on the sight line of trains. The railway line at this location is significantly cut into the ground and the development of the dwellings will not impact on the use of the railway. Boundary fencing will screen the development from the railway line. The rail reserve has a number of wattle trees adjacent to the dwelling one's location, which will further screen the development. The width of the rail corridor also provides further setback from the trains, with the top of the bank approximately 4-5m wide, and the bank slopes down another five metres to the edge of the railway line. An assessment for rail noise, ground vibrations and air quality was undertaken at the subdivision stage in 2014, it demonstrated that the development complies with the requirements of the Planning Scheme for development within 50m of a railway line.

4.6 Referrals

The only referrals required were as follows:

Council's Works Department

Precis: Council's Works Department (Jonathan Galbraith) requested further information on stormwater disposal. The further information was supplied on 05/12/2016 and it was reported that the development can be conditioned to meet the stormwater requirements. Their recommended conditions are included in the conditions of approval.

TasWater

Precis: A TasWater Submission to Planning Authority Notice was issued on 11.10.16 (TasWater Ref: TWDA 2016/01481-NMC).

TasRail (adjoining landowner)

Precis: TasRail identified concerns with the proposed in their letter of 6.10.16 (copy attached). The applicant provided a response dated 19.10.16, which was forwarded to TasRail to see if their concerns had been met. No response was received.

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4.7 Planning Scheme Assessment

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

LOCAL AREA OBJECTIVES
<i>To consolidate growth within the existing urban land use framework of the towns and villages.</i>
<i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i>
<i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i>
Assessment: The proposal meets the local area objectives.

10 GENERAL RESIDENTIAL ZONE

10.3 Use Standards

10.3.1 Amenity

Objective: To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.

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

Comment: Complies with acceptable solutions.

10.3.2 Residential Character – Discretionary Uses - NA

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Objective: To provide for suburban densities for multiple dwellings that:

- (a) make efficient use of suburban land for housing; and
- (b) optimise the use of infrastructure and community services.

Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps,	P1 Multiple dwellings must only have a site area per dwelling that is less than 325m ² , or that specified for the applicable density area in Table 10.4.1, if the development will not exceed the capacity of infrastructure services and:

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	that specified for the density area.	(a) is compatible with the density of the surrounding area; or (b) provides for a significant social or community housing benefit and is in accordance with at least one of the following: (i) the site is wholly or partially within 400m walking distance of a public transport stop; (ii) the site is wholly or partially within 400m walking distance of a business, commercial, urban mixed use, village or inner residential zone.
Comment: Complies. - Lot area is 2063m² minus the drive 249m² = 1814 m² 1814 m² divided by 4 dwellings = 453.5m² each dwelling		

10.4.2 Setbacks and building envelope for all dwellings

Objective: To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Acceptable Solutions		Performance Criteria	
A1	Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	P1	A dwelling must: (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.
A2	A garage or carport must have a setback from a primary frontage of at least: (a) 5.5m, or alternatively 1m behind the façade of the dwelling; or	P2	A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the

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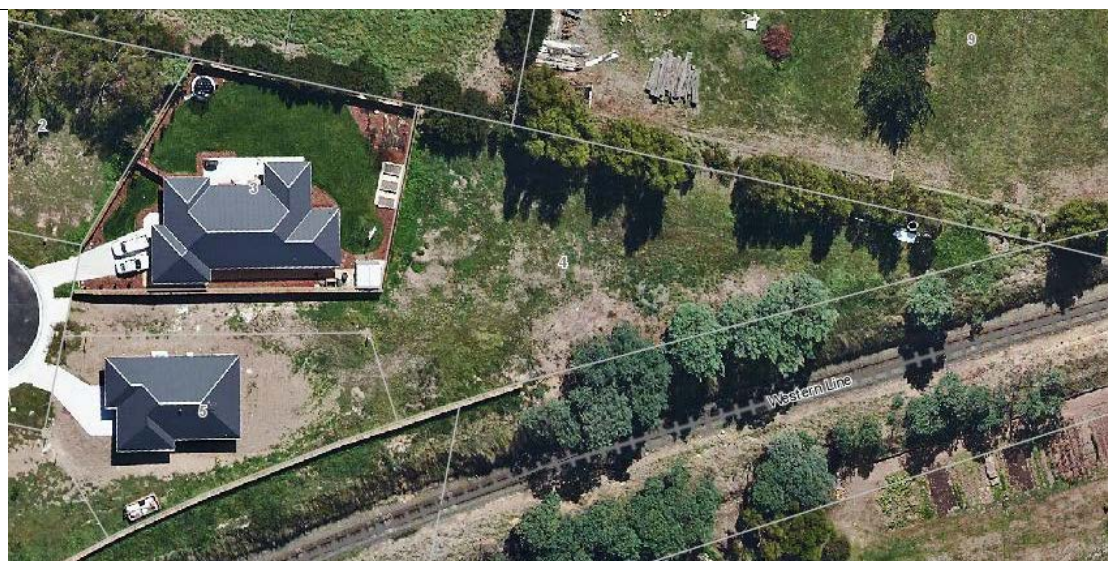
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(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	street, taking into account any topographical constraints.
A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and (b) only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	P3 The siting and scale of a dwelling must: (a) not cause unreasonable loss of amenity by: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling on an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.
<u>Comment:</u> The front setback for an internal lot is a distance of 4.5m from the rear boundary of a lot with an adjoining frontage. Therefore, variations to the western setbacks are required for dwellings one and two. Dwelling one is setback 4.035m and dwelling two is setback 1.5m. The variation to the setback for dwelling one and two does not impact on the neighbouring properties. Tall timber paling boundary fences provide screening between the properties and the proposed dwellings will not cause any unreasonable loss of amenity by overshadowing, loss of visual amenity or reduction in sunlight to neighbouring dwellings.	

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Subject site looking west from proposed dwelling one location.



Subject site looking west from proposed dwelling two location.



10.4.3 Site coverage and private open space for all dwellings

Objective: To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Acceptable Solutions	Performance Criteria
A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and	P1 Dwellings must have: (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space

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	(c) a site area of which at least 25% of the site area is free from impervious surfaces.	provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (b) reasonable space for the planting of gardens and landscaping.
A2	A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.	P2 A dwelling must have private open space that: (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is: (i) conveniently located in relation to a living area of the dwelling; and (ii) orientated to take advantage of sunlight.
<u>Comment:</u> Complies with acceptable solutions.		

10.4.4 Sunlight and overshadowing for all dwellings

Objective: To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Acceptable Solutions		Performance Criteria	
A1	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	P1	A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
A2	A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram	P2	A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces

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	10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).
A3	A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	P3 A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.
<u>Comment:</u> Complies with acceptable solutions.		

10.4.5 Width of openings for garages and carports for all dwellings

Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.	
Acceptable Solutions	Performance Criteria
A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of	P1 A garage or carport must be designed to minimise the width of its openings that are visible from the street, so as to reduce the

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not more than 6m or half the width of the frontage (whichever is the lesser).	potential for the openings of a garage or carport to dominate the primary frontage.
Comment: Complies with acceptable solutions.	

10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.

Acceptable Solutions		Performance Criteria	
A1	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	P1	A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of: (a) a dwelling on an adjoining lot or its private open space; or (b) another dwelling on the same site or its private open space; or (c) an adjoining vacant residential lot.
A2	A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or	P2	A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to: (a) window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling; and (c) an adjoining vacant residential lot.

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(ii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	
A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.
<u>Comment:</u> Complies with acceptable solutions.	

10.4.7 Frontage fences for all dwellings – Not applicable

10.4.8 Waste storage for multiple dwellings

Objective: To provide for the storage of waste and recycling bins for multiple dwellings.

Acceptable Solutions	Performance Criteria
A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (ii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.	P1 A multiple dwelling development must provide storage, for waste and recycling bins, that is: (a) capable of storing the number of bins required for the site; and (b) screened from the frontage and dwellings; and (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.

Comment: Complies with acceptable solutions.

10.4.9 Storage for multiple dwellings

Objective: To provide adequate storage facilities for each multiple dwelling.

Acceptable Solutions	Performance Criteria
A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents.

Comment: Complies with acceptable solutions.

10.4.10 Common Property for multiple dwellings

Objective; To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.

Acceptable Solutions	Performance Criteria
A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as: a) driveways; and	P1 No performance criteria.

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b) site services and any waste collection points.	
Comment: Complies with acceptable solutions.	

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

10.4.12 Site Services for multiple dwellings

Objective: To ensure that:	
a) site services for multiple dwellings can be installed and easily maintained; and	
b) site facilities for multiple dwellings are accessible, adequate and attractive.	
Acceptable Solutions	Performance Criteria
A1.1 Provision for mailboxes must be made at the frontage.	P1 Sufficient space (including easements where required) for mail services must be provided for each multiple dwelling.
Comment: Complies with acceptable solutions.	

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 code assessment below
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	See code assessment
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

E4.0 ROAD AND RAILWAY ASSETS CODE

E4.1 Purpose of Code

- E4.1.1 The purpose of this provision is to:
- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
 - b) maintain opportunities for future development of road and rail infrastructure; and
 - c) reduce amenity conflicts between roads and railways and other use or development.

E4.2 Application of Code

- E4.2.1 This code applies to use or development of land that:
- a) requires a new access, junction or level crossing; or
 - b) intensifies the use of an existing access, junction or level crossing; or
 - c) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:
 - i) a future road or railway; or
 - ii) a category 1 or 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.

E4.3 Definition of Terms

- E4.3.1 In this code, unless the contrary intention appears:
- | | |
|-------------------------------------|---|
| Category 1 – Trunk Road | means as defined in <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> |

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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:

- road authority in respect of a road; and
- 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

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

Comment: Complies with acceptable solutions.

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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: All of the dwellings are located within 50m of the railway line. As the railway line is cut into the ground and a 1.8m timber paling fence is proposed down the boundary, the development is not expected to impact on the safe use of the railway. However, TasRail has raised concerns with the proximity of dwelling one to the railway, the likely impacts of noise (train whistle) and that appropriate design and materials are used to mitigate vibration damage.

The Planning Scheme requires the development must be designed to *mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person*. When the property was subdivided in 2014, VIPAC undertook a rail noise, ground vibration and air quality assessment (report attached).

Noise levels were undertaken, with the train at 77dB. The guidelines for noise (based on NSW guidelines) is 80dBA for new developments. The noise levels for the locomotives were below this, but the train whistle was at 116dBA. A number of recommendations were given to decrease the dBA by 20 to 25 dBA by using the following construction materials:

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- **Walls:** Brick veneer wall of 110mm bricks, 90 X 45 mm studs and 10mm plasterboard with 75 mm fibreglass insulation.
- **Ceiling/roof:** Either of the following constructions:-
 - Concrete tiles and sarking foil over the rafters; 13mm plasterboard ceiling; R 4.0 fibreglass insulation over plasterboard.
 - Colorbond roof; 2 X 13mm plasterboard ceiling (lapped joints between layers); R 4.0 fibreglass insulation over plasterboard.

NB: To maintain the performance of the above construction lights should be surface mounted only, no down lights that penetrate the plasterboard ceiling.

- **Windows:** Glazed with 10.38 mm laminated glass (up to R_w 37, value depends on window dimensions with larger panes having lower R_w values). Equivalent acoustic performance from a double glazed system would require 6 mm thick and 4 mm thick panes and a 15 mm air gap.

NB: The glazing must be in frames to suit the glazing weight and thickness with appropriate acoustic seals such that the glazing transmission loss performance is not compromised. The frames must also be well sealed to the brick wall to ensure there is no weak acoustic path between the frames and the wall.

- **Doors:** Solid core doors with appropriate acoustic seals to give the required acoustic performance. Glazed doors and sliding or by-fold patio doors would require specialist acoustic consideration.

NB: The above recommendations are only general and performance may vary. The relative surface area of each element is an important factor in determining the overall sound transmission loss performance of a building facade and this can only be done with a specific building design.

A condition of the permit shall be that the dwellings are designed to meet the above recommendations. Proposed building materials for the dwellings is Scyon Stria panel wall cladding and CSR Cemintel wall cladding, and colorbond roof. As the applicant has not provided a development specific rail report for noise mitigation for these materials, all dwellings are required to have the mitigation measures. Revised plans for all the dwellings will be required prior to the application of a building permit. A condition shall also be placed upon the permit that the owner or developer shall provide written or photographic proof that the prescribed building elements as per VIPAC report have been installed in each dwelling.

Ground vibrations were measured well below the trigger levels and no mitigation recommendations were required in the VIPAC report. It was noted in the report that the vibrations may be detectable but highly unlikely to cause damage to buildings.

VIPAC also undertook air testing at the site, and it was well below the assessment criteria and no mitigation recommendations were required.

With the requirement of revised plans to be submitted to comply with the recommendations of the VIPAC report, the application is deemed to meet the performance criteria of the Planning Scheme.

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 and an alternate site or access to a category 4 or 5 road is not practicable; and

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	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.
Comment: Complies with acceptable solutions.	

E4.7.3 Management of Rail Level Crossings - NA

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

E6.0 CAR PARKING AND 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

Two spaces per dwelling requires and two visitor car parking spaces. Dwelling two only has a garage parking space shown, but there is room to tandem park a car in front of the garage for the second space. All other dwellings have one garage space and one car parking space. Two visitor car spaces are located on the western side of dwelling one.

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

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visitor parking for multiple dwellings in the General Residential Zone	if on an internal lot or located at the head of a cul-de-sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number)	
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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: 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
A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Comment: Complies.

E6.6.3 Taxi Drop-off and Pickup - Na

E6.6.4 Motorbike Parking Provisions - Na

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.

E6.7.2 Design and Layout of Car Parking

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

Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and 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.
A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	

Comment: Complies.

A2.1 Car parking and manoeuvring space must:	P2 Car parking and manoeuvring space must:
a) have a gradient of 10% or less; and	

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b)	where providing for more than 4 cars, provide	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
c)	have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, 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.
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>		
Comment: Condition required to ensure compliance with E6.7.2 A2.1(c). The access at the entrance to the property needs to be a minimum 4.5 metres wide for a minimum distance of seven metres, the driveway then requires to be a minimum three metres wide and a passing bay (two metres wide x five metres long with tapers) and is required every 30 metres.			

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)
6 to 20	4.5m* for initial 7m from road carriageway and 3.0m thereafter	Every 30m

E6.7.3 Car Parking Access, Safety and Security - NA

E6.7.4 Parking for Persons with a Disability - NA

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

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: Complies – room available in garages.	

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria

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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 – no walkway required.			

Table E6.5: Pedestrian Access

Number of Parking Spaces Required	Pedestrian Facility
1–10	No separate access required (i.e. pedestrians may share the driveway).

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 objectives of the <i>Strategic Plan 2017-2027</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

Discretion to refuse the application is limited to the variation to the western setbacks for dwelling one and two, and the proximity to the railway. The variations are to an internal boundary and do not impact on the adjoining residential developed lots at 3 & 5 Rose Gold Court.

The application received one representation from TasRail to the proximity of the railway line, which tied into the variation to the Road & Railway Assets Code. As discussed previously in the report, VIPAC provided an assessment for noise, ground vibrations and air quality when the subdivision was proposed in 2014. The report had a number of recommendations for the façade of the building elements in living and sleeping areas. These recommendations; walls, ceiling/roof, windows and doors shall form part of the planning permit conditions for all dwellings.

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.

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8 ATTACHMENTS

- Application & plans, correspondence with applicant
- Responses from referral agencies
- Representation & applicant's response

RECOMMENDATION

That land at 4 Rose Gold Court, Perth be approved to be developed and used for four multiple dwellings, in accordance with application P16-165, and subject to the following conditions:

1 Layout not altered

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

- **P1 – Site plan** (*Drawing: Urban Design Solutions 6166, Sheet No: A.03, Print date: 14.09.2016 – [amended date with Council 5-10-2016].*)
- **P2 – Planning Compliance** (*Drawing: Urban Design Solutions 6166, Sheet No: A.04, Print date: 14.09.2016 – [amended date with Council 5-10-2016].*)
- **P3 – Unit 1 Floor Plan** (*Drawing: Urban Design Solutions 6166, Sheet No: A.07, Print date: 14.09.2016.*)
- **P4 – Unit 1 North & East Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.08, Print date: 14.09.2016.*)
- **P5 – Unit 1 South & West Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.09, Print date: 14.09.2016.*)
- **P6 – Unit 2 Floor Plan** (*Drawing: Urban Design Solutions 6166, Sheet No: A.17, Print date: 14.09.2016.*)
- **P7 – Unit 2 North & East Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.18, Print date: 14.09.2016.*)
- **P8 – Unit 2 South & West Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.19, Print date: 14.09.2016.*)
- **P9 – Unit 3 Floor Plan** (*Drawing: Urban Design Solutions 6166, Sheet No: A.27, Print date: 14.09.2016.*)
- **P10 – Unit 3 North & East Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.28, Print date: 14.09.2016.*)
- **P11 – Unit 3 South & West Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.29, Print date: 14.09.2016.*)
- **P12 – Unit 4 Floor Plan** (*Drawing: Urban Design Solutions 6166, Sheet No: A.37, Print date: 14.09.2016.*)
- **P13 – Unit 4 North & East Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.38, Print date: 14.09.2016.*)
- **P14 – Unit 4 South & West Elevation** (*Drawing: Urban Design Solutions 6166, Sheet No: A.39, Print date: 14.09.2016.*)

2 Amended plans required

Before the Building Permit is issued, plans to the satisfaction of the Planning Authority must be submitted and approved by the Planning Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. Once approved, the plan shall be endorsed and will form part of the planning permit, superseding the previous plan. The plans must show:

- a) The access at the entrance to the property needs to be a minimum 4.5 metres wide for a minimum distance of seven metres, the driveway then requires to be a minimum three metres wide and a passing bay (two metres wide x five metres long with tapers) and is required every 30 metres.
- b) Design of façade building elements for living and sleeping areas on all dwellings shall be
 - i. **Walls:** Brick veneer wall of 110mm bricks, 90 x 45mm studs and 10mm plasterboard with 75mm fiberglass insulation
 - ii. **Ceiling/roof:** Either of the following constructions: -

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- Concrete tiles and sarking foil over the rafters; 13mm plasterboard ceiling; R 4.0 fibreglass insulation over plasterboard.
- Colorbond roof; 2 x 13mm plasterboard ceiling (lapped joints between layers); R 4.0 fibreglass insulation over plasterboard.
- Lights surfaced mounted only, no down lights that penetrate the plasterboard ceiling.
- iii. **Windows:** Glazed with 10.38mm laminated glass (up to R_w 37, value depends on window dimensions with larger panes having lower R_w values). Equivalent acoustic performance from double glazed system would require 6mm thick and 4mm thick panes and a 15mm air gap.
 - NB: The glazing must be in frames to suit the glazing weight and thickness with appropriate acoustic seals such that the glazing transmission loss performance is not compromised.
 - The frames must be well sealed to the brick wall to ensure there is no weak acoustic path between the frame and the wall.
- iv. **Doors:** Solid core doors with appropriate acoustic seals to give the required acoustic performance. Glazed and sliding or bi-fold patio doors would require specialist acoustic consideration.

3 Council's Works Department conditions

3.1 Stormwater

- a) Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works Department.
- b) Prior to the application for a building permit for any dwelling, detailed hydraulic designs and calculations using the Rational Method, as described in Australian Rainfall and Runoff must be submitted. These must show to that the peak discharge rate for the site is equivalent to the 2% AEP pre-development flow rate from the property, equivalent to a runoff coefficient (C_5) for the entire site of 0.50. Where the catchments are large and/or a higher confidence in the flow rate prediction is necessary, peak flow rates should be determined using runoff routing computer models, such as Infoworks ICM or DRAINS.
- c) Properties whose post-development runoff rate that exceeds the maximum allowed runoff rate must have on-site detention (OSD) approved by Council. Any OSD must cater for the difference between the pre-development site discharge and the 5% AEP post-development maximum discharge over the period of the design storm.
- d) The system proposed to retain the required runoff storage volume shall be detailed in a hydraulic design for assessment and approval by Council's Works and Infrastructure Department

3.2 Access

- a) If any upgrade works are carried out to the driveway crossover / access a driveway crossover application form must be submitted to Council for approval prior to starting work. All works are to be carried out in accordance with Standard Drawing TSD R09 and to the satisfaction of Council's Works Manager.

3.3 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.

3.4 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 Manager.
- b) Twenty-four (24) hours notice must be given to the Works Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

3.5 Pollutants and erosion and sediment control

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

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- 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.

3.6 Works 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 Department.

3.7 Naturestrips

Any new naturestrips, or areas of naturestrip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.

4 TasWater conditions

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number: TWDA 2016/01481-NMC).

5 Landscaping

- a) Landscaping works shall be in accordance with the endorsed plans, and landscaping works for each unit shall be completed prior to the commencement of use of that unit and then maintained for the duration of the use.
- b) A bond of \$500 per unit shall be provided prior to the application for a building permit for that unit – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

6 Sealing of driveways

The applicant shall seal the driveways and parking areas around each unit with an impervious asphalt or concrete pavement prior to the commencement of use of the unit.

7 Required prior to the application for a building permit

Prior to the issue of a building permit for either unit, the applicant shall:

- Pay a \$500 works bond (as per condition 3.6).
- Pay a \$500 per unit landscape bond (as per condition 5);

8 Prior to commencement of use

Prior to the commencement of the use of each unit, the following must be completed:

- The owner or developer shall provide written or photographic proof that building elements (as per condition 2b) have been installed in each unit.
- Landscaping works for each unit, including 6m³ storage sheds, mail and newspaper receptacles, clothes-drying facilities, and private open space screening (as per condition 5 – landscaping);
- Driveways and parking areas around each unit sealed (as per condition 6).

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DECISION

Cr Goss/Cr Knowles

That land at 4 Rose Gold Court, Perth be approved to be developed and used for four multiple dwellings, in accordance with application P16-165, and subject to the following conditions:

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- b) Twenty-four (24) hours notice must be given to the Works 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.

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6 Sealing of driveways

The applicant shall seal the driveways and parking areas around each unit with an impervious asphalt or concrete pavement prior to the commencement of use of the unit.

7 Required prior to the application for a building permit

Prior to the issue of a building permit for either unit, the applicant shall:

- Pay a \$500 works bond (as per condition 3.6).
- Pay a \$500 per unit landscape bond (as per condition 5);

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8 Prior to commencement of use

Prior to the commencement of the use of each unit, the following must be completed:

- The owner or developer shall provide written or photographic proof that building elements (as per condition 2b) have been installed in each unit.
- Landscaping works for each unit, including 6m³ storage sheds, mail and newspaper receptacles, clothes-drying facilities, and private open space screening (as per condition 5 – landscaping);
- Driveways and parking areas around each unit sealed (as per condition 6).

Carried unanimously

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17/17 PLANNING APPLICATION P16-275 MIDLAND HIGHWAY, EPPING FOREST

Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Boer, Planning Officer
File Number: CT216211/1, 24230/1, 123739/1, 126228/1, 126657/2, 126661/1, 136123/2, 136124/2, 136126/1, 138371/1 & 140271/1.

1 INTRODUCTION

This report assesses an application for Midland Highway, Epping Forest to construct Midland Highway safety upgrade - Epping Forest to Powranna (including CT216211/1, 24230/1, 123739/1, 126228/1, 126657/2, 126661/1, 136123/2, 136124/2, 136126/1, 138371/1, 140271/1).

2 BACKGROUND

Applicant:
Department of State Growth

Owner:
DSG & landholders of affected titles

Zone:
Utilities & Rural Resource

Codes:
Road and Railway Assets Code
Car Parking and Sustainable Transport Code
Scenic Management Code
Water Quality Code
Biodiversity Code
Local Historic Heritage Code

Classification under the Scheme:
Utilities

Existing Use:
Highway & Farmland

Deemed Approval Date:
24-Dec-2016
EOT received till 27-Jan-2016.

Recommendation:
Approve

Discretionary Aspects of the Application

- Discretionary use (utilities) in the Rural Resource Zone;
- Reliance on the performance criteria of the use standards of the Rural Resource Zone;
- Reliance on the performance criteria of clause 26.3.3 due to the site's location within an irrigation district; and
- Reliance on the Performance Criteria of the Road and Railway Assets Code, Scenic Management Code, Water Quality Code, Biodiversity Code & Heritage Code.

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 to ensure all properties, property owners and plan numbers were correctly identified.

3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (ie 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*

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& Approvals Act 1993 states that a person must not commence any use or development where a permit is required without such permit.

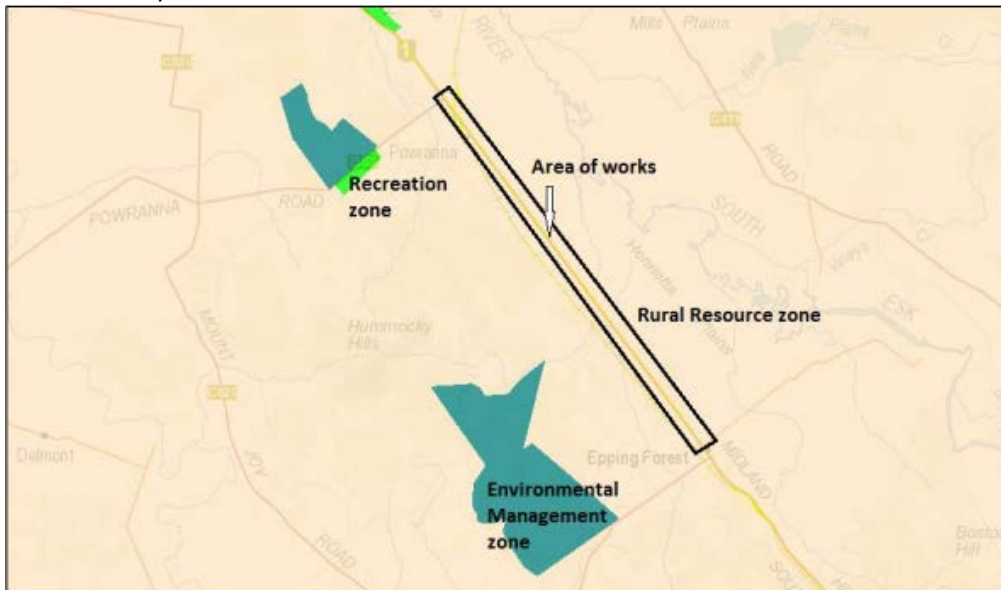
4 ASSESSMENT

4.1 Proposal

It is proposed to:

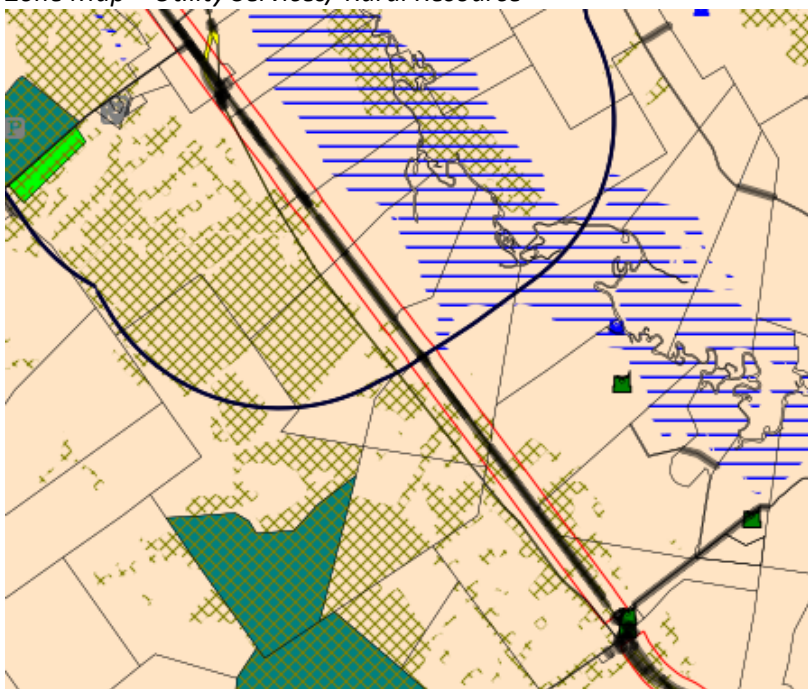
- Undertake a new stage of the Midland Highway safety upgrade - Epping Forest to Powranna.

Site location plan



4.2 Zone and land use

Zone Map – Utility Services/ Rural Resource



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The land is zoned *Utilities and Rural Resource*, and is subject to the Road and Railway Assets Code, Car Parking and Sustainable Transport Code, Scenic Management Code, Water Quality Code & Heritage Code.

The relevant Planning Scheme definition is:

<i>Utilities</i>	<i>use of land for utilities and infrastructure including:</i> (a) <i>telecommunications;</i> (b) <i>electricity generation;</i> (c) <i>transmitting or distributing gas, oil, or power;</i> (d) <i>transport networks;</i> (e) <i>collecting, treating, transmitting, storing or distributing water; or</i> (f) <i>collecting, treating, or disposing of storm or floodwater, sewage, or sullage.</i> <i>Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.</i>
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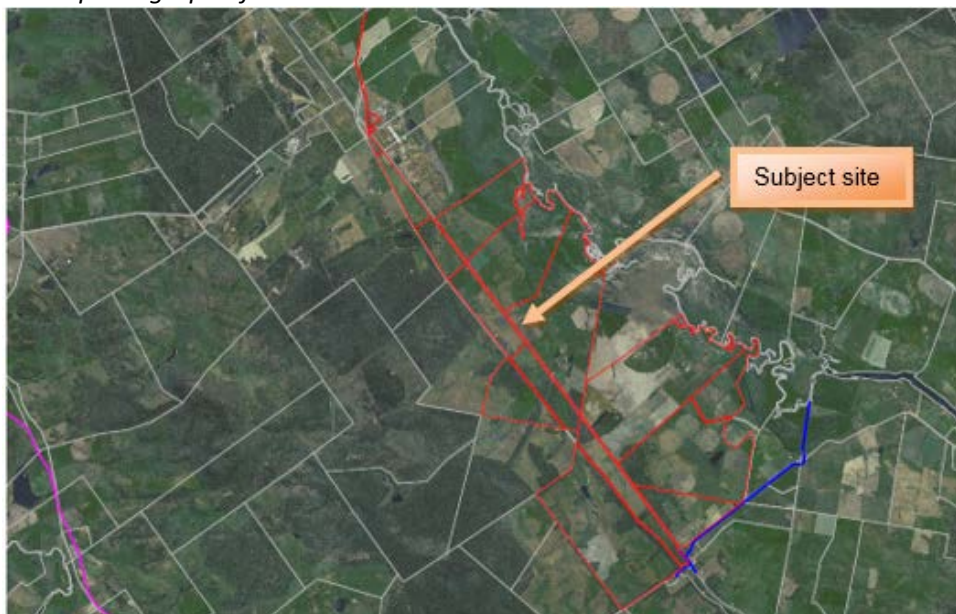
Utilities is permitted in the Utilities zone and discretionary in the Rural Resource zone.

4.3 Subject site and locality

The author of this report carried out a site visit on the 18th November 2016. The works will be located largely within the existing road reserve but will incorporate adjoining properties where required to enable road widening and G-turn facilities.

The extent of the works will be between the junction of Powranna Road and the Midland Highway on the northern end and the junction of Bell Vue Road and the Midland Highway on the southern end – a distance of approximately 10km. This section of road is mostly subject to a 110km/h speed limit.

Aerial photograph of area



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Photographs of subject site



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4.4 Permit/site history

Relevant permit history includes:

The proposal is one of a number of development applications, dealing with the various stages of upgrades to the Midland Highway.

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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:

- James Edward Prevost, 16 Bell Vue Road, Epping Forest

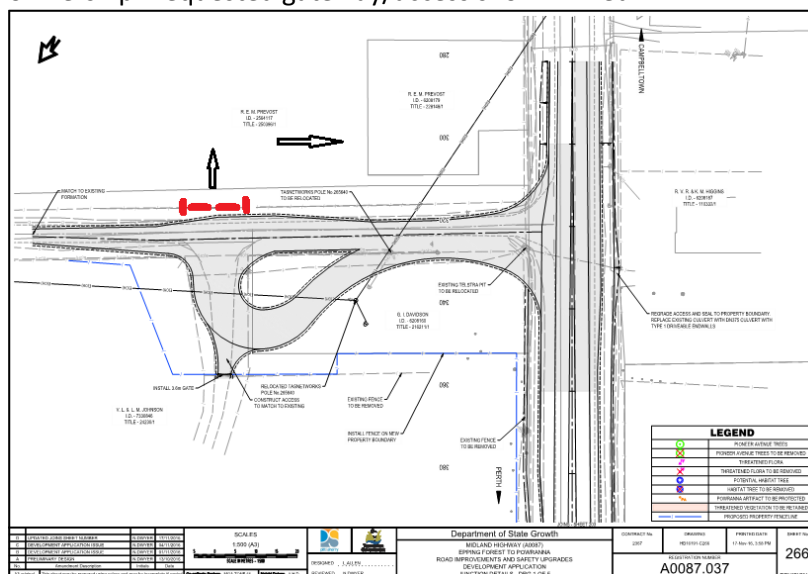
Map showing location of representor's property in relation to subject site (highlighted)



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

Issue 1

- Request for new access and double gates adjacent to new G-turn facility (on Bell Vue Road) to allow access (including trucks) over CT250396/1 to CT228148/1 as the latter property only has frontage to the Midland Highway and this is a limited access road. Both properties are in the same ownership. Requested gateway/access shown in red.



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Planner's comment:

The Department of State Growth responded to the representor's request, noting that they do not intend to accommodate the request due to the following key points:

- *The new access works are outside the scope of the project, being part of the Midland Highway Action Plan to upgrade the Midland Highway to improve road safety.*
- *Existing access to this property is not being affected by the project and the need for the new access works has not been demonstrated.*
- *Council is the road authority for Belle Vue Road and the landowner may seek to engage in discussions with Council regarding a new access on Belle Vue Road, as a separate process to the current Development Application.*

The comments made by the Department of State Growth are supported, as the proposed works do not impact upon the existing access arrangements, nor impede a future additional access point to the representors property. As an existing access to CT250396/1 from Bell Vue Road (servicing the dwelling) is already in place, a second access to this property would require discretionary planning approval, due to reliance on the performance criteria of clause E4.7.2 (P2 (c)) of the Northern Midlands Interim Planning Scheme 2013 as follows:

E4.7.2 Management of Road Accesses and Junctions

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

Given that the applicant has no responsibility to provide the representor with a second access and that doing so would require further planning approval, the representation does not provide any basis on which to condition a planning permit to require such works.

4.6 Referrals

The referrals required were as follows:

Council's Works & Infrastructure Department

Precis: The application was referred to Council's Works and Infrastructure Department on the 11.01.2017. They advised that they had no comment to make on the application.

TasWater

Not applicable to this application.

Heritage Adviser

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Precis: Council's Heritage Advisor, David Denman, reviewed the application on the 11.01.2017. Mr Denman noted that he had no objections to the proposal and commented as follows:
"The road upgrade will have no impact on the heritage values of the area or on the heritage-listed place. There are no relevant development standards in the E13 Local Historic Heritage Code."

Tasmanian Heritage Council

Precis: As the property is on the Register of the Tasmanian Heritage Council, the proposal was potentially subject to a Notice of Heritage Decision. A Certificate of Exemption was issued on the 21 November 2016 (Ref: 10-47-52THC).

Department of State Growth

Precis: The Department of State Growth is the applicant for the project.

Tasrail (adjoining landowner)

Precis: The application was referred to Tasrail on the 10th January 2017 who responded on the 16th January 2017 with the following comments:

The assessment by Council of the proposed development in relation to the Road and Railway Code supplied by the Department of State Growth is endorsed by TasRail.

Based on internal review of the documentation, TasRail does not believe the proposed Midland Highway upgrade will impact its rail operations or result in additional rail-related community impacts (eg horn noise).

Please be advised however, that TasRail will require the landowners proposing to use the four stock crossing underpasses to each enter into a Licence Agreement with TasRail. This is a simple document that sets the terms and conditions of authorised access through railway land and that will capture the proposed change in land survey following the land acquisition plan.

Natural Resource Management Facilitator

Precis: The application was referred to Council's NRM Facilitator; however, she was unavailable to make comment due to being on leave.

Environment Protection Agency (level 2 under EMPCA)

Not applicable to this application

General Manager

Not applicable to this application

Minister administering Crown Lands

Precis: Minister's consent (via delegation to the General Manager of State Roads) was provided with the application.

4.7 Planning Scheme Assessment

D26 RURAL RESOURCE ZONE	
ZONE PURPOSE	
26.1.1 Zone Purpose Statements	
26.1.1.1	To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
26.1.1.2	To provide for other use or development that does not constrain or conflict with resource development uses.
26.1.1.3	To provide for economic development that is compatible with primary industry, environmental and landscape values.
26.1.1.4	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, in particular 26.1.1.2 & 26.1.1.3.	
LOCAL AREA OBJECTIVES	
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.

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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.

Comment:

The proposal seeks to upgrade key transport infrastructure which services primary industry uses, tourism and rural communities. The proposal is therefore consistent with the Local Area Objectives.

26.1.3 DESIRED FUTURE CHARACTER STATEMENTS

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

Comment:

The visual impact of the proposed highway upgrade will be limited to be within or adjacent to the current road reserve and will consist of important safety upgrades, which are vital to maintaining the highway as a key freight, tourism and commuter corridor. The visual impact on the rural landscape is considered to be consistent with the existing highway infrastructure already in place.

26.2 Use Table

Discretionary	
Use Class	Qualification
Utilities	If: a) for existing uses on prime agricultural land; or b) not for existing uses; or c) the curtilage increases by more than 30% as at the effective date.

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.

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f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.
Comment: Complies with P1.1, the use is consistent with the local area objectives. 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, as the subject site does not contain any areas of prime agricultural land.	
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 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: Complies with P3. While the majority of road works will take place within the existing road reserve, some acquisition of rural zoned land will be required for road widening and turning facilities. The latter forms the majority of the acquisition area and where possible, have incorporated existing property accesses, thus limiting the conversion of land used for agricultural purposes.	
A4 If for permitted or no permit required uses.	P4 It must be demonstrated that: a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and c) the capacity of the local road network can accommodate the traffic generated by the use.
Comment: Complies with Performance Criteria P4. The highway itself is not an emission source and the works will not cause an increase in traffic volumes and emissions associated with these vehicles. Primary industry uses have been well accommodated by the works through improved access and turning facilities and will not be confined or restrained from conducting normal operations as a result of the proposal. The works will improve the safety and efficiency of vehicle movements within this section of the road network.	
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	

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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 main visual changes proposed will be in the form of a centre median and safety barriers, both of which are low level and will not impact on skylines, ridgelines and the surrounding rural environment. Vegetation clearance will be limited to the area required for road widening and turning facilities, or where they pose a safety hazard to road users. Replacement plantings will be undertaken where relevant. The proposal is consistent with the future character statement.	

26.3.2 Dwellings

N/a – no dwellings proposed.

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: Relies on and complies with performance criteria P1 as the site is located within the Lower South Esk Irrigation District. The area required for works outside of the existing road reservation totals approximately 4.59ha. None of works area is currently under irrigation, nor will the works impact on the future irrigation potential of the adjoining farmland.	

26.4 Development Standards

26.4.1 Building Location and Appearance –

N/a to road works.

26.4.2 Subdivision –

N/a – subdivision does not apply, as the relevant portions of land is to be acquired under the *Land Acquisition Act 1993*, under section 102 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

D28 UTILITIES ZONE
ZONE PURPOSE
28.1.1 Zone Purpose Statements
28.1.1.1 To provide land for major utilities installations and corridors.
28.1.1.2 To provide for other compatible uses where they do not adversely impact on the utility.
Assessment: The proposal meets the zone purpose.

LOCAL AREA OBJECTIVES
There are no desired local area objectives.

28.2 Use Table

Permitted	
Use Class	Qualification
Utilities	If not for minor utilities

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28.3 Use Standards

28.3.1 Capacity of existing utilities

Objective To ensure that uses do not compromise the capacity of utility services.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The proposal must not unreasonably compromise or reduce the operational efficiency of the utility having regard to: a) existing land use practices; and b) the location of the use in relation to the utility; and c) any required buffers or setbacks; and d) the management of access.
Comment: Complies with A1 – utilities is a permitted use in the zone.	

28.4 Development Standards

28.4.1 Building Design and Siting –

N/a to road works

28.4.2 Subdivision –

N/a – subdivision does not apply as the relevant portions of land is to be acquired under the *Land Acquisition Act 1993*, under section 102 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – see code assessment below.
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – no parking requirements set for <i>Utilities</i> .
E7.0 SCENIC MANAGEMENT CODE	Complies – see code assessment below.
E8.0 BIODIVERSITY CODE	Complies – see code assessment below.
E9.0 WATER QUALITY CODE	Complies – see code assessment below.
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	Complies – see code assessment below
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE

E4.1 Purpose of Code

E4.1.1 The purpose of this provision is to:

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

Comment: The proposal meets the purpose of the code.

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:

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- 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.

Comment: The code applies.

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

Comment: A TIA was provided with the application and endorsed by the Road Authority - the Department of State Growth. Tasrail also provided endorsement.

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: 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 A1 & A3 – the development will not result in an increase in traffic volumes.	

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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: Complies with P1 – the works to the category one road are for the purpose of improving the safety and efficiency of the road network. No buildings are proposed.	

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 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

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	maintain an adequate level of safety and efficiency for all road users.
Comment: N/a – no new accesses or junctions proposed.	

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: Complies with A1 (a) – the rail intersection is grade separated and does not include a level crossing.	

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 AS1742.7 <i>Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	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: N/a – no new intersections proposed.	

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

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	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.
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Comment:

Table E6.1 does not require any parking to be provided for the use of Utilities, nor does the highway upgrade propose any parking.

Table E6.1: Parking Space Requirements

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

E6.6.2 Bicycle Parking Numbers

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

Acceptable Solutions	Performance Criteria
A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or	P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the: 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.
A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.	

Comment:

Table E6.1 does not require any bicycle parking to be provided for the use of Utilities, nor does the highway upgrade propose any bicycle parking.

E6.6.3 to E6.6.4–

N/a

E6.7 Development Standards

E6.7.1 to E6.8.5 –

N/a

ASSESSMENT AGAINST 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:

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- 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.

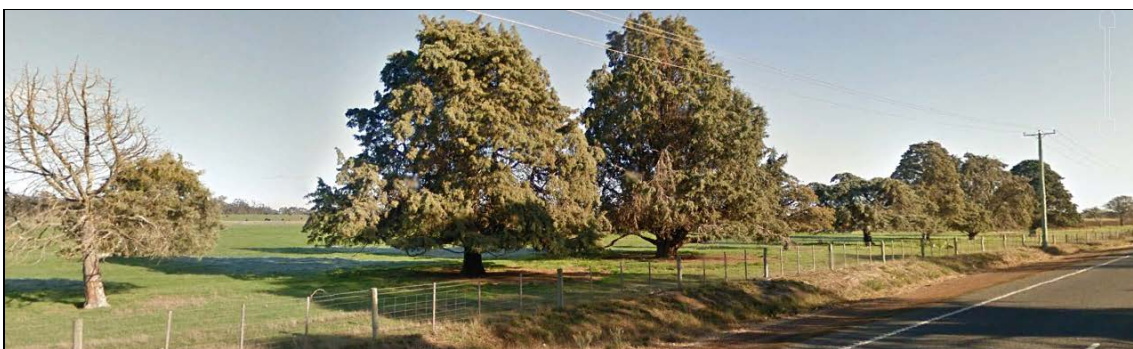
Comment:

The Scenic Corridor incorporates a 200m distance from the edge of the road reserve. The works to be undertaken within the corridor are those associated with the road widening, including vegetation removal. These works will not negatively impact on skylines, ridgelines and prominent locations, and although located immediately adjacent to the existing road alignment, may serve to extend views across the rural landscape from the road. Vegetation removal is required to allow the works to proceed, providing improved safety outcomes. In addition to the removal of some native vegetation and other more recent tree plantings, some trees forming part the Pioneer Memorial Highway plantings will also be removed. Of the 171 trees within 13 formal plantings which form part of the Pioneer Memorial Highway, 13 trees will require removal. 10 of these form the entirety of planting 3 - Arizona Cypress Plantings as described in the *Biosis Historic Plantings Assessment (2015)*. The planting originally consisted of 15 trees, 10 of which remain in various health. The remaining 3 trees for removal include a single Black Cotton Wood Poplar (planting 6, tree 1) and two Lombardy Poplars (planting 5, tree 20 & planting 8, tree 23). All trees to be removed date back to the original 1930s Pioneer Memorial Avenue Plantings. The trees are currently located on privately owned farmland used for cropping and grazing.

Planting 3 – trees 1-10 for removal (all visible)

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Planting 5 – tree 20 (circled) for removal



Planting 6 – tree 1 for removal



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Planting 8 – tree 23 (circled) for removal



Photo sources: Google Earth

A2	Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.	P2	Subdivision that alters any boundaries within the areas designated as scenic management – tourist road corridor must have regard to: a) site size; and b) density of potential development on sites created; and c) the clearance or retention of vegetation in combination with requirements for hazard management; and d) the extent of works required for roads or to gain access to sites including cut and fill; and e) the physical characteristics of the site and locality; and f) the scenic qualities of the land that require management.
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Comment: No subdivision proposed as the land is to be acquired under the *Land Acquisition Act 1993*, under section 102 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The acquisition will not facilitate any development other than the proposed road works.

E7.6.2 Local Scenic Management Areas – N/a

ASSESSMENT AGAINST E8.0 BIODIVERSITY CODE

E8.2 Application of this Code

E8.2.1 This code applies to use or development of land:

- a) within the area identified as priority habitat on the planning scheme maps; or
- b) for the removal of native vegetation.

E8.5 Use Standards

Not used in this Scheme.

E8.6 Development Standards

E8.6.1 Habitat and Vegetation Management

Objective

To ensure that:

- a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and
- b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.

Acceptable Solutions

A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or;

Performance Criteria

P1 Clearance or disturbance of native vegetation within priority habitat may be allowed where a flora and fauna report prepared by a suitably qualified person demonstrates that development

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A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.	a) does not unduly compromise the representation of species or vegetation communities in the bioregion having regard to the: quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.
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Comment:

The proposal relies on performance criteria P1 for compliance.

A Flora and Fauna Habitat Survey & associated addendum by North Barker Ecosystem Services (dated: 02.07.2015 & 01.11.2016 respectively) has demonstrated that the proposed road works will not unduly compromise the representation of species or vegetation communities in the bioregion.

The report notes that much of the threatened vegetation community DAZ adjacent to the development area is currently secured under Conservation Covenants, with 2.9ha of DAZ estimated to be impacted by the proposed development. This represents a very small component (approximately 0.017%) of the 17,300ha of DAZ within the Northern Midlands Municipality. The report notes that weed management work in remaining DAZ vegetation community would be an appropriate offset.

A Permit to Take will be required for 6 x Spreading Knawel plants and 25 x Blue Grasslily plants.

Seven trees providing potential fauna habitat (in particular for the nationally vulnerable masked owl and spotted-tail quoll) will also require removal; however, the report notes that given the large amount of suitable habitat in the surrounding landscape; road upgrades are unlikely to have any adverse impacts on these species.

The Flora and Fauna Habitat Survey & associated addendum contains a number of recommendations. Compliance with these recommendations may be conditioned by the planning permit to ensure compliance.

A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.	P2 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the: a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.
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Comment:

Complies with P2, as per P1.

ASSESSMENT AGAINST E9.0 WATER QUALITY CODE

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E9.2 Application of this Code

- (i) E9.2.1 This code applies to use or development of land:
 - a) within 50 metres of a wetland or watercourse; or
 - b) within a Ben Lomond Water catchment area – inner or outer buffer.

Comment: The proposed works are located within 50m of drains/watercourses which feed to the South Esk River.

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: Relies on Performance Criteria P1 for compliance. Provision of a Soil and Water Management Plan, Site Rehabilitation Plan and compliance with the DPIWE Wetlands and Waterways Works Manual is a requirement of contractors by the Department of State Growth. The planning permit may be conditioned to ensure that vegetation disturbance, revegetation and stormwater runoff is undertaken and managed in accordance with these documents, with a copy to be provided to Council.	
A2 A wetland must not be filled, drained, piped or channelled.	P2 No performance criteria.
Comment: Complies with 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 A3 – No new piping will occur; however, existing culverts will be extended where necessary to ensure the road access widths required.	

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:	

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Sediment and erosion control measures will be implemented during the construction process to manage ground surface run-off. Once completed, surface run-off from pavement area will discharge as sheet-flow, as per the current situation. Table/trapezoidal drains will be installed as appropriate. Water courses which pass under the highway form part of a drainage network which feeds into the feedlot detention system, two of which eventually feed through to the South Esk River.

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:
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.	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> .
	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:

Complies with A2.1 & A2.2 – no new point source discharges or significant increase in flows to existing point source discharges are proposed.

A3 No acceptable solution.	P3 Quarries and borrow pits must not have a detrimental effect on water quality or natural processes.
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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:

Complies with Performance Criteria P1 – a condition may be placed on the permit to ensure compliance.

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:

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No new access points to a wetland or watercourse are proposed.	
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.
Comment: No new access points to a wetland or watercourse are 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 proposed.	

E9.6.6 Ben Lomond Water Catchment Areas – N/a.

ASSESSMENT AGAINST E13.0 HERITAGE CODE

Council's Heritage Advisor, David Denman, reviewed the application on the 11.01.2017 and noted:

"The road upgrade will have no impact on the heritage values of the area or on the heritage-listed place. There are no relevant development standards in the E13 Local Historic Heritage Code."

A Certificate of Exemption has been issued by the Tasmanian Heritage Council for the works.

- E13.5 Use Standards
- E13.5.1 Alternative Use of heritage buildings –
N/a
- E13.6 Development Standards
- E13.6.1 Demolition –
N/a
- E13.6.2 Subdivision and development density –
N/a – 5, 803m2 to be acquired and will then form part of the road reserve. No heritage impact.
- E13.6.3 Site Cover –
N/a
- E13.6.4 Height and Bulk of Buildings –
N/a
- E13.6.5 Fences –
replacement fences to match existing (not in a Heritage Precinct).
- E13.6.6 Roof Form and Materials –
N/a
- E13.6.7 Wall materials –
N/a
- E13.6.8 Siting of Buildings and Structures –
N/a
- E13.6.9 Outbuildings and Structures –
N/a
- E13.6.10 Access Strips and Parking –
N/a - no change to car parking arrangements.

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E13.6.11 Places of Archaeological Significance –
N/a

E13.6.12 Tree and Vegetation Removal

Objective To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 The removal of vegetation must not: a) unreasonably impact on the historic cultural significance of the place; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
Comment: Complies with P1 - Vegetation removal will be limited to the area required for upgraded access and turning facilities, adjacent to the highway and will not impact on the Fairfield homestead, which is located approximately 2km away from the development site.	

E13.6.13 Signage –
N/a

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	
<i>Strategic Plan 2017-2027</i> <i>Statutory Planning</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

Discretion to refuse the application is limited to:

- The discretionary use of the development (utilities) in the Rural Resource Zone;

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- Reliance on the performance criteria of the use standards of the Rural Resource Zone;
- Reliance on the performance criteria of clause 26.3.3 due to the site's location within an irrigation district; and
- Reliance on the Performance Criteria of the Road and Railway Assets Code, Scenic Management Code, Water Quality Code, Biodiversity Code & Heritage Code.

One (1) representation was received from an adjoining landowner requesting a new access be installed as part of the works. This access is outside the scope of the development and the existing access to the property will be unaffected by the proposed works. The works will not prohibit the installation of an additional access and the representor may seek further planning approval to undertake these works as a separate development.

In addition to ensuring the use and development is undertaken in accordance with the endorsed plans, conditions relating to soil and water management are considered appropriate.

8 ATTACHMENTS

- Application & plans
- Responses from referral agencies (incl. THC)
- Representation & applicant's response

RECOMMENDATION

That land at Midland Highway, Epping Forest be approved to be developed and used for a Midland Highway safety upgrade - Epping Forest to Powranna (including CT216211/1, 24230/1, 123739/1, 126228/1, 126657/2, 126661/1, 136123/2, 136124/2, 136126/1, 138371/1, 140271/1) in accordance with application P16-275, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P71** (*Drawing No: HB16191 Sheet No's: 200-270 Dated: Rev B 1.11.2016 – sheets: 202, 205-219; Rev C 4.11.2016 sheets: 200, 201, 204, 220-264 & 267-269; Rev D: 17.11.2016 sheets: 203, 265, 266 & 270*) and documents **D1** *Development application supporting application – prepared by DSG – dated: November 2016*, **D2** *Traffic Impact Assessment – prepared by Stefano Conforti (Pitt & Sherry) – dated: 26.10.2016 Rev 1*, **D3** (i) *Flora and Fauna Habitat Survey* (ii) *Addendum to Flora and Fauna Habitat Survey* & (iii) *Biodiversity Code Compliance Statement – prepared by North Barker Ecosystem Services – dated: (i) 02.07.2015, (ii) 01.11.2016 & (iii) 01.11.2016*, **D4** *Historic Plantings Assessment – Prepared by Asher Ford (BIOSIS) – project no. 20843 – dated: 08.12.2015* & **D5** *Tasmanian Heritage Council Certificate of Exemption – issued: 21 November 2016 (Ref: 10-47-52THC)*.

2 Biodiversity, soil and water management conditions

- 2.1 The use and development shall comply with the recommendations contained in part 6 of the North Barker Ecosystem Services *Flora and Fauna Habitat Survey* and part 4 of the North Barker Ecosystem Services *Addendum to Flora and Fauna Habitat Survey*.
- 2.2 Prior to the commencement of works, Council shall be provided with a copy of the Soil and Water Management Plan and Site Rehabilitation Plan, prepared for the works. Vegetation disturbance, revegetation and stormwater runoff shall be managed in accordance with these documents.
- 2.3 All works within 50m of a wetland or watercourse must comply with the requirements of the DPIPW *Wetlands and Waterways Works Manual*.

3 TasRail conditions

Prior to the commencement of use, the Department of State Growth shall liaise with TasRail and landowners proposing to use the four stock crossing underpasses, to each enter into a Licence Agreement with TasRail.

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Note: This is a simple document that sets the terms and conditions of authorised access through railway land and will capture the proposed change in land survey following the land acquisition plan.

DECISION

Cr Polley/Cr Calvert

That land at Midland Highway, Epping Forest be approved to be developed and used for a Midland Highway safety upgrade - Epping Forest to Powranna (including CT216211/1, 24230/1, 123739/1, 126228/1, 126657/2, 126661/1, 136123/2, 136124/2, 136126/1, 138371/1, 140271/1) in accordance with application P16-275, and subject to the following conditions:

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- 2.3 All works within 50m of a wetland or watercourse must comply with the requirements of the DPIPWE *Wetlands and Waterways Works Manual*.

3 TasRail conditions

Prior to the commencement of use, the Department of State Growth shall liaise with TasRail and landowners proposing to use the four stock crossing underpasses, to each enter into a Licence Agreement with TasRail.

Note: This is a simple document that sets the terms and conditions of authorised access through railway land and will capture the proposed change in land survey following the land acquisition plan.

Carried unanimously

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18/17 PLANNING APPLICATION P16-286 66 BULWER STREET, LONGFORD

Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Boer, Planning Officer
File Number: 101700.112; CT57666/2

1 INTRODUCTION

This report assesses an application for 66 Bulwer Street, Longford to construct 1.8m high Colorbond front fence, gate and personal access gate. The fence will be of solid construction up 1.5m, with the remaining height consisting of horizontal slatted timber. The gateway is proposed to be solid Colorbond to a height of 1.8m to allow for the installation of an auto-gate opening mechanism and internal personal access door.

2 BACKGROUND

Applicant:
K McCall

Owner:
K McCall

Zone:
General Residential

Codes:
Not in a Special Area

Classification under the Scheme:
Residential (ancillary to single dwelling)

Existing Use:
Dwelling

Deemed Approval Date:
03-Jan-2017 (EOT till 27-Jan-2017)

Recommendation:
Approve

Discretionary Aspects of the Application

- Variation to development standard clause 10.4.7 – *Frontage fences for all dwellings* in the General Residential 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 fencing height provisions of the Planning Scheme. Once submitted, further discussions were had regarding appropriate design options, resulting in the current proposal design.

3 STATUTORY REQUIREMENTS

The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (ie 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

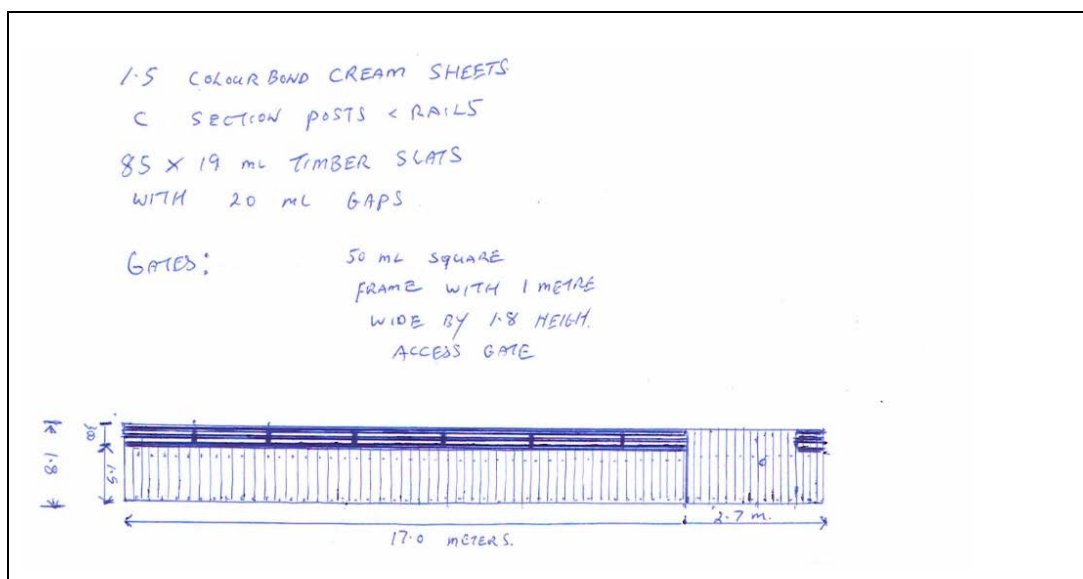
It is proposed to:

- Construct 1.8m high front fence with solid Colorbond to a height of 1.5m, horizontal timber slats above the Colorbond section to a height of 1.8m and solid gateway.

Elevation/specifications

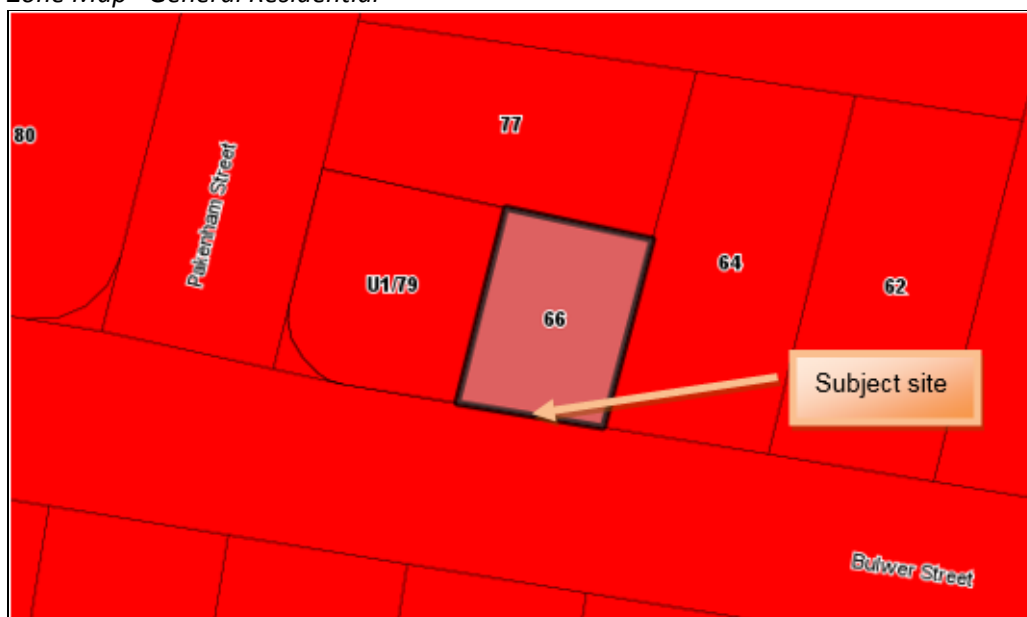
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4.2 Zone and land use

Zone Map –General Residential



The land is zoned *General Residential*, and is not in a special area or subject to any codes.

The relevant Planning Scheme definition is:

single dwelling	means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.
fence	includes a masonry or concrete garden wall.

The use clause *Residential* (fence ancillary to single dwelling) is permitted (no permit required) in the zone; however, due to the reliance on the performance criteria of clause 10.4.7, the application became discretionary.

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4.3 Subject site and locality

The author of this report carried out a site visit on the 6th December 2016. The subject site is a strata titled lot totalling an area of 360m² and currently contains a small single dwelling and garage. The frontage is currently fenced with a small vertical timber picket fence. The surround area contains established residential uses on lots averaging 700-800m².

Aerial photograph of area



Photographs of subject site



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4.4 Permit/site history

Relevant permit history includes:

- Nil.

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:

- Leslie Heath, 64 Bulwer Street, Longford.

Map showing location of representor's property in relation to the subject site (highlighted)



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

Issue 1

- Proposed front fence will not match the height of the existing side fence, which currently slants down from 1.7m to 1.2m near the road frontage.

Planner's comment:

While it is acknowledged that the side fence is currently a lower height than the proposed front fence, discussions with the applicant revealed that he also wished to replace the side fence in the foreseeable future. Under clause 6.4.2 of the planning scheme, the construction or demolition of side and rear boundary fences not adjoining a road or public reserve and not more than a total height of 2.1m above natural ground level, are exempt from requiring planning approval. An agreement must be reached between the relevant parties (neighbours) under the *Boundary Fences Act 1908*.

Issue 2

- A 1.8m high fence will be inconsistent with other fences in the surrounding streetscape.

Planner's comment:

This matter is further discussed in response to the performance criteria of the zone standards relating to front fences. In summary:

- The solid section of this fence is consistent with the 1.5m solid fence on the adjoining property;

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- 1.8m high fences are allowed under the acceptable solution, provided the section between 1.2m and 1.8m has 30% transparency; remainder solid. The 1.8m fence proposed, seeks to have the area between 1.5m and 1.8m approximately 20% transparent; remainder solid plus solid gates to 1.8m; and
- 1.8m high completely solid fences are used on nearby units; however, this fencing complies as it is located just over 4.5m from the primary frontage and on a secondary frontage.

Issue 3

- The proposed fence will create a safety hazard to road users and pedestrians due to reduced visibility.

Planner's comment:

The representor's concerns regarding reduced visibility of the road and footpath from their property which adjoins the subject site to the east are not supported, due to the low see-through front fence along this frontage, the driveway being located on the eastern side of the block, the 5m apron available within the road reserve (sufficient room for a standard car), and the footpath being on the opposite side of the road. The layout of the site and view lines of a vehicle using the representor's driveway is provided below.



View lines from within the representor's property shown in red; view lines from apron shown in yellow; proposed front fence location shown in blue.

4.6 Referrals

The application did not require any referrals.

4.7 Planning Scheme Assessment

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

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residential amenity.

Assessment: The proposal meets the zone purpose – residential use.

LOCAL AREA OBJECTIVES

To consolidate growth within the existing urban land use framework of the towns and villages.
To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.
To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.

Assessment: The proposal meets the local area objectives.

DEVELOPMENT STANDARDS FOR SINGLE DWELLINGS

The only relevant standard is clause 10.4.7 – Frontage fences for all dwellings.

10.4.7 Frontage fences for all dwellings

Objective:

To control the height and transparency of frontage fences to:

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and
- (c) provide reasonably consistent height and transparency.

Acceptable Solutions

A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:

- (a) 1.2m if the fence is solid; or
- (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Performance Criteria

P1 A fence (including a free-standing wall) within 4.5m of a frontage must:

- (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and
- (b) be compatible with the height and transparency of fences in the street, taking into account the:
 - (i) topography of the site; and
 - (ii) traffic volumes on the adjoining road.

Comment:

As the fence is proposed to be solid to a height of 1.5m (not 1.2m), it does not meet the acceptable solution of clause 10.4.7 and must rely on performance criteria P1 as follows:

- (a) The applicant has noted that the primary reason for the installation of fence is to provide privacy for the front of the block, due to its small size and lack of private open space at the rear. The applicant originally wanted the fence solid to 1.8m; however, after discussions with Council planners, adapted this to 1.5m with the section between 1.5m and 1.8m, providing transparency via slatted timber to improve passive surveillance between the dwelling and the street.
- (b) The solid section of fence will carry through from the adjoining 1.5m high fence on the neighbouring property to the west (see below).



Other examples of solid 1.8m fences are available within the street where they are used as a secondary frontage fence, as well as 1.8m fences which have some transparency through the entire height. Nearby units on the corner of Bulwer and Marlborough Streets have solid 1.8m high fencing to both frontages;

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however, these fences are compliant with the acceptable solution as they are either setback 4.5m from the primary frontage or located on a secondary frontage.
The topography of the site does not impact the development as the site is flat and there is predominantly local traffic only on the adjoining road.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	N/a
E5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – no changes. Proposal is for a fence only.
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

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
<i>Strategic Plan 2017-2027</i> <i>Statutory Planning</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

Discretion to refuse the application is limited to the reliance on the performance criteria of clause 10.4.7 – *Frontage fences for all dwellings*. The planning scheme allows for an application for a fence height greater than

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the acceptable solution, where the corresponding performance criteria is met. The applicant was agreeable in adapting their design to best meet these criteria, while also achieving their aim of creating greater privacy.

A representation was received from the adjoining property owner, citing concerns about traffic safety, inconsistency with other fences in the street and the fence not matching the side boundary fence. A response to each of these concerns is discussed in section 4.5 of this report.

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, with a specific condition regarding the height and amount of transparency considered appropriate.

8 ATTACHMENTS

- 8.1 Application & plans
- 8.2 Representation

RECOMMENDATION

That land at 66 Bulwer Street, Longford be approved to be developed and used for a 1.8m high Colorbond front fence, gate and personal access gate in accordance with application P16-286, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P3** (*Site Plan – dated 14.11.2016, Elevation & specifications – no date & fence profile example – no date*).

2 Fence Height & Transparency

- 2.1 At no point shall the solid section of the fence exceed a height of 1.5m (not including the gateway) or the overall height of the fence exceed a height of 1.8m.
- 2.2 A minimum transparency of 20% shall be achieved between the height of 1.5m and 1.8m.
- 2.3 The transparent section of the fence must commence immediately above the solid section of the fence (i.e. there must be a gap between the solid section of fence and the first timber slat).

DECISION

Cr Knowles/Cr Goss

That land at 66 Bulwer Street, Longford be approved to be developed and used for a 1.8m high Colorbond front fence, gate and personal access gate in accordance with application P16-286, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P3** (*Site Plan – dated 14.11.2016, Elevation & specifications – no date & fence profile example – no date*).

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- 2.2 A minimum transparency of 20% shall be achieved between the height of 1.5m and 1.8m.
- 2.3 The transparent section of the fence must commence immediately above the solid section of the fence (i.e. there must be a gap between the solid section of fence and the first timber slat).

Carried

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Voting for the Motion:

Mayor Downie, Deputy Mayor Goss, Cr Adams, Cr Calvert, Cr Gordon, Cr Goninon, Cr Knowles,
Cr Lambert

Voting against the Motion:

Cr Polley

Mrs Bond and Miss Bricknell attended the meeting at 7.00pm.

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19/17 PLANNING APPLICATION P16-077 437 WOOLMERS LANE, LONGFORD

Responsible Officer: Des Jennings, General Manager
Report prepared by: Clare Hester Consultant Planner
File Number: 114300.06 CT105810/1

1 INTRODUCTION

This report assesses an application for 437 Woolmers Lane, Longford to construct a tyre storage and shredding facility. The shredding operation will enable end of life tyres (ELT's) to be shredded into 50mm tyre chips and removed from the site; it is proposed that up to 7,800 tonnes of ELT's per annum will be shredded, which will allow for the eventual removal of the stockpile of ELT's currently on the site. The development application also seeks permission for the continued delivery of 2,600 tonnes per annum of ELT's (approximately 325,000 tyres) to the site.

The shredder will be located in a 160m² shed with a maximum height of 4.7m. Once the existing stockpile of ELT tyres has been shredded it is proposed that all tyres delivered to the site will also be stored in the shed.

The proposal is a Level 2 activity. The application was subsequently, referred to the Environmental Protection Authority (EPA) for assessment under the *Environmental Management and Pollution Control Act 1994*.

2 BACKGROUND

Applicant:
6ty Degrees (obo Tyre Recycle Tasmania)

Owner:
K Gatenby

Zone:
Rural Resource

Codes:
E4 Road and Railway Assets Code
E6 Car Parking and Sustainable Transport Code

Classification under the Scheme:
Recycling and waste disposal

Existing Use:
Tyre storage

Deemed Approval Date:
24 February 2017

Recommendation:
Approve with conditions

Discretionary Aspects of the Application

1. 26.2 Use table
Recycling and waste disposal is a discretionary use class.
- 2-5. 26.3.1 Discretionary uses if not a single dwelling
Acceptable solutions A1 – A4 are for only permitted or no permit required uses
6. 26.3.1 Discretionary uses if not a single dwelling
Acceptable solution A5 if for only permitted, no permit required uses or be located in an existing shed.
7. E4.3.1 A3 – increase in average daily traffic movements by more than 10%.
8. E6.6.1 Car Parking Numbers – the number of car parking spaces provided does not meet the requirements of Table E6.1.
9. E6.7.1 A1 Construction of Car Parking Spaces and Access Strips

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Planning Instrument: *Northern Midlands Interim Planning Scheme 2013* (planning scheme)

Preliminary Discussion

The use of the site for the storage of ELT's was issued a planning permit in December 2013; since this time there have been a number of formal and informal meetings to determine the best path forward for the use. Refer to section 4.4 below in the report that details the permit history.

The subject application was submitted to Council on the 7 April 2016, becoming valid when the fees were paid on the 8 April 2016; no further information was requested by Council.

The application was referred to the Environmental Protection Authority (EPA) on the 13 April 2016; the EPA requested further information from the application on the 2 May 2016. The application was placed on public exhibition for a period of 14 days from 19 October 2016. Subsequent to the four representations received the EPA requested further information from the applicant on the 9 December 2016. The EPA provided its determination to Council on the 13 January 2017.

Copies of outgoing correspondence, including correspondence from the EPA is attached.

3 STATUTORY REQUIREMENTS

The proposal is for a Level 2 activity as listed in Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (the EMPCA), the application was subsequently referred to the Environmental Protection Authority (EPA) on the 13 April 2016, for assessment under the EMPCA.

The EPA prepared an environmental assessment report, and formally notified Council of its determination for approval on the 13 January 2017. The permit states that acting under Section 25(5)(a)(i) of the EMPCA, the Board of the EPA requires that the Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the activity.

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

The proposal is for the storage and shredding of end of life tyres (ELT's) on a 19.88ha site development area within a 1,054ha title area. The specific details of the project can be summarised as follows:

- The volume of ELT's to be delivered to the site per annum is 2,600 tonnes which is approximately 325,000 ELT's.
- A tyre shredder – the Barclay 4.9 Primary Shredder is proposed for the site to process up to 7,800 tonnes of ELT's per annum which will allow for the eventual removal of the stockpile currently on the site.
- A 20m x 8m shed is proposed that has a maximum height of 4.7m which will contain the shredder and once the shredder is fully operational, all deliveries of ELT's will be delivered and stacked (by hand) within the proposed shed for direct processing by the shredder.
- The tyre shredder will shred ELT's into 50mm tyre chips.

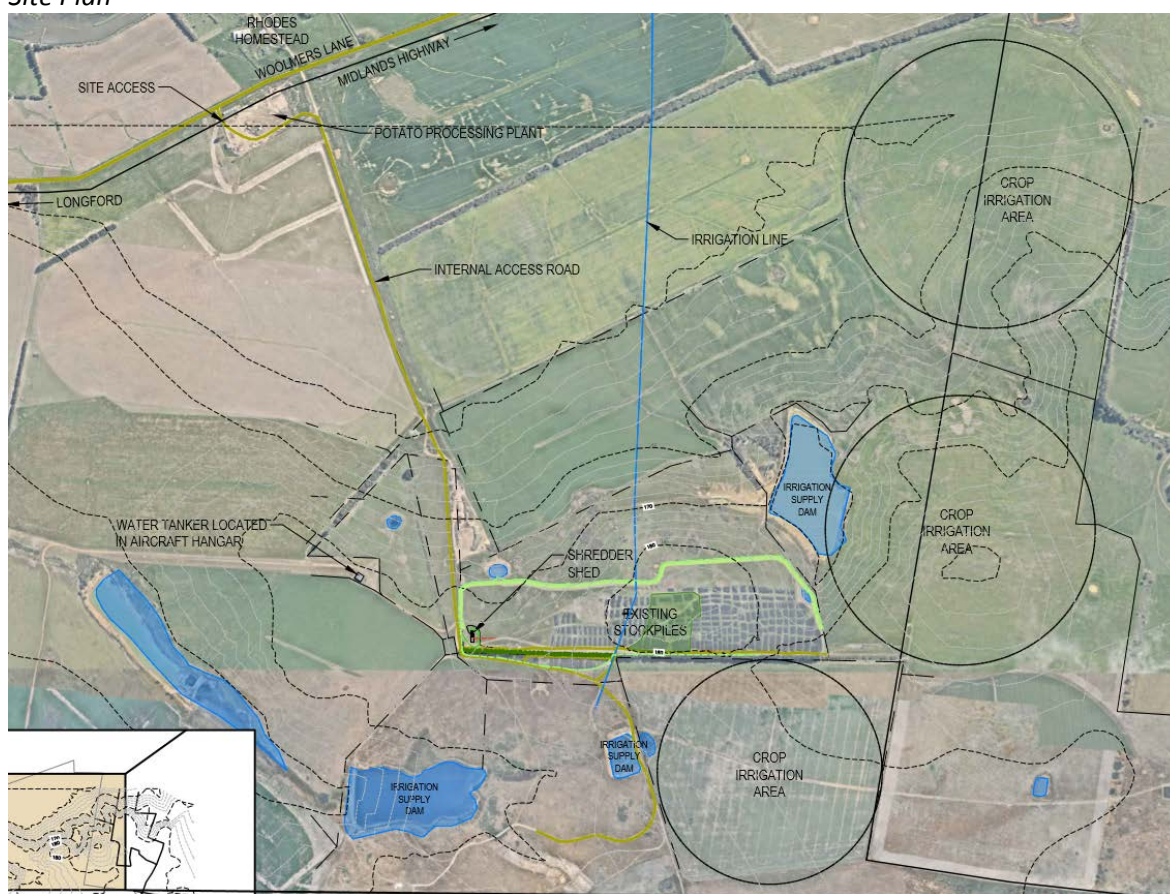
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- The tyre chips will be removed from the site to be sold and/or further processed into recycled rubber products.
- An external temporary storage area (approximately 5,000m²) for the ELT's is proposed in the event that the shredder is non-operational. The ELT's within this temporary storage area are identified as being in piles W6m x L20m x H3m each with a 20m separation.
- Continued commitment to remove the ELT stockpile from the site by 31 December 2020.
- The operating hours including the ELT deliveries, the shredder and the chip dispatches are proposed from Monday to Saturday between 6.00am and 6.00pm with the tyre shredder not operating before 7.00am.
- The vehicle movements prior to the shredder becoming operational are 12; once operational the use will create 18 vehicle movements per day.
- The use will employ two staff on site.

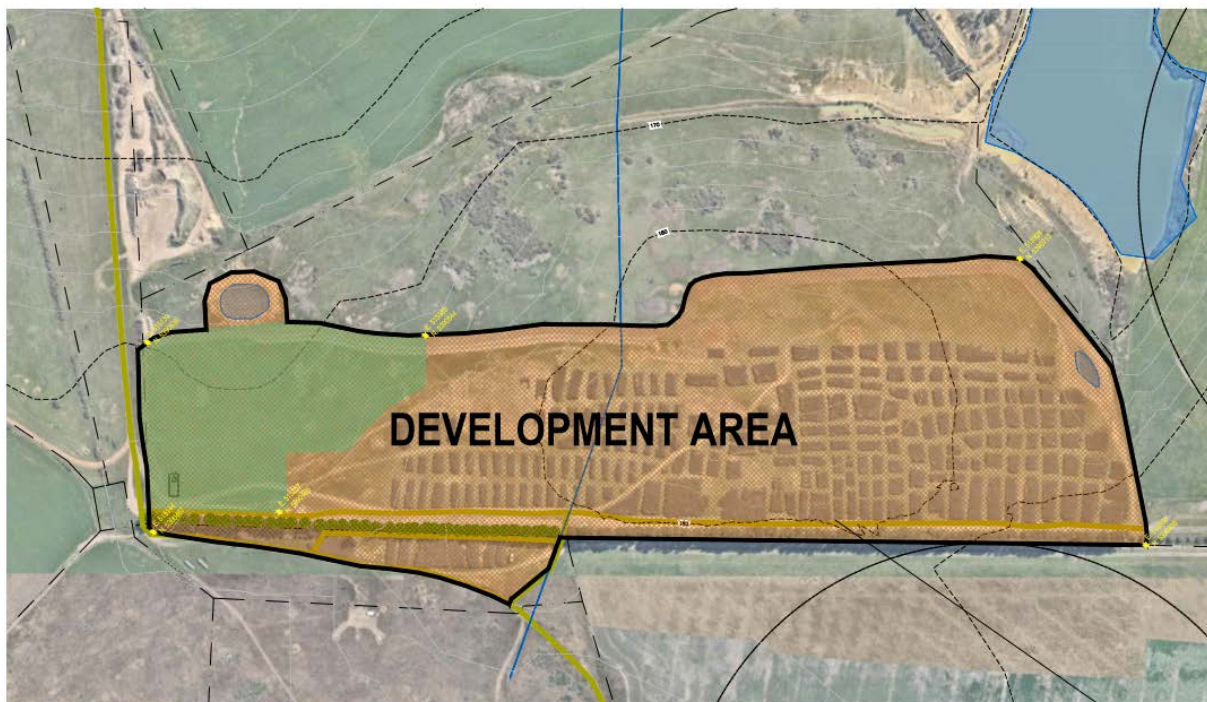
Site Plan



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Development Area of subject development application



Development Area approved under planning permit 13-199

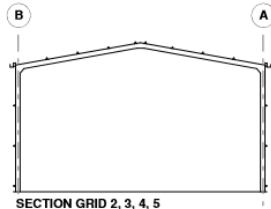
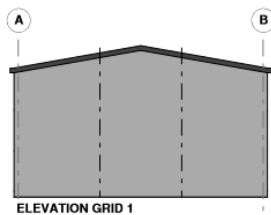
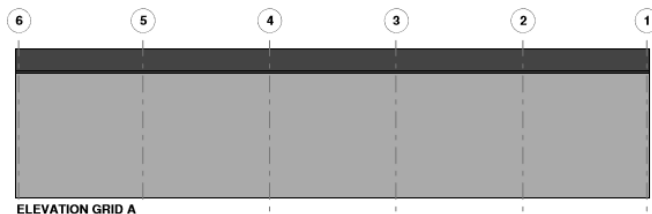
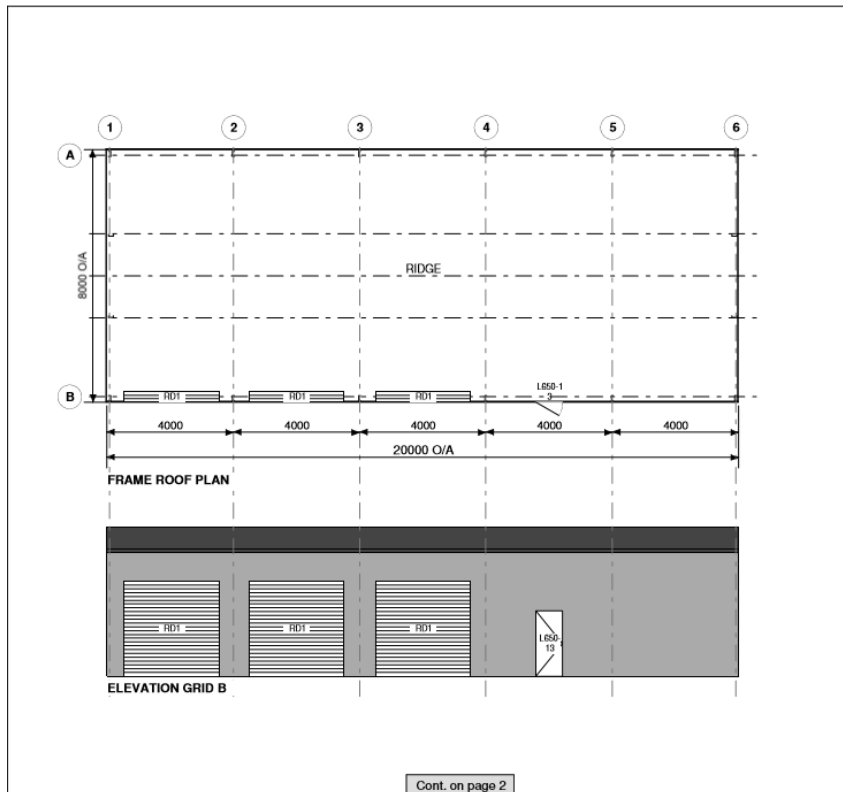


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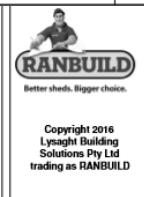


Elevations



Cont. on page 3

		Copyright 2016 Lysaght Building Solutions Pty Ltd trading as RANBUILD	
Better sheels. Bigger choice.			
CLADDING			
ITEM	PROFILE (mm)	FINISH	COLOUR
ROOF	CUSTOM ORB 0.42 BMT	CB	AA
WALLS	TRIMDEK 0.42 BMT	CB	AA
CORNERS	-	CB	AA
BARGE	-	CB	AA
GUTTER	HI-GLAD	CB	AA
0.35bmt-0.40bmt; 0.42bmt-0.47bmt; 0.48bmt-0.53bmt			
ACCESSORY SCHEDULE & LEGEND			
QTY	MARK	DESCRIPTION	
3	RD1	Steel Line R.D. Manual "A", 2925 high x 3000 wide Clear Opening CB	
1	L650-13	Larnac Door & Frame Kit, 650/57, Std. 2040 x 820 250mm	
ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE			
WIND DESIGN			
IMPORTANCE LEVEL	REGION	TERRAIN	Ms
2	A	2.5	1.0
CLIENT Tim Chugg			
SITE 5 Blackwood Drive LONGFORD TAS 7301			
BUILDING SUNDOWN DELUXE 8000 SPAN x 4000 EAVE x 20000 LONG			
TITLE GENERAL ARRANGEMENT			
LICENSE NO: CC2747G			
SCALE A4 SHEET 1:125		DRAWING NUMBER LAUNC3-6334	PAGE 1/3



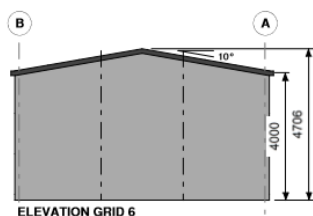
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DRAWING NUMBER LAUNC3-6334	PAGE 2/3

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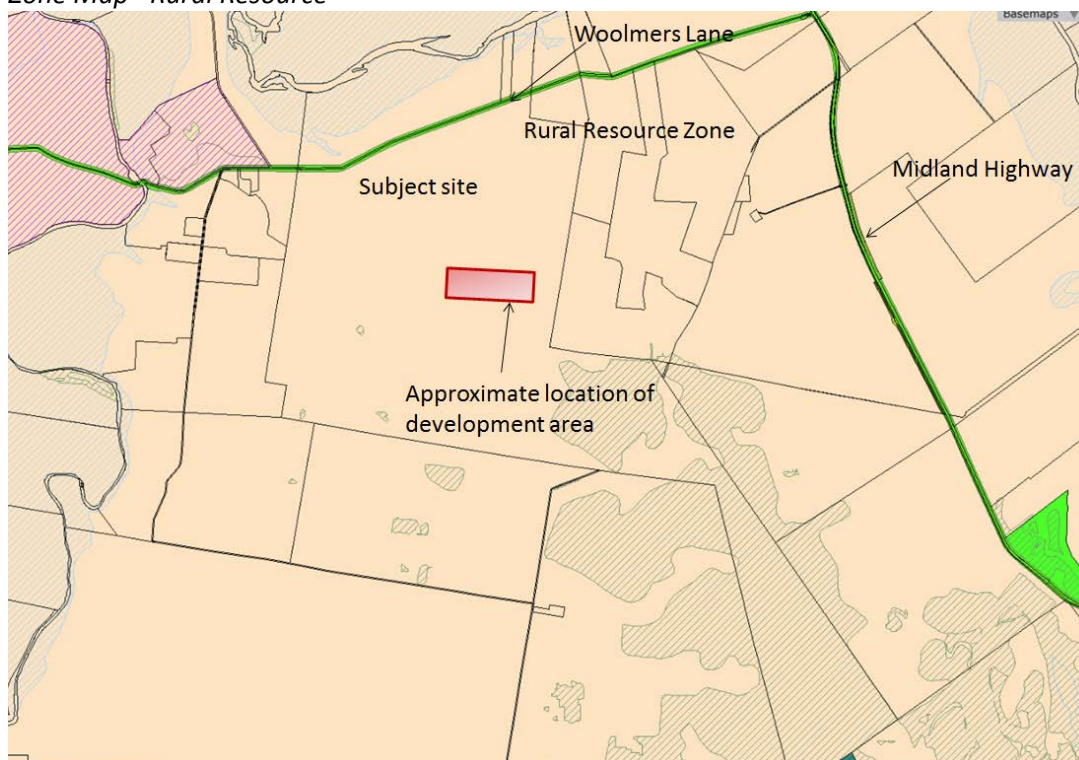
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DRAWING NUMBER LAUNC3-6334	PAGE 3/3

4.2 Zone and land use

Zone Map –Rural Resource



The land is zoned *Rural Resource* and is subject to the following codes:

- Road and Railway Assets Code; and

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- Car Parking and Sustainable Transport Code.

As previously identified the proposal is a Level 2 activity as listed in Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (the EMPCA). The proposal is therefore exempt from the following codes under the planning scheme:

- E9 Water Quality Code pursuant to Clause E9.4.1 f); and
- E11 Environmental Impacts and Management Code pursuant to Clause E11.4.1 a).

The use proposed fits within the use class of Recycling and Waste Depot which is defined under Table 8.2 as:

Use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station

A Recycling and Waste Depot is a discretionary use in the Rural Resource Zone pursuant to Clause 26.2, Use Table for the Rural Resource Zone.

4.3 Subject site and locality

The site development area is 19.88ha in size and is part of a larger title (C.T. 105810/1), that is used for irrigation cropping and grazing with a small area used for excavation works. The site is part of the Low South Esk Irrigation District. The site area is 200m from the eastern boundary, 1.5km from the western boundary and over 1km from the southern boundary.

The title area like the surrounding landscape is relatively flat with some undulation, with the development site area located on a low ridge. The area is largely void of standing vegetation other than some remnant patches of dry eucalypt forest and woodland as well as wind breaks.

The surrounding land is predominantly used for agricultural purposes; with nearest sensitive uses located approximately 1,400m from the site development area. To the west of the site there are a number of uses that do not fit within the use class of Resource development, including potato processing, grain silos, impact fertilizer depot, poultry raising and egg production.

Aerial photograph of area



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4.4 Permit/site history

The delivery and storage of ELT's on the site (Recycling and Waste Disposal) was granted a planning permit P13-199, by the Northern Midlands Council (Council) on the 20 December 2013. The permit was subsequently amended pursuant to s 44(2) (d) of the EMPCA on 6 June 2016 with the following four conditions:

- 12. Tyres must not be deposited on the Land after 20 December 2016.
- 13. All tyres must be removed from the Land by 31 December 2020.
- 14. All tyres delivered to the Land from 10 March 2016 must be stored in rows no more than 6 metres wide, no more than 20 metres long, with a minimum aisle width of 10 metres, and a maximum height of 3 metres.
- 15. When tyres are removed from the Land, preference must be given, where possible, to first remove tyres from the older, larger piles that existed prior to the grant of the Permit, with the effect that these piles will be depleted in preference to more recently created piles.

The subject planning application seeks to continue to store as well as shred ELT's which is beyond the scope of the above planning permit (in particular conditions 12 and 13).

4.5 Representations

The application was advertised in accordance with Section 27G of the *Environmental Management and Pollution Control Act 1994*. A review of Council's Records management system after completion of the public exhibition period revealed that 4 representations (attached) were received from:

- Michael Salhani (no address supplied)
- Australian Tyre Recyclers Association
- Tyrecycle, Somerton Victoria
- Tasmanian Conservation Trust, Hobart Tasmania

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

Issue 1

Inconsistent with permit P13-199

Planner's comment:

Inconsistency with P13-199 is the reason for the subject development application, not a basis for refusing the application.

Issue 2

Significant expansion of storage area from 2,600 tonnes per year to 7,800 tonnes per year

Planner's comment:

The application is for the delivery of 2,600 tonnes of ELT's to be delivered to the site per annum and the shredding of up to 7,800 tonnes per annum. The larger tonnage for the shredding enables the removal of the stockpile of ELT's. The application documents have indicated that there will be an increase in the stockpile for a period of 4 – 9 months until the shredder becomes operational.

Issue 3

The ELT storage will expand for 9 months before shredding commences.

Planner's comment:

The applicant provided an updated Environmental Effects Report that states that the time period for the commissioning of the shredder equates to a period of 4-5 months however there are a number of challenges that may arise during the construction process so timeframes cannot be guaranteed. Given that the proponent would not purchase the shredder until planning approval

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is granted, the expansion of the stockpile for a period of up to 9 months is considered reasonable. A condition of approval is recommended to ensure that stockpiling must cease if the shredder is not commissioned within 9 months.

Issue 4

Inconsistent with the Rural Resource zone and relevant codes.

Planner's comment:

The proposal has been assessed against the relevant zone standards and codes and subject to conditions has been found to be acceptable.

Issue 5

Inconsistent with the values and community objectives of the communities of Perth and Longford.

Planner's comment:

The relevant document the proposal must be assessed against is the interim planning scheme and any representations received.

Issue 6

Inadequate environmental values report.

Planner's comment:

The site area is not subject to the Biodiversity Code and therefore an environmental values report is not required. Notwithstanding all environmental values are considered by the EPA in their Environmental Assessment Report.

Issue 7

Inconsistent with tourism of area.

Planner's comment:

The proposal has been found to be consistent with the Local Area Objectives and is not within the Scenic Corridor Overlay. Furthermore, the site area is over 1.5km south of Woolmers Lane and over 2km west of Midland Highway with some undulation of land and wind breaks ensuring that the development proposed is not visible from any tourist routes. Furthermore, a condition will also be placed on the permit that requires the finishes of the shed to have a light reflectance values not greater than 40%.

Issue 7

Two other ELT recycling operations have been established in neighbouring Councils which undermines viability of proposal.

Planner's comment

This is beyond the scope of the assessment.

Issue 7

Dumping of contaminated material in May 2016

Planner's comment

A permit was issued on the 31 October 2016 that dealt with the above.

Issue 7

ELT's will not be processed and removed off the site and will instead be further stockpiled.

Planner's comment

The previous planning permit includes conditions which require the removal of the stockpiling of ELT's by December 2020 and it is recommended to include a similar condition on this permit. If these conditions are not met then enforcement action can be taken pursuant to section 64 of the *Land Use Planning and Approval Act 1993* or pursuant to s48 of the EMPCA.

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Issue 8

The shredder is a first pass through unit (primary shredder) only.

Planner's comment

In the further information provided to the EPA on the 23 December 2016 the applicant confirmed that the shredded material will require further processing before it can be reused, with any further processing to be undertaken on a separate site; this is also recognised in the Environmental Assessment Report.

Issue 9

The stockpile is a fire risk with two fires associated with the existing stockpile.

Planner's comment

The Bushfire Prone Areas Code is not triggered by the application. An Emergency Fire Plan was prepared in conjunction with the Tasmanian Fire Service and in accordance with the *South Australian Fire Authorities, Community Safety Department (2014) Built Environs Section Guideline No. 13, General Guidelines for Rubber Tyre Storage*. Furthermore, the Environmental Assessment Report specifically considered fire management, and conditions on the permit have been recommended.

Issue 10

There is no requirement for the viability of the clean up to be contingent on continuing to place tyres at the site.

Planner's comment

Agreed; notwithstanding the development application for the continued use of the site and the shredding of the ELT's is required to be assessed against the planning scheme.

Issue 11

Liquid effluent does not refer to the water required to shred tyres.

Planner's comment

The applicant confirmed in an updated Environmental Effects Report (dated 23 December 2017) to the EPA that water is not required for the operation of the tyre shredder. Further, the Environmental Assessment Report specifically considers liquid effluent with conditions on the permit accordingly.

Issue 11

Market for the product is very unlikely.

Planner's comment

This is beyond the scope of the assessment.

Issue 12

Pile sizes currently not in the format of 20mx6mx3m

Planner's comment

Condition 14, on the permit 13-199, amended 6 June 2016 required only the tyres delivered to the land from 10 March 2016 to be stored in the above format.

Issue 12

Proponent required to pay a bond to the EPA to be used to remove the tyre stockpile of the proponent fails to do so.

Planner's comment

A condition requiring a bond is recommended to be included in the permit.

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Issue 13

Conditions requiring a weed management plan and a biosecurity management plan.

Planner's comment

The Environmental Assessment Report specifically considers these matters, with conditions on the permit accordingly.

4.6 Referrals

The only referrals required were as follows:

Council's Works & Infrastructure Department

Precis: Council's Works & Infrastructure Department's recommended conditions regarding sealing of the crossover are included in the conditions of approval.

Environment Protection Agency (level 2 under EMPCA)

The application was referred, by Council to the Board of the EPA on the 13 April 2016. In accordance with Section 25(5) of the EMPCA, Council was notified of the decision on the 13 January 2016 to approve the proposal and that conditions must be contained in any permit granted by the Council under the LUPAA in respect of the activity.

4.7 Planning Scheme Assessment

RURAL RESOURCE ZONE
ZONE PURPOSE
<i>26.1.1 Zone Purpose Statements</i> <i>26.1.1.1 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>26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.</i> <i>26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.</i> <i>26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i>
Assessment: The proposal includes a site development area of 19.88ha on a title that has a land area of 1054ha; approximately 2% of the land title area. By the 31 December 2020 when the stockpile of ELT's has been removed this site development area will be substantially reduced to approximately 5ha – 0.5% of the land title area. Furthermore, the use, which is non-sensitive in nature, will not constrain or conflict with the existing cropping and grazing of the subject and nearby sites. The proposal is considered to be consistent with the Zone Purpose Statements subject to the conditions recommended which will ensure that the use progresses in a manner consistent with the Zone Purpose Statements.
LOCAL AREA OBJECTIVES
<i>a) Primary Industries:</i> <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> <i>b) 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>

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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.

Assessment: The proposal will not undermine the primary use of the title area or the adjacent areas being for grazing and irrigation cropping. Similarly, the proposal cannot be seen from either Woolmers Lane or the Midland Highway and therefore will not undermine rural tourism of the area. The proposal which is for a singular niche use will not undermine the activity centre hierarchy. As such, it is considered that the proposal meets the local area objectives subject to the conditions recommended which will ensure that the use progresses in a manner consistent with the Local Area Objectives.

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 cannot be seen from either Woolmers Lane or the Midland Highway, furthermore by December 2020 all storage of the ELT's together with the shredder and the loading of the chips will occur within the shed proposed. A condition is recommended to be placed on the permit that requires the finishes of the shed to have a light reflectance values not greater than 40%. The proposal is considered to be consistent with the desired future character statements.

USE STANDARDS

26.3.1 Discretionary Uses if not a single dwelling

A1 <i>If for permitted or no permit required uses.</i>	Comment: The proposal does not comply and must be assessed against the corresponding performance criteria.
P1.1 <i>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</i> P1.2 <i>Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.</i>	Comment: As detailed above the proposal is considered to be consistent with the local area objectives; sub clause P1.2 does not apply to the proposal. The proposal is considered to meet the requirements of P1.1 and P1.2.
A2 <i>If for permitted or not permit required uses.</i>	Comment: The proposal does not comply and must be assessed against the corresponding performance criteria.
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 prime agricultural land to that use will result in a significant benefit to the region having</i>	Comment: The proposal is on non-prime agricultural land; the proposal meets the requirements of P2.1 and P2.2.

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<i>regard to the economic, social and environmental costs and benefits.</i>	
<i>A3 If for permitted or no permit required uses.</i>	Comment: The proposal does not comply and must be assessed against the corresponding performance criteria.
<i>P3 The conversion of non-prime agricultural to nonagricultural use must demonstrate that:</i> <i>a) the amount of land converted is minimised having regard to:</i> <i>i) existing use and development on the land; and</i> <i>ii) surrounding use and development; and</i> <i>iii) topographical constraints; or</i> <i>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> <i>i) limitations created by any existing use and/or development surrounding the site; and</i> <i>ii) topographical features; and</i> <i>iii) poor capability of the land for primary industry; or</i> <i>c) the location of the use on the site is reasonably required for operational efficiency.</i>	Comment: The site development area is approximately 2% of the title area with the site development area reducing to approximately 0.5% by December 2020. Moreover, the site development area has approval from permit 13-199; as such there is minimal (refer site plans) conversion of non-prime agricultural land with the application including a commitment to reducing the stock pile and repurposing the land for grazing. It is considered that any conversion has been minimised given the existing use and development on the land. The proposal is considered to be consistent with the P3 a).
<i>A4 If for permitted or no permit required uses.</i>	Comment: The proposal does not comply and must be assessed against the corresponding performance criteria.
<i>P4 It must demonstrated that:</i> <i>a) emissions are not likely to cause an environmental nuisance; and</i> <i>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</i> <i>c) the capacity of the local road network can accommodate the traffic generated by the use.</i>	Comment: The proposal was referred to the EPA who found that with conditions the proposal will not cause an environmental nuisance. The use is not a sensitive use and by 31 December 2020 the site development area will be for approximately 0.5% of the title area – it is considered that the use will not unreasonably confine or restrain normal primary industry operations. The majority of truck movements will be to and from the Midlands Highway with the proposal creating approximately 18 vehicle movements per day. The capacity of the road network will not be compromised by the use. The proposal is considered to meet the requirements of P4.
<i>A5 The use must:</i> <i>a) be permitted or no permit required; or</i> <i>b) be located in an existing building.</i>	Comment: The proposal does not comply; the proposal must be assessed against the corresponding performance criteria.
<i>P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</i> <i>a) the impacts on skylines and ridgelines; and</i> <i>b) visibility from public roads; and</i> <i>c) the visual impacts of storage of materials or equipment; and</i> <i>d) the visual impacts of vegetation clearance or retention; and</i> <i>e) the desired future character statements.</i>	Comment: The proposal cannot be seen from a public road, does not require the clearance of standing vegetation and is substantially screened by wind breaks. The shed will be located on a low ridge, to ensure the visual appearance is consistent with the area, a condition will be placed on the permit that requires the finishes of the shed to have a light reflectance values not greater than 40%. As detailed above the proposal is consistent with the desired future character statement. It is further noted that by December 2020 the ELT stockpile will be removed with the

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	remaining infrastructure on site being the shed that will contain the shredder and the ELT's with some parking and maneuvering areas, which is generally consistent with a rural landscape. The proposal is considered to be consistent with the P5.
26.3.3 Irrigation Districts	
A1 <i>Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the Water Management Act 1999</i>	Comment: The proposal for a non-agricultural use is located within the South Esk Irrigation District and therefore must be assessed against the corresponding performance criteria.
P1 <i>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:</i> <i>a) the location and amount of land to be used; and</i> <i>b) the operational practicalities of irrigation systems as they relate to the land; and</i> <i>c) any management or conservation plans for the land.</i>	Comment: The use is not a sensitive use and by December 2020 the site development area will be for approximately 0.5% of the title area only. The site development area currently has approval for tyre storage with the proposal requiring a minimal increase in land as evident in the site plans above. Furthermore, the proponent has committed to the removal of the stockpile by December 2020 and that this land will be rehabilitated to be used for agricultural once the removal of the ELT's occurs; a condition consistent with this is recommended for the permit. It is considered that the use proposed will not unreasonably reduce the current and future irrigation potential of the land given the minimal land to be used, the current use of the site and the non-sensitive nature of the use.

DEVELOPMENT STANDARDS

26.4.1 Building Location and Appearance	
A1 Building height must not exceed: <i>a) 8m for dwellings; or</i> <i>b) 12m for other purposes.</i>	Comment: The proposed shed has a building height of 4.7m; the proposal complies with A1.
A2 Buildings must be set back a minimum of: <i>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</i> <i>b) 200m where a sensitive use is proposed; or</i> <i>c) the same as existing for replacement of an existing dwelling.</i>	Comment: The setbacks proposed are 200m from the eastern boundary, 1.5km from the western boundary and over 1km from the southern boundary; the proposal complies with A2.

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	Acceptable with conditions. See code assessment below.
E.5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Acceptable with conditions. See code assessment below
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	N/a
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

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ASSESSMENT AGAINST E4.0 ROAD AND RAILWAY ASSETS CODE	
E4.6.1 Use and road or rail infrastructure	
A1 <i>Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.</i>	Comment: A1 does not apply; the proposal is not for a sensitive use.
A2 <i>For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day</i>	Comment: A2 does not apply; Woolmers Lane has a speed limit of more than 60km/h.
A3 <i>For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</i>	Comment: The proposal uses an existing access that was upgraded as part of permit 13-199; the traffic movements approved as part of that development application were 12 vehicle movements per day (6 truck and 6 light vehicle). The subject development application includes in addition to these vehicle movements 6 movements (2 truck and 4 light vehicle). This represents an increase of 50%. The proposal must therefore be assessed against the corresponding performance criteria.
P3 <i>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.</i>	Comment: Woolmers Lane is not a category 1, 2 or 3 road nor is it a limited access road; as such part a) and b) do not apply. The junction was upgraded as part of permit 13-199. The increase in traffic movements still totals only 18 per day, which will have a negligible impact on the efficiency of the road network including both Woolmers Lane and the Midland Highway. The proposal is considered to be consistent with the requirements of A3.
E4.7.2 Management of Road Accesses and Junctions	
A1 <i>For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</i>	Comment: A1 does not apply as the speed limit of Woolmers Lane is greater than 60km.
A2 <i>For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</i>	Comment: The proposal does not include a new access or junction, therefore A2 does not apply.

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E4.7.4 Sight distance at Accesses , Junction and Level Crossings

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 AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	Comment: The access has a 173m sight distance in the East direction and 388m to the West. Council's Works & Infrastructure section is satisfied with the sight distances.
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ASSESSMENT AGAINST E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

E6.6.1 Car Parking Numbers

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).	Comment: The proposal has a site area of 19.88ha; the number of car parks required as pursuant to Table E6.1 is 1 per 500m² of the site and 1 space per employee. That is 399.6 parking spaces (400). The number of car parks proposed is 2; the proposal requires assessment against P1.
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:	Comment: The site plan does not identify a parking plan however the supporting planning submission identifies that 2 parking spaces can easily be accommodated on site. The use will employ only two staff; with all other visitors to the site being the truck drivers that will be delivering the ELT's or removing the chips. It is considered that the car parking demand will be met on the site. A condition however is recommended that requires a detailed parking plan that clearly identifies the location of the car parking to be provided on site. Subject to the above condition the proposal is considered to satisfy P1.

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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.	
E6.6.2 Bicycle Parking Numbers	
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.	Comment: There is no requirement for bicycle parking spaces as there are only 2 employees.
E6.6.3 Taxi Drop-off and Pickup	
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).	Comment: Council sought legal advice in relation to this Acceptable Solution as there is no corresponding performance criteria. The advice concluded that the amount of car parking Council will accept under the Performance Criteria for E6.6.1 is the appropriate interpretation. As such, in this case, the requirement is 1 taxi drop off space. A condition is recommended accordingly.
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.	Comment: Council sought legal advice in relation to this Acceptable Solution as there is no corresponding performance criteria. The advice concluded that the amount of motorbike parking Council will accept under the Performance Criteria for E6.6.1 is the appropriate interpretation. As such, in this case, the requirement is 1 motorbike parking space. A condition is recommended accordingly.
E6.7.1 Construction of Car Parking Spaces and Access Strips	
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.	Comment: The proposal does not include detailed plans of the car parking spaces and manoeuvring areas. The supporting planning submission however states that the proposal will be formed to an adequate level and drained but does not stipulate the impervious all weather seal. It is assumed that given the rural location and the relatively small number of vehicle movements the car parking area will be a pervious, all weather seal. The proposal must therefore be assessed against the corresponding performance criteria.

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P1 <i>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.</i>		Comment: The proposal is in a rural setting with a substantial amount of land. A condition should be placed on the permit that requires the surfacing of the car parking, access strips and manoeuvring and circulation spaces to be readily identifiable and constructed to an all weather surface. Subject to this condition the proposal is considered to meet P1.
E6.7.2 Design and Layout of Car Parking		
A1.1 <i>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</i> A1.2 <i>Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i>		Comment: The proposal includes two car parking spaces only and is within a Rural Resource Zone. A1.1 and A1.2 do not apply.
A2.1 <i>Car parking and manoeuvring space must:</i> a) <i>have a gradient of 10% or less; and</i> b) <i>where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</i> c) <i>have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</i> A2.2 <i>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.</i>		Comment: No details of the car parking, manoeuvring areas or access were provided in the application documents, however the supporting planning submission stated that the proposal complies. To ensure compliance, a condition should be placed on the permit to ensure compliance with A2.1 and A2.2; that is have a gradient of 10% or less, access widths no less than Table E 6.2 and Table E6.3 and ensure compliance with AS2890.1 Subject to the above condition the proposal is considered to meet A2.1 and 2.2.
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		
A1 <i>Car parking areas with greater than 20 parking spaces must be:</i> a) <i>secured and lit so that unauthorised persons cannot enter or;</i> b) <i>visible from buildings on or adjacent to the site during the times when parking occurs.</i>		Comment: The development proposed identifies 2 car parking spaces only; A1 does not apply to the proposal.
E6.7.4 Parking for Persons with a Disability		
A1 <i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i>		Comment: There are no spaces designated for use by persons with a disability: A1 does not apply to the proposal.

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A2	<i>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.</i>	Comment: The proposal is for only 2 car parking spaces. A2 does not apply to the proposal.
E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup		
A1	<i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i> <i>a) at least one loading bay must be provided in accordance with Table E6.4; and</i> <i>b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i>	Comment: A1 does not apply to the proposal.
E6.8 Provisions for Sustainable Transport		
The proposal does not include bicycle parking and provides only 2 car parking spaces, therefore not requiring the provision of pedestrian walkways. Section E6.8 does not apply to the proposal.		
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		
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:

- 26.2 Use table
Recycling and waste disposal is a discretionary use class.

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- 26.3.1 Discretionary uses if not a single dwelling
Acceptable solutions A1 – A4 are for only permitted or no permit required uses
- 26.3.1 Discretionary uses if not a single dwelling
Acceptable solution A5 if for only permitted, no permit required uses or be located in an existing shed.
- E4.3.1 A3 – increase in average daily traffic movements by more than 10%.
- E6.6.1 Car Parking Numbers – the number of car parking spaces provided does not meet the requirements of Table E6.1.
- E6.7.1 A1 Construction of Car Parking Spaces and Access Strips

Tyre storage & shredding, ongoing delivery & storage of up to 2,600 tonnes of 'end of life' tyres per year and the shredding of up to 7,800 tonnes of end of life tyres (level 2 activity under EMPCA).

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 & referral to EPA.
- B EPA's request for further information dated 2 May 2016 and applicant's response.
- C EPA's permission to advertise & representations.
- D EPA's request for additional information dated 9 December 2016 and applicant's response.
- E EPA's Environmental Assessment Report and conditions.
- F Tyre removal plan referred to in condition 8.3 of the recommendation.

RECOMMENDATION

The land at 437 Woolmers Lane (CT105810/1), Longford to be developed and used for Recycling and Waste Disposal (Tyre recycling facility - storage & shredding of end of life tyres) (level 2 activity under EMPCA) in accordance with development application P16-077 subject to the following conditions:

1 Layout not altered

All use and development authorised by this permit must be undertaken substantially in accordance with the following endorsed documents:

- **P1 – Site Plan Title Boundary** (Project No. 15.242, Drawing No. C01, Rev -);
- **P2 – Development Area Plan** (Project No. 15.242, Drawing No. C02, Rev -);
- **P3 – Site Plan** (Project No. 15.242, Drawing No. C03, Rev -);
- **P4 – Drainage Plan** (Project No. 15.242, Drawing No. C04, Rev -);
- **P5 – General Arrangement** (Drawing No. LAUNC3-6334, Page 1/3);
- **P6 – Shed Elevation** (Drawing No. LAUNC3-6334, Page 2/3);
- **P7 – Shed Elevation** (Drawing No. LAUNC3-6334, Page 3/3);
- **P8 – 4.9" Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS, Date 01-06);
- **P9 – 4.9" Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS- A, Date 01-07);
- **P10 – 4.9" Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS- C, Date 01-07);
- **D1 – "Tyre Shredder, 437 Woolmers Lane Longford, Supporting Submission"**, 6ty Degrees, 6 April 2015; and
- **D2 – "Tyre Storage and Shredding, 437 Woolmers Lane Longford, Environmental Effects Report"**, 6ty Degrees, Issue 4.1, 17 October 2016.

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2 **Environmental Management and Pollution Control Act 1994**

The person responsible for the activity authorised by this permit must comply with the conditions contained in Schedule 2 of PERMIT PART B PERMIT CONDITIONS – ENVIRONMENTAL No. 9478 dated 13 January 2017 which the Board of the Environment Protection Authority (the **EPA**) has required the planning authority to include in this permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

3 **Fire Management and Response Plan**

- 3.1 Within ninety (90) days from the date on which this permit takes effect under section 53 of the *Land Use Planning and Approvals Act 1993*, a Fire Management & Response Plan (the **Fire Plan**) must be prepared and submitted to Council's General Manager for approval.
- 3.2 The Fire Plan must be prepared in consultation with the Tasmania Fire Service, the Director of the EPA and the Council.
- 3.3 Once approved by Council's General Manager, the Fire Plan will be endorsed and will then form part of this permit.
- 3.4 Any proposed amendments to the approved Fire Plan must be prepared in consultation with the Tasmania Fire Service, the Director of the EPA and the Council and do not take effect unless and until they are approved by Council's General Manager.

4 **Plans required**

Prior to the issue of a building permit, or the commencement of development authorised by this permit, plans to the satisfaction of Council's General Manager must be submitted. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:

- a) the location and dimensions of:
 - i. the 2 staff car parking spaces to be provided on site;
 - ii. 1 dedicated taxi drop off and pick up space; and
 - iii. 1 dedicated motorbike parking space;
- b) details of the all-weather surface to be provided to all car parking, access strips, maneuvering and circulation spaces;
- c) details of the all-weather surface with a load capacity of at least 20 tonnes suitable for fire trucks for the 'INTERNAL ACCESS ROAD' depicted on endorsed document *P1 – Site Plan (Project No. 15.242, Drawing No. C01, Rev -)*;
- d) all car parking and maneuvering space with a gradient of 10% or less;
- e) access width a minimum of 3.0m with the provision of a passing bay (2.0m wide by 5.0m long) every 30m unless access width is 5.5m or more; and
- f) the finishes of the shed with a light reflectance value not greater than 40%.

5 **Marking of Operations Area**

Within thirty (30) days from the date on which this permit takes effect, the 'OPERATIONS AREA' depicted on endorsed document *P2 – Development Area Plan (Project No. 15.242, Drawing No. C02, Rev -)* must be clearly marked out with a fence or similar to the satisfaction of Council's General Manager.

6 **Marking of tyre pod locations**

Within thirty (30) days from the date on which this permit takes effect, all empty or partially filled pods depicted on the endorsed plans must be marked on-site in accordance with the endorsed plans, to the satisfaction of Council's General Manager.

7 **Tyre delivery to cease if shredder not commissioned**

If after the expiration of nine (9) months from the date on which this permit takes effect the tyre shredder has not been installed, commissioned and brought into operation, all deliveries of tyres to the site must cease until such time as the tyre shredder has been installed, commissioned and brought into operation.

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8 Shredding of Existing Stockpiles

- 8.1 After commencement of use of the shredder, tyres from the area labelled 'EXISTING STOCKPILES' on endorsed document *P1 – Site Plan (Project No. 15.242, Drawing No. C01, Rev -)* (the **Existing Stockpiles**) must be shredded at a rate of no less than 1,400 tonnes every four (4) months.
- 8.2 Every four (4) months following the commencement of use of the shredder, the operator must provide Council's General Manager with a report confirming compliance with condition 8.1 of this permit. The report must include a copy of endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)* indicating which pods have been removed or partially depleted during the relevant period
- 8.3 Tyres taken from the Existing Stockpiles for shredding must be taken in the following order:
- firstly, from within the area labelled 'STOCKPILE LOCATION 1' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)* commencing with the tyre pod located in the south-eastern corner of 'STOCKPILE LOCATION 1' (the **First Pod**) followed by the eight (8) tyre pods located immediately due west of the First Pod;
 - secondly, from within the area labelled 'STOCKPILE LOCATION 2' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)*;
 - thirdly, the tyre pods in 'STOCKPILE LOCATION 1' located to the east of the area where tyres have previously been removed by 'Tyrecycle' as indicated on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)*; and
 - fourthly, the balance of the tyre pods in 'STOCKPILE LOCATION 1'.

Note: for the assistance of the operator Council has prepared and **attached** to this permit a plan indicating the location of the tyre pods described in permit conditions 8.3 a, b and c.

9 Bond/bank guarantee

- 9.1 Within thirty (30) days from the date on which this permit takes effect the operator must supply Council with either:
- a cash bond in the amount of \$200,000; or
 - an irrevocable bank guarantee procured from a reputable Australian financial institution made in favour of the Council in the amount of \$200,000,
- as security for the removal of tyres from the site in accordance with permit condition 16.1.
- 9.2 The bond or bank guarantee supplied in accordance with permit condition 9.1 will be returned by Council once condition 16.1 of this permit has been met in full.
- 9.3 If the operator fails to comply with permit condition 16.1 (in whole or in part), the bond or bank guarantee supplied in accordance with permit condition 9.1 will be applied by Council towards the removal of tyres in accordance with that condition and the balance of the bond or bank guarantee (if any) will be returned to the operator.

10 Vector and Vermin Control

- 10.1 Prior to the commencement of use of tyre storage, a Vector and Vermin Management Plan (the **Vermin Plan**) must be prepared and submitted to Council's General Manager for approval.
- 10.2 The Vermin Plan must include aerial spraying/fogging of the tyre pods to prevent the breeding of mosquitoes.
- 10.3 Once approved by Council's General Manager, the Vermin Plan will be endorsed and will then form part of this permit.

11 Car park and access

Prior to the commencement of the use of the shredder, all areas to be set aside for parked vehicles and internal access roads as shown on the endorsed plans must be constructed to the satisfaction of Council's General Manager.

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12 Construction of crossover

- 12.1 Prior to commencement of use of the shredder, a driveway crossover and sealed apron must be constructed from the edge of Woolmers Lane to the property boundary of 437 Woolmers lane in accordance with Council's Standard Drawing TSD-R05-v1 – Truck Access to Rural Properties 'Type A'.
- 12.2 Access works must not commence until an application for vehicular crossing has been approved by Council.
- 12.3 Works must not be undertaken within the public road reserve without prior approval for the works by the Works Manager. 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.

13 Vehicle movements to local highway

All vehicles leaving the site laden with tyre chips must turn right on to Woolmers Lane and proceed directly to the Midland Highway.

14 Management Commitments

The operator must conduct the activity in accordance with the following management commitments as set out in Part D of endorsed document *D2 – "Tyre Storage and Shredding, 437 Woolmers Lane Longford, Environmental Effects Report", 6ty Degrees, Issue 4.1, 17 October 2016*:

- 14.1 Within seven (7) days of the Fire Plan being endorsed in accordance with condition 3.3 of this Permit, a copy of the Fire Plan:
 - a. must be stored on site and made available for inspection by Council officers upon request; and
 - b. must be provided to the Tasmania Fire Service.
- 14.2 Every six (6) months from the date of the Fire Plan being endorsed in accordance with condition 3.3 of this Permit, the Fire Plan must be reviewed in consultation with Tasmania Fire Service and to the satisfaction of Council's General Manager.
- 14.3 From the date that this permit takes effect, sheep must be run through the development site such that the grass is maintained in a low fuel condition.
- 14.4 Every six (6) months from the date that this permit takes effect, all gorse is to be removed from within the development area.
- 14.5 From the date that this permit takes effect, the irrigation line must be maintained in good working order for firefighting at all times.
- 14.6 Every three (3) months from the date that the permit takes effect, the collection pond valves must be inspected and maintained in good working order.
- 14.7 Every six (6) months from the date that the permit takes effect, all bunds and firebreaks must be inspected and maintained.

15 Aisles between tyre pods

The aisles between all tyre pods must be kept clear of obstructions at all times so as to maintain the free movement of people and vehicles.

16 Removal of Existing Stockpiles

- 16.1 By 31 December 2020, all tyres located in the areas labelled '*STOCKPILE LOCATION 1*' and '*STOCKPILE LOCATION 2*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)* must be removed from the site. For the avoidance of doubt, this condition does not apply to the areas labelled '*LOCATION OF PROPOSED 20m x 8m TYRE SHREDDER SHED*' and '*TEMPORARY STORAGE AREA IN THE EVENT THAT SHREDDER IS NON-OPERATIONAL*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)*.
- 16.2 After 31 December 2020, tyres must not be deposited, stockpiled or otherwise stored within the areas labelled '*STOCKPILE LOCATION 1*' and '*STOCKPILE LOCATION 2*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)*. For the avoidance of doubt, this condition does not apply to the areas labelled '*LOCATION OF PROPOSED 20m x 8m TYRE SHREDDER SHED*' and

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'TEMPORARY STORAGE AREA IN THE EVENT THAT SHREDDER IS NON-OPERATIONAL' on endorsed document P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -).

17 Rehabilitation

By 31 March 2021 the area identified as the *'DEVELOPMENT AREA'* on endorsed document P2 – Development Area Plan (Project No. 15.242, Drawing No. C02, Rev -) must be rehabilitated for agricultural use to the satisfaction of Council's General Manager taking advice from a suitably qualified agricultural consultant.

18 Bi-annual reporting

Every six (6) months from the date that the permit takes effect, the operator must supply Council's General Manager with a report in respect to compliance with each applicable condition of this permit.

DECISION

Cr Goninon/Cr Knowles

That the matter be discussed.

Carried unanimously

Cr Adams/Cr Polley

The land at 437 Woolmers Lane (CT105810/1), Longford to be developed and used for Recycling and Waste Disposal (Tyre recycling facility - storage & shredding of end of life tyres) (level 2 activity under EMPCA) in accordance with development application P16-077 subject to the following conditions:

1 Layout not altered

All use and development authorised by this permit must be undertaken substantially in accordance with the following endorsed documents:

- **P1 – Site Plan Title Boundary** (Project No. 15.242, Drawing No. C01, Rev -);
- **P2 – Development Area Plan** (Project No. 15.242, Drawing No. C02, Rev -);
- **P3 – Site Plan** (Project No. 15.242, Drawing No. C03, Rev -);
- **P4 – Drainage Plan** (Project No. 15.242, Drawing No. C04, Rev -);
- **P5 – General Arrangement** (Drawing No. LAUNC3-6334, Page 1/3);
- **P6 – Shed Elevation** (Drawing No. LAUNC3-6334, Page 2/3);
- **P7 – Shed Elevation** (Drawing No. LAUNC3-6334, Page 3/3);
- **P8 – 4.9" Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS, Date 01-06);
- **P9 – 4.9" Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS- A, Date 01-07);
- **P10 – 4.9" Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS- C, Date 01-07);
- **D1 – "Tyre Shredder, 437 Woolmers Lane Longford, Supporting Submission"**, 6ty Degrees, 6 April 2015; and
- **D2 – "Tyre Storage and Shredding, 437 Woolmers Lane Longford, Environmental Effects Report"**, 6ty Degrees, Issue 4.1, 17 October 2016.

2 Environmental Management and Pollution Control Act 1994

The person responsible for the activity authorised by this permit must comply with the conditions contained in Schedule 2 of PERMIT PART B PERMIT CONDITIONS – ENVIRONMENTAL No. 9478 dated 13 January 2017 which the Board of the Environment Protection Authority (the **EPA**) has required the planning authority to include in this permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

3 Fire Management and Response Plan

- 3.1 Within ninety (90) days from the date on which this permit takes effect under section 53 of the *Land Use Planning and Approvals Act 1993*, a Fire Management & Response Plan (the **Fire Plan**) must be prepared and submitted to Council's General Manager for approval.

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- 3.2 The Fire Plan must be prepared in consultation with the Tasmania Fire Service, the Director of the EPA and the Council.
- 3.3 Once approved by Council's General Manager, the Fire Plan will be endorsed and will then form part of this permit.
- 3.4 Any proposed amendments to the approved Fire Plan must be prepared in consultation with the Tasmania Fire Service, the Director of the EPA and the Council and do not take effect unless and until they are approved by Council's General Manager.

4 Plans required

Prior to the issue of a building permit, or the commencement of development authorised by this permit, plans to the satisfaction of Council's General Manager must be submitted. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:

- a) the location and dimensions of:
 - i. the 2 staff car parking spaces to be provided on site;
 - ii. 1 dedicated taxi drop off and pick up space; and
 - iii. 1 dedicated motorbike parking space;
- b) details of the all-weather surface to be provided to all car parking, access strips, manoeuvring and circulation spaces;
- c) details of the all-weather surface with a load capacity of at least 20 tonnes suitable for fire trucks for the '*INTERNAL ACCESS ROAD*' depicted on endorsed document *P1 – Site Plan (Project No. 15.242, Drawing No. C01, Rev -)*;
- d) all car parking and manoeuvring space with a gradient of 10% or less;
- e) access width a minimum of 3.0m with the provision of a passing bay (2.0m wide by 5.0m long) every 30m unless access width is 5.5m or more; and
- f) the finishes of the shed with a light reflectance value not greater than 40%.

5 Marking of Operations Area

Within thirty (30) days from the date on which this permit takes effect, the '*OPERATIONS AREA*' depicted on endorsed document *P2 – Development Area Plan (Project No. 15.242, Drawing No. C02, Rev -)* must be clearly marked out with a fence or similar to the satisfaction of Council's General Manager.

6 Marking of tyre pod locations

Within thirty (30) days from the date on which this permit takes effect, all empty or partially filled pods depicted on the endorsed plans must be marked on-site in accordance with the endorsed plans, to the satisfaction of Council's General Manager.

7 No tyre deliveries

This permit does not authorise further delivery of tyres. No tyres are to be delivered to the site.

8 Shredding of Existing Stockpiles

- 8.1 After commencement of use of the shredder, tyres from the area labelled '*EXISTING STOCKPILES*' on endorsed document *P1 – Site Plan (Project No. 15.242, Drawing No. C01, Rev -)* (the **Existing Stockpiles**) must be shredded at a rate of no less than 1,400 tonnes every four (4) months.
- 8.2 Every four (4) months following the commencement of use of the shredder, the operator must provide Council's General Manager with a report confirming compliance with condition 8.1 of this permit. The report must include a copy of endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)* indicating which pods have been removed or partially depleted during the relevant period
- 8.3 Tyres taken from the Existing Stockpiles for shredding must be taken in the following order:

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- a. firstly, from within the area labelled '*STOCKPILE LOCATION 1*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)* commencing with the tyre pod located in the south-eastern corner of '*STOCKPILE LOCATION 1*' (the **First Pod**) followed by the eight (8) tyre pods located immediately due west of the First Pod;
- b. secondly, from within the area labelled '*STOCKPILE LOCATION 2*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)*;
- c. thirdly, the tyre pods in '*STOCKPILE LOCATION 1*' located to the east of the area where tyres have previously been removed by 'Tyrecycle' as indicated on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)*; and
- d. fourthly, the balance of the tyre pods in '*STOCKPILE LOCATION 1*'.

Note: for the assistance of the operator Council has prepared and **attached** to this permit a plan indicating the location of the tyre pods described in permit conditions 8.3 a, b and c.

9 Bond/bank guarantee

- 9.1 Within thirty (30) days from the date on which this permit takes effect the operator must supply Council with either:
 - a. a cash bond in the amount of one million dollars (\$1,000,000); or
 - b. an irrevocable bank guarantee procured from a reputable Australian financial institution made in favour of the Council in the amount of one million dollars (\$1,000,000),as security for the removal of tyres from the site in accordance with permit condition 16.1.
- 9.2 The bond or bank guarantee supplied in accordance with permit condition 9.1 will be returned by Council once condition 16.1 of this permit has been met in full.
- 9.3 If the operator fails to comply with permit condition 16.1 (in whole or in part), the bond or bank guarantee supplied in accordance with permit condition 9.1 will be applied by Council towards the removal of tyres in accordance with that condition and the balance of the bond or bank guarantee (if any) will be returned to the operator.

10 Vector and Vermin Control

- 10.1 Prior to the commencement of use of tyre storage, a Vector and Vermin Management Plan (the **Vermin Plan**) must be prepared and submitted to Council's General Manager for approval.
- 10.2 The Vermin Plan must include aerial spraying/fogging of the tyre pods to prevent the breeding of mosquitoes.
- 10.3 Once approved by Council's General Manager, the Vermin Plan will be endorsed and will then form part of this permit.

11 Car park and access

Prior to the commencement of the use of the shredder, all areas to be set aside for parked vehicles and internal access roads as shown on the endorsed plans must be constructed to the satisfaction of Council's General Manager.

12 Construction of crossover

- 12.1 Prior to commencement of use of the shredder, a driveway crossover and sealed apron must be constructed from the edge of Woolmers Lane to the property boundary of 437 Woolmers lane in accordance with Council's Standard Drawing TSD-R05-v1 – Truck Access to Rural Properties 'Type A'.
- 12.2 Access works must not commence until an application for vehicular crossing has been approved by Council.
- 12.3 Works must not be undertaken within the public road reserve without prior approval for the works by the Works Manager. Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before

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placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

13 Vehicle movements to local highway

All vehicles leaving the site laden with tyre chips must turn right on to Woolmers Lane and proceed directly to the Midland Highway.

14 Management Commitments

The operator must conduct the activity in accordance with the following management commitments as set out in Part D of endorsed document *D2 – “Tyre Storage and Shredding, 437 Woolmers Lane Longford, Environmental Effects Report”, 6ty Degrees, Issue 4.1, 17 October 2016:*

- 14.1 Within seven (7) days of the Fire Plan being endorsed in accordance with condition 3.3 of this Permit, a copy of the Fire Plan:
 - a. must be stored on site and made available for inspection by Council officers upon request; and
 - b. must be provided to the Tasmania Fire Service.
- 14.2 Every six (6) months from the date of the Fire Plan being endorsed in accordance with condition 3.3 of this Permit, the Fire Plan must be reviewed in consultation with Tasmania Fire Service and to the satisfaction of Council’s General Manager.
- 14.3 From the date that this permit takes effect, sheep must be run through the development site such that the grass is maintained in a low fuel condition.
- 14.4 Every six (6) months from the date that this permit takes effect, all gorse is to be removed from within the development area.
- 14.5 From the date that this permit takes effect, the irrigation line must be maintained in good working order for firefighting at all times.
- 14.6 Every three (3) months from the date that the permit takes effect, the collection pond valves must be inspected and maintained in good working order.
- 14.7 Every six (6) months from the date that the permit takes effect, all bunds and firebreaks must be inspected and maintained.
- 14.8 Every vehicle working on site carries an adequate fire extinguisher.

15 Aisles between tyre pods

The aisles between all tyre pods must be kept clear of obstructions at all times so as to maintain the free movement of people and vehicles.

16 Removal of Existing Stockpiles

- 16.1 By 31 December 2020, all tyres located in the areas labelled ‘*STOCKPILE LOCATION 1’* and ‘*STOCKPILE LOCATION 2’* on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)* must be removed from the site.
- 16.2 After 31 December 2020, tyres must not be deposited, stockpiled or otherwise stored within the areas labelled ‘*STOCKPILE LOCATION 1’* and ‘*STOCKPILE LOCATION 2’* on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)*.

17 Rehabilitation

By 31 March 2021 the area identified as the ‘*DEVELOPMENT AREA*’ on endorsed document *P2 – Development Area Plan (Project No. 15.242, Drawing No. C02, Rev -)* must be rehabilitated for agricultural use to the satisfaction of Council’s General Manager taking advice from a suitably qualified agricultural consultant.

18 Bi-annual reporting

Every six (6) months from the date that the permit takes effect, the operator must supply Council’s General Manager with a report in respect to compliance with each applicable condition of this permit.

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19 Removal of shredder

By 31 January 2021, the shredder must be removed from the site.

AMENDMENT

Cr Goninon/Cr Calvert

The land at 437 Woolmers Lane (CT105810/1), Longford to be developed and used for Recycling and Waste Disposal (Tyre recycling facility - storage & shredding of end of life tyres) (level 2 activity under EMPCA) in accordance with development application P16-077 subject to the following conditions:

1 Layout not altered

All use and development authorised by this permit must be undertaken substantially in accordance with the following endorsed documents:

- **P1 – Site Plan Title Boundary** (Project No. 15.242, Drawing No. C01, Rev -);
- **P2 – Development Area Plan** (Project No. 15.242, Drawing No. C02, Rev -);
- **P3 – Site Plan** (Project No. 15.242, Drawing No. C03, Rev -);
- **P4 – Drainage Plan** (Project No. 15.242, Drawing No. C04, Rev -);
- **P5 – General Arrangement** (Drawing No. LAUNC3-6334, Page 1/3);
- **P6 – Shed Elevation** (Drawing No. LAUNC3-6334, Page 2/3);
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- **P9 – 4.9” Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS- A, Date 01-07);
- **P10 – 4.9” Primary Shredder Single Pass Layout** (Drawing No. 4.9-1 PASS- C, Date 01-07);
- **D1 – “Tyre Shredder, 437 Woolmers Lane Longford, Supporting Submission”**, 6ty Degrees, 6 April 2015; and
- **D2 – “Tyre Storage and Shredding, 437 Woolmers Lane Longford, Environmental Effects Report”**, 6ty Degrees, Issue 4.1, 17 October 2016.

2 Environmental Management and Pollution Control Act 1994

The person responsible for the activity authorised by this permit must comply with the conditions contained in Schedule 2 of PERMIT PART B PERMIT CONDITIONS – ENVIRONMENTAL No. 9478 dated 13 January 2017 which the Board of the Environment Protection Authority (the **EPA**) has required the planning authority to include in this permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

3 Fire Management and Response Plan

- 3.1 Within ninety (90) days from the date on which this permit takes effect under section 53 of the *Land Use Planning and Approvals Act 1993*, a Fire Management & Response Plan (the **Fire Plan**) must be prepared and submitted to Council’s General Manager for approval.
- 3.2 The Fire Plan must be prepared in consultation with the Tasmania Fire Service, the Director of the EPA and the Council.
- 3.3 Once approved by Council’s General Manager, the Fire Plan will be endorsed and will then form part of this permit.
- 3.4 Any proposed amendments to the approved Fire Plan must be prepared in consultation with the Tasmania Fire Service, the Director of the EPA and the Council and do not take effect unless and until they are approved by Council’s General Manager.

4 Plans required

Prior to the issue of a building permit, or the commencement of development authorised by this permit, plans to the satisfaction of Council’s General Manager must be submitted. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:

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- a) the location and dimensions of:
 - i. the 2 staff car parking spaces to be provided on site;
 - ii. 1 dedicated taxi drop off and pick up space; and
 - iii. 1 dedicated motorbike parking space;
- b) details of the all-weather surface to be provided to all car parking, access strips, manoeuvring and circulation spaces;
- c) details of the all-weather surface with a load capacity of at least 20 tonnes suitable for fire trucks for the 'INTERNAL ACCESS ROAD' depicted on endorsed document *P1 – Site Plan (Project No. 15.242, Drawing No. C01, Rev -)*;
- d) all car parking and manoeuvring space with a gradient of 10% or less;
- e) access width a minimum of 3.0m with the provision of a passing bay (2.0m wide by 5.0m long) every 30m unless access width is 5.5m or more; and
- f) the finishes of the shed with a light reflectance value not greater than 40%.

5 Marking of Operations Area

Within thirty (30) days from the date on which this permit takes effect, the 'OPERATIONS AREA' depicted on endorsed document *P2 – Development Area Plan (Project No. 15.242, Drawing No. C02, Rev -)* must be clearly marked out with a fence or similar to the satisfaction of Council's General Manager.

6 Marking of tyre pod locations

Within thirty (30) days from the date on which this permit takes effect, all empty or partially filled pods depicted on the endorsed plans must be marked on-site in accordance with the endorsed plans, to the satisfaction of Council's General Manager.

7 Tyre delivery

No tyres are to be delivered to the site until such time as the shredder is operational.

8 Shredding of Existing Stockpiles

- 8.1 After commencement of use of the shredder, tyres from the area labelled 'EXISTING STOCKPILES' on endorsed document *P1 – Site Plan (Project No. 15.242, Drawing No. C01, Rev -)* (the **Existing Stockpiles**) must be shredded at a rate of no less than 1,400 tonnes every four (4) months.
- 8.2 Every four (4) months following the commencement of use of the shredder, the operator must provide Council's General Manager with a report confirming compliance with condition 8.1 of this permit. The report must include a copy of endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)* indicating which pods have been removed or partially depleted during the relevant period
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 - b. secondly, from within the area labelled 'STOCKPILE LOCATION 2' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)*;
 - c. thirdly, the tyre pods in 'STOCKPILE LOCATION 1' located to the east of the area where tyres have previously been removed by 'Tyrecycle' as indicated on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Rev -)*; and
 - d. fourthly, the balance of the tyre pods in 'STOCKPILE LOCATION 1'.

Note: for the assistance of the operator Council has prepared and **attached** to this permit a plan indicating the location of the tyre pods described in permit conditions 8.3 a, b and c.

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9 Bond/bank guarantee

- 9.1 Within thirty (30) days from the date on which this permit takes effect the operator must supply Council with either:
 - a. a cash bond in the amount of \$200,000; or
 - b. an irrevocable bank guarantee procured from a reputable Australian financial institution made in favour of the Council in the amount of \$200,000, as security for the removal of tyres from the site in accordance with permit condition 16.1.
- 9.2 The bond or bank guarantee supplied in accordance with permit condition 9.1 will be returned by Council once condition 16.1 of this permit has been met in full.
- 9.3 If the operator fails to comply with permit condition 16.1 (in whole or in part), the bond or bank guarantee supplied in accordance with permit condition 9.1 will be applied by Council towards the removal of tyres in accordance with that condition and the balance of the bond or bank guarantee (if any) will be returned to the operator.

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- 10.1 Prior to the commencement of use of tyre storage, a Vector and Vermin Management Plan (the **Vermin Plan**) must be prepared and submitted to Council's General Manager for approval.
- 10.2 The Vermin Plan must include aerial spraying/fogging of the tyre pods to prevent the breeding of mosquitoes.
- 10.3 Once approved by Council's General Manager, the Vermin Plan will be endorsed and will then form part of this permit.

11 Car park and access

Prior to the commencement of the use of the shredder, all areas to be set aside for parked vehicles and internal access roads as shown on the endorsed plans must be constructed to the satisfaction of Council's General Manager.

12 Construction of crossover

- 12.1 Prior to commencement of use of the shredder, a driveway crossover and sealed apron must be constructed from the edge of Woolmers Lane to the property boundary of 437 Woolmers lane in accordance with Council's Standard Drawing TSD-R05-v1 – Truck Access to Rural Properties 'Type A'.
- 12.2 Access works must not commence until an application for vehicular crossing has been approved by Council.
- 12.3 Works must not be undertaken within the public road reserve without prior approval for the works by the Works Manager. 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.

13 Vehicle movements to local highway

All vehicles leaving the site laden with tyre chips must turn right on to Woolmers Lane and proceed directly to the Midland Highway.

14 Management Commitments

The operator must conduct the activity in accordance with the following management commitments as set out in Part D of endorsed document D2 – "Tyre Storage and Shredding, 437 Woolmers Lane Longford, Environmental Effects Report", 6ty Degrees, Issue 4.1, 17 October 2016:

- 14.1 Within seven (7) days of the Fire Plan being endorsed in accordance with condition 3.3 of this Permit, a copy of the Fire Plan:
 - a. must be stored on site and made available for inspection by Council officers upon request; and

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- b. must be provided to the Tasmania Fire Service.
- 14.2 Every six (6) months from the date of the Fire Plan being endorsed in accordance with condition 3.3 of this Permit, the Fire Plan must be reviewed in consultation with Tasmania Fire Service and to the satisfaction of Council's General Manager.
- 14.3 From the date that this permit takes effect, sheep must be run through the development site such that the grass is maintained in a low fuel condition.
- 14.4 Every six (6) months from the date that this permit takes effect, all gorse is to be removed from within the development area.
- 14.5 From the date that this permit takes effect, the irrigation line must be maintained in good working order for firefighting at all times.
- 14.6 Every three (3) months from the date that the permit takes effect, the collection pond valves must be inspected and maintained in good working order.
- 14.7 Every six (6) months from the date that the permit takes effect, all bunds and firebreaks must be inspected and maintained.
- 14.8 Every vehicle working on site carries an adequate fire extinguisher.

15 Aisles between tyre pods

The aisles between all tyre pods must be kept clear of obstructions at all times so as to maintain the free movement of people and vehicles.

16 Removal of Existing Stockpiles

- 16.1 By 31 December 2020, all tyres located in the areas labelled '*STOCKPILE LOCATION 1*' and '*STOCKPILE LOCATION 2*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)* must be removed from the site.
- 16.2 After 31 December 2020, tyres must not be deposited, stockpiled or otherwise stored within the areas labelled '*STOCKPILE LOCATION 1*' and '*STOCKPILE LOCATION 2*' on endorsed document *P3 – Site Plan (Project No. 15.242, Drawing No. C03, Issue 01, Rev -)*.

17 Rehabilitation

By 31 March 2021 the area identified as the '*DEVELOPMENT AREA*' on endorsed document *P2 – Development Area Plan (Project No. 15.242, Drawing No. C02, Rev -)* must be rehabilitated for agricultural use to the satisfaction of Council's General Manager taking advice from a suitably qualified agricultural consultant.

18 Bi-annual reporting

Every six (6) months from the date that the permit takes effect, the operator must supply Council's General Manager with a report in respect to compliance with each applicable condition of this permit.

19 Removal of shredder

By 31 January 2021, the shredder must be removed from the site.

Carried

Voting for the Amendment:

Mayor Downie, Deputy Mayor Goss, Cr Calvert, Cr Gordon, Cr Goninon, Cr Knowles, Cr Lambert

Voting against the Amendment:

Cr Adams, Cr Polley

The Amendment became the motion
The Amendment was Put and
Carried unanimously

MINUTES – ORDINARY MEETING

23 JANUARY 2017



20/17 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 Goninon/Cr Calvert

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

Carried unanimously

Ms Boer, Ms Cunningham and Mr Godier left the meeting at 7.41pm.

MINUTES – ORDINARY MEETING

23 JANUARY 2017



21/17 CON – ITEMS FOR THE CLOSED MEETING

DECISION

Cr Lambert/Cr Gordon

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Regulatory & Community Development Manager and Executive Assistant.

Carried unanimously

22/17 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

23/17 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE

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

24/17 (1) PERSONNEL MATTERS

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

24/17 (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

24/17 (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

24/17 (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

24/17 (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

24/17 (6) 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*.
Land Issues / Property Review

MINUTES – ORDINARY MEETING

23 JANUARY 2017



25/17 2017 NORTHERN MIDLAND COUNCIL AUSTRALIA DAY AWARD RECIPIENTS

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

DECISION

Cr Gordon/Cr Knowles

That Council receive the report and the award recipients be made public on the 26 January 2017.

Carried unanimously

26/17 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*.
Macquarie Road

27/17 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*.
Perth Structure Plan

28/17 LAUNCESTON AIRPORT EX-GRATIA RATES

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

DECISION

Cr Polley/Cr Goninon

- i) That Council endorse the response to the Director South East Airports and Economic Regulator not accepting the *Launceston Airport Ex-gratia Rates Revaluation V2*.
- ii) That Council seek a meeting with the Hon. Darren Chester, MP, Minister for Infrastructure and Transport with the assistance of Senator Jonathon Duniam.
- iii) That Council agree to the removal of the billboards on the proviso that the billboards be re-erected prior to the next Federal Election if the matter of the Launceston Airport Ex-Gratia Rates have not been resolved to the satisfaction of the Northern Midlands Council.
- iv) That management prepare a report for discussion purposes on the opportunities to seek a successful outcome to the recovery of the ex-gratia rates and the payment of the ex-gratia rates raised on an annual basis.
- v) That a media release be prepared in relation to the removal of the signs.
- vi) That the recommendation be made public.

Carried unanimously

DECISION

Cr Goninon/Cr Knowles

That Council move out of the closed meeting.

Carried unanimously

Mayor Downie closed the meeting at 8.10pm.

MAYOR _____

DATE _____