



**NORTHERN  
MIDLANDS  
COUNCIL**

**AGENDA**

**SPECIAL MEETING OF COUNCIL**

**MONDAY, 15 JUNE 2020**

**VIA ZOOM VIDEO CONFERENCING  
PLATFORM**

Des Jennings  
GENERAL MANAGER

## QUALIFIED PERSONS ADVICE

The *Local Government Act 1993* Section 65 provides as follows:

- (1) *A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*
- (2) *A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –*
  - (a) *the general manager certifies, in writing –*
    - (i) *that such advice was obtained; and*
    - (ii) *that the general manager took the advice into account in providing general advice to the council or council committee; and*
  - (b) *a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.*

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

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



Des Jennings  
GENERAL MANAGER

## GUIDELINES FOR COUNCIL MEETINGS

### PUBLIC QUESTIONS AND STATEMENTS

Due to COVID-19 the Special Council Meeting scheduled for Monday 15 June 2020 commencing at 5.00pm will take place electronically which unfortunately at this stage prevents public attendance.

Due to this situation the public will be unable to attend the meeting to ask questions during Public Question Time, to ensure questions can still be asked, questions can be submitted prior to the meeting and they will be read out at the meeting. Questions must be received by no later than 12.00pm on Monday 15 June 2020.

Questions can be emailed to [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au); or be hand delivered or mailed to the Council at 13 Smith Street, Longford.

A public recording of the meeting will be placed on Council's website as soon as practicable after the meeting.

### PETITIONS

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

## RECORDING OF COUNCIL MEETINGS

**COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 – Regulation 18** makes provision for councils to hold meetings via video conferencing platforms.

A copy of the recording of the meeting will be placed on Council's website as soon as practicable after the meeting, the Closed Council session of the meeting will be redacted.

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

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

Council's Policy includes the following provisions:

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

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



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NOTICE IS HEREBY GIVEN THAT THE NEXT MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON MONDAY, 15 JUNE 2020 AT 5.00PM VIA ZOOM VIDEO CONFERENCING PLATFORM IN ACCORDANCE WITH THE *COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020, SECTION 18* (AUTHORISATION FOR MEETINGS NOT TO BE HELD IN PERSON)

  
DES JENNINGS  
GENERAL MANAGER

12 JUNE 2020

**GOV 1 ATTENDANCE**

**1 PRESENT**

**2 APOLOGIES**

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**GOV 3 ACKNOWLEDGEMENT OF COUNTRY**

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

**GOV 4 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.



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**GOV 5 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT):  
MOTION FOR THE special GENERAL MEETING TO BE HELD ON 26  
JUNE 2020**

*Attachments: Section 1 – Page 1*

*Responsible Officer: Des Jennings, General Manager*

*Report prepared by: Gail Eacher, Executive Assistant*

**1 PURPOSE OF REPORT**

This report considers the Local Government Association of Tasmania (LGAT) agenda for the Special General Meeting on 26 June 2020.

**2 INTRODUCTION/BACKGROUND**

The LGAT Annual General Meeting is scheduled to be held on 22 July 2020.

At this stage LGAT is not certain if the meeting can proceed in person but the LGAT Rules do not allow for a remotely held meeting. The attached agenda and related papers are to allow for the LGAT Rules to be changed so the AGM can proceed.

A Special General Meeting has therefore been called to be held on 26 June 2020 at which time a decision is sought as follows:

*That Members note the advice related to the conduct of LGAT's AGM remotely.*

*That Members note that the July AGM may have to be held remotely.*

*That Members attend the Special General Meeting by proxy, appointing either Councillor Geoff Lyons or Mayor Albert van Zetten to vote on their behalf.*

*That Members agreed to the proposed rule change.*

The LGAT Agenda for the meeting is included in the attachments.

The proposed amendments to the LGAT Rules are to be found on pages 13, 18, 20, 24, 33 and 34 of the Association Rules as adopted on 25 July 2019 included in the Council Agenda attachments. The amendments include the correction of some punctuation, grammatical and spelling errors, and the update of the contents page, these amendments have not been included in the above page references.

**3 STRATEGIC PLAN**

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

- Lead –
  - Leaders with Impact  
Core Strategies:
    - ♦ Communicate – Connect with the community
    - ♦ Lead – Councillors represent honestly with integrity
  - Money Matters  
Core Strategies:
    - ♦ Improve community assets responsibly and sustainably
  - Best Business Practice & Compliance  
Core Strategies:
    - ♦ Council complies with all Government legislation
- Progress –
  - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future  
Core Strategies:



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- ♦ Strategic, sustainable, infrastructure is progressive
- ♦ Proactive engagement drives new enterprise
- ♦ Collaborative partnerships attract key industries
- ♦ Attract healthy, wealth-producing business & industry
- Economic Development – Supporting Growth & Changes
  - ♦ Towns are enviable places to visit, live & work
  - ♦ Maximise external funding opportunity
- People –
  - Sense of Place – Sustain, Protect, Progress
  - Core Strategies:
    - ♦ Planning benchmarks achieve desirable development
    - ♦ Council nurtures and respects historical culture
    - ♦ Developments enhance existing cultural amenity
    - ♦ Public assets meet future lifestyle challenges
- Place –
  - Environment – Cherish & Sustain our Landscapes
  - Core Strategies:
    - ♦ Our heritage villages and towns are high value assets
  - History – Preserve & Protect our Built Heritage for Tomorrow
  - Core Strategies:
    - ♦ Our heritage villages and towns are high value assets

#### 4 FINANCIAL IMPLICATIONS

N/a.

#### 5 OPTIONS FOR COUNCIL TO CONSIDER

Council needs to consider whether to vote for or against the proposal to amend the LGAT Rules to allow for meetings of the Association, including the AGM, to be held by telephone or other technology.

The following is the motion on which a decision is sought:

##### **CHANGE TO THE LGAT RULES FOR ONLINE AGM**

*Contact Officer – Katrena Stephenson*

*That Members note the advice related to the conduct of LGAT's AGM remotely.*

*That Members note that the July AGM may have to be held remotely.*

*That Members attend the Special General Meeting by proxy, appointing either Councillor Geoff Lyons or Mayor Albert van Zetten to vote on their behalf.*

*That Members agreed to the proposed rule change.*

#### 6 ATTACHMENTS

6.1 Special General Meeting Agenda & Attachments – 26 June 2020

#### RECOMMENDATION

That Council in regard to the following item listed in the Agenda of the LGAT Special General Meeting for the meeting to be held on Friday, 26 June 2020:

##### **CHANGE TO THE LGAT RULES FOR ONLINE AGM**

*That Members note the advice related to the conduct of LGAT's AGM remotely.*

*That Members note that the July AGM may have to be held remotely.*

*That Members attend the Special General Meeting by proxy, appointing either Councillor Geoff Lyons or Mayor Albert van Zetten to vote on their behalf.*

*That Members agreed to the proposed rule change.*

1) a) **Vote in Favour** of the motion



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- b) Appoint ***Councillor Geoff Lyons or Mayor Albert van Zetten*** as Council's proxy for the 26 June 2020 LGAT Special General Meeting.

OR

- 2) **Vote Against** the motion.

DECISION

Cr



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#### **C&D 1 REVIEW OF STRATA TITLES ACT 1998**

*Attachments: Section 1 – Page 47*

*File: 02/021*  
*Responsible Officer: Des Jennings, General Manager*  
*Report prepared by: Paul Godier, Senior Planner*

#### **1 PURPOSE OF REPORT**

This report advises Council of a review of the Strata Titles Act 1998 and recommends a response to the review.

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

The Department of Primary Industries, Parks, Water and Environment is requesting feedback as part of the review of the *Strata Titles Act 1998* (the Act). The Act provides a framework for the development of land by way of strata lots, including staged development schemes and community development schemes, and the regulation of day to day living and administration of strata developments. The review of the Act provides an opportunity to ensure that the legislative framework effectively supports the strata industry.

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

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

- Lead –
  - Leaders with Impact  
Core Strategies:
    - ♦ Communicate – Connect with the community
    - ♦ Lead – Councillors represent honestly with integrity
    - ♦ Manage – Management is efficient and responsive
- People –
  - Sense of Place – Sustain, Protect, Progress  
Core Strategies:
    - ♦ Planning benchmarks achieve desirable development

#### **4 POLICY IMPLICATIONS**

There are no policy implications.

#### **5 STATUTORY REQUIREMENTS**

The Department of Primary Industries, Parks, Water and Environment is reviewing the *Strata Titles Act 1998*.

#### **6 FINANCIAL IMPLICATIONS**

There are no financial implications to Council.

#### **7 RISK ISSUES**

No risk issues are identified.

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

The State Government is undertaking the consultation on this matter.



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#### 9 COMMUNITY CONSULTATION

The State Government is undertaking community consultation on this matter. All written submissions must be received by midnight 19 June 2020.

#### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council can provide the response included in the recommendation or move an alternative response.

#### 11 OFFICER'S COMMENTS/CONCLUSION

The Discussion Paper focusses on 18 areas of the Act. The two areas relevant to Council are discussed below.

#### Area One – Planning and development of strata schemes

##### 1. Are the planning and development requirements of the Act effective?

Section 31 (6) of the Act states:

*A council must refuse an application for a certificate of approval (for a strata plan) if the council reasonably considers that the proposal is for a subdivision within the meaning of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993.*

A strata plan can be distinguished from a subdivision by the provision of common property. Section 3 of the Act states:

*Strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registration of a strata plan.*

However, the Act gives no guidance as to what must be contained in the common property to characterise a proposal as a strata rather than a subdivision.

##### 2. What additional requirements, if any, should be included?

It is considered that the existence of common property such as a shared driveway, or the provision of shared reticulated water, sewerage or stormwater, would clearly distinguish a proposal as a strata rather than a subdivision.

It is recommended that section 31 (6) be reworded to:

*A council must refuse an application for a certificate of approval if the proposal does not include a shared driveway to be constructed on common property, or the provision of shared reticulated water, sewerage or stormwater within common property.*

##### 3. Are the current provisions relating to community development schemes and staged development schemes easy to understand? If you find they are not, how do you suggest they be amended to provide further clarity?

There have been no concerns with staged development schemes that have been lodged with Council. It is considered the provisions are easy to understand.

##### 4. Should the planning and development aspects of strata be dealt with in legislation separate from legislation dealing with strata scheme management?

The planning and development aspects of strata are clearly differentiated within the Strata Titles Act from the strata scheme management aspects. It is considered there is no need for them to be in separate legislation.

##### 5. Should the planning and development aspects of strata be contained in the same legislation as the planning and development requirements for a subdivision?



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It has been found that the planning and development aspects of strata operate well in the Strata Titles Act. It is considered that there is no need for them to be in the same legislation as the planning and development requirements for a subdivision.

**6. Should the review of the planning and development aspects of the Act form part of a more comprehensive review of all legislation dealing with land development?**

It is considered that the changes suggested at point 2 above are sufficient and there is no need for the review of the planning and development aspects of the Act to form part of a more comprehensive review of all legislation dealing with land development.

#### **Area Two – Requirements for a strata plan**

**1. Are the current requirements for a strata plan adequate?**

The requirements for a strata plan are at section 5 of the Act as follows:

- (1) A strata plan must –*
  - (a) state the name of the strata scheme; and*
  - (b) delineate the external surface boundaries of the site and the location of the buildings in relation to those boundaries; and*
  - (c) state the title reference to the site and other particulars of its location; and*
  - (d) include a drawing illustrating the lots and distinguishing them by numbers or other symbols; and*
  - (e) define the boundaries of each lot; and*
  - (f) show the approximate area of each lot; and*
  - (g) state the unit entitlement of each lot; and*
  - (h) . . . . .*
  - (i) state the name of the body corporate to be formed on registration of the plan and its address for service; and*
  - (j) contain other information and features required by the Recorder.*
- (2) If a lot is part of a building, the strata plan may define the boundaries of the lot by reference to boundary structures without necessarily delineating the boundaries or showing the dimensions of the lot.*
- (3) If a lot is separated from another lot, or from common property, by a boundary structure, the boundary is, unless otherwise stipulated in the strata plan, the centre of the boundary structure.*
- (4) A strata plan must be endorsed with a certificate of a registered surveyor, in a form approved by the Recorder, certifying that the building or buildings shown on the plan are within the boundaries of the site or that any encroachment beyond those boundaries is properly authorised according to law.*
- (5) If the site is part of a piece of land subject to a highway adjoining the site, both the external boundary of the site and the boundary of the piece under or over the highway may be shown on the plan.*

It is considered that these requirements are adequate.

**2. Do they provide for proper boundary definition?**

It is considered that they provide for proper boundary definition.

**3. What additional requirements should be introduced?**

It is considered that additional requirements are not needed.

**4. Should a location plan and floor plan be added to the requirements?**

It is considered that a location plan and floor plan are not necessary.

**5. What role does the Council currently play in relation to the approval of strata plans and what role should it play if you believe it should be different?**

Council's role is contained in Division 9 of the Act as shown below. It is not considered that Council's role needs to be any different.



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#### **Division 9 - Council certificate of approval**

##### **30. Requirement for council's certificate of approval**

A council's certificate of approval is required for –

- (a) a strata plan; or
- (b) an amendment to a strata plan; or
- (c) a consolidation of strata plans; or
- (d) a cancellation of a strata plan.

##### **31. Application for, and grant of, certificate of approval**

(1) Before a proposal for which a council's certificate of approval is required is registered or otherwise carried into effect, the applicant must apply to the council for the area in which the site (or proposed site) is situated for a certificate of approval.

(2) The application must be accompanied by –

- (a) any sketches, plans or models necessary for a proper understanding of the proposal; and
- (b) any prescribed documents; and
- (c) the prescribed fee.

(3) Before issuing a certificate of approval, the council must satisfy itself –

- (a) that any requirements of a planning scheme under the [Land Use Planning and Approvals Act 1993](#) have been complied with; and
  - (b) if the proposal involves building work, that certificates for the relevant buildings have been issued under the [Building Act 2016](#); and
  - (c) if the proposal relates to an existing building for which a change of use is proposed, that all requirements under the [Building Act 2016](#) for a change of use have been complied with and that there has been substantial compliance with all other requirements under that Act relating to the scheme and to any buildings existing at the date of the application and in particular with –
    - (i) any safety requirements, including provision for fire exits; and
    - (ii) requirements for sanitary facilities; and
  - (d) if the proposal relates to a lot without a building, that the proposal is capable of being carried into effect.
- (4) If the council refuses an application for a certificate of approval, the council must return any sketches, plans and models submitted by the applicant.
- (5) Where a permit for use or development is required, under the relevant planning scheme approved under the [Land Use Planning and Approvals Act 1993](#), for the proposed use of the lots, a certificate of approval may be issued only if –
- (a) the required permit has been issued; and
  - (b) any separation of buildings would not contravene that planning scheme.
- (6) A council must refuse an application for a certificate of approval if the council reasonably considers that the proposal is for a subdivision within the meaning of [Part 3 of the Local Government \(Building and Miscellaneous Provisions\) Act 1993](#).

##### **31AA. Requirement for staged development scheme**

Where an application for a certificate of approval is made wholly or partly in respect of vacant land, the council may refuse the application on the ground that an application for a staged development scheme under [section 38](#) should be made.

## **12 ATTACHMENTS**

### **12.1 Review of the Strata Titles Act 1998 – Discussion Paper**

#### **RECOMMENDATION**

That Council provide the following response:

#### **Area One – Planning and development of strata schemes**

##### **1. Are the planning and development requirements of the Act effective?**

Section 31 (6) of the Act states:



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*A council must refuse an application for a certificate of approval (for a strata plan) if the council reasonably considers that the proposal is for a subdivision within the meaning of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993.*

A strata plan can be distinguished from a subdivision by the provision of common property. Section 3 of the Act states:

*Strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registration of a strata plan.*

However, the Act gives no guidance as to what must be contained in the common property to characterise a proposal as a strata rather than a subdivision.

#### **2. What additional requirements, if any, should be included?**

It is considered that the existence of common property such as a shared driveway, the provision of shared reticulated water, sewerage or stormwater would clearly distinguish a proposal as a strata rather than a subdivision.

It is recommended that section 31 (6) be reworded to:

*A council must refuse an application for a certificate of approval if the proposal does not include a shared driveway to be constructed on common property, or the provision of shared reticulated water, sewerage or stormwater within common property.*

#### **3. Are the current provisions relating to community development schemes and staged development schemes easy to understand? If you find they are not, how do you suggest they be amended to provide further clarity?**

There have been no concerns with staged development schemes that have been lodged with Council. It is considered the provisions are easy to understand.

#### **4. Should the planning and development aspects of strata be dealt with in legislation separate from legislation dealing with strata scheme management?**

The planning and development aspects of strata are clearly differentiated within the Strata Titles Act from the strata scheme management aspects. It is considered there is no need for them to be in separate legislation.

#### **5. Should the planning and development aspects of strata be contained in the same legislation as the planning and development requirements for a subdivision?**

It has been found that the planning and development aspects of strata operate well in the Strata Titles Act. It is considered that there is no need for them to be in the same legislation as the planning and development requirements for a subdivision.

#### **6. Should the review of the planning and development aspects of the Act form part of a more comprehensive review of all legislation dealing with land development?**

It is considered that the changes suggested at point 2 above are sufficient and there is no need for the review of the planning and development aspects of the Act to form part of a more comprehensive review of all legislation dealing with land development.

#### **Area Two – Requirements for a strata plan**

##### **1. Are the current requirements for a strata plan adequate?**

It is considered that the current requirements for a strata plan in Section 5 of the Act are adequate.

##### **2. Do they provide for proper boundary definition?**

It is considered that they provide for proper boundary definition.

##### **3. What additional requirements should be introduced?**

It is considered that additional requirements are not needed.

##### **4. Should a location plan and floor plan be added to the requirements?**



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It is considered that a location plan and floor plan are not necessary.

5. **What role does the Council currently play in relation to the approval of strata plans and what role should it play if you believe it should be different?**

Council's role does not need to be different from the role contained in Division 9 of the Act.

[DECISION](#)

Cr



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#### PUBLIC QUESTIONS & STATEMENTS

Due to COVID-19 the Special Council Meeting to be held on Monday 15 June 2020 commencing at 5.00pm will take place electronically which unfortunately at this stage prevents public attendance.

Due to this situation the public will be unable to attend the meeting to ask questions and make statements during Public Question Time, to ensure questions can still be asked, questions/statements can be submitted prior to the meeting and they will be read out at the meeting. Questions/statements must be received by no later than 12.00pm on Monday 15 June 2020.

Questions/statements can be emailed to [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au); or be hand delivered or mailed to Council at 13 Smith Street, Longford.

A public recording of the meeting will be placed on Councils website as soon as practicable after the meeting.

#### 1 PUBLIC QUESTIONS

#### COUNCIL ACTING AS A PLANNING AUTHORITY

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

#### DECISION

Cr

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda item/s PLAN 1 – PLAN 3.

#### 2 STATEMENTS

- |        |  |
|--------|--|
| PLAN 1 | PLN-20-0024: 60 MALCOMBE STREET, LONGFORD  |
| PLAN 2 | PLN-20-0075: 44 MAIN ROAD, PERTH   |
| PLAN 3 | DRAFT PLANNING SCHEME AMENDMENT 06/2019 & PLN-19-0221: 74 MARLBOROUGH STREET, LONGFORD |



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**PLAN 1 PLANNING APPLICATION PLN-20-0024: 60 MALCOMBE STREET,  
LONGFORD**

*Attachments: Section 1 – Page 139*

*File Number: 109200.012; CT158800/3*  
*Responsible Officer: Des Jennings, General Manager*  
*Report prepared by: Erin Miles, Urban & Regional Planner*

## 1 INTRODUCTION

This report assesses an application for 60 Malcombe Street, Longford to construct Multiple Dwellings (6) - staged (vary setbacks/building envelope, north facing window & driveway separation to habitable rooms, parking forward of building line).

## 2 BACKGROUND

**Applicant:**

Prime Design

**Owner:**

Graham Peter Howard

**Zone:**

General Residential Zone

**Codes:**

Road and Railway Assets Code  
Car Parking and Sustainable Transport Code

**Classification under the Scheme:**

Discretionary

**Existing Use:**

Vacant

**Deemed Approval Date:**

Extension of time until 19<sup>th</sup> June 2020

**Recommendation:**

Approve

### Discretionary Aspects of the Application

- Reliance on the performance criteria of the General Residential Zone:
  - Clause 10.4.2 A3 (a & b) – side and rear setbacks
  - Clause 10.4.4 A1 – north facing window
  - Clause 10.4.6 A3 – separation between driveway and habitable room window
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code.
  - Clause 6.7.2 P1 – Parking forward of building line
  - Clause E6.7.2 P2 – Parking space widths

**Planning Instrument:** *Northern Midlands Interim Planning Scheme 2013, Version 30, Effective from 24<sup>th</sup> March 2020.*

### Preliminary Discussion

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

**Subject site**



**3 STATUTORY REQUIREMENTS**

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

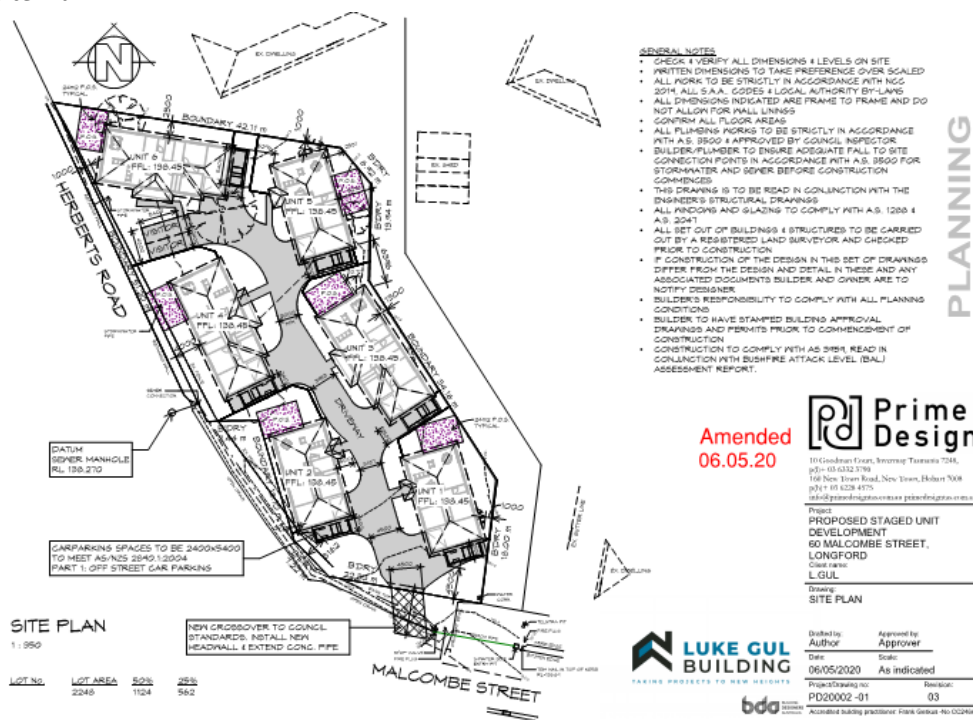
**4 ASSESSMENT**

**4.1 Proposal**

It is proposed to:

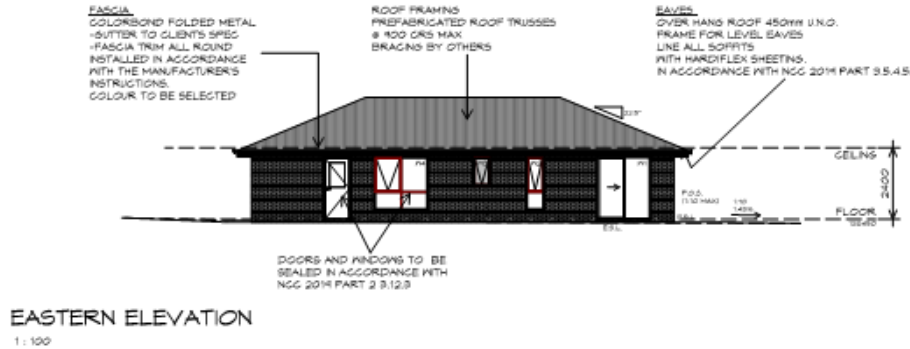
- Multiple Dwellings (6) - staged (vary setbacks/building envelope, north facing window & driveway separation to habitable rooms, parking forward of building line).

**Site Plan**



PLANNING  
NOTE: DO NOT SCALE OFF DRAWINGS

## Elevations (Unit 1)



UNIT 1

Amended  
06.05.20



10 Goodman Court, Invermay Tasmania 7244,  
p) - 03 6322 5799  
166 New Town Road, New Town, Hobart 7008  
p) + 61 6228 4375  
info@primedesign.com.au primedesign.com.au

Project  
PROPOSED STAGED UNIT  
DEVELOPMENT  
60 MALCOMBE STREET,  
LONGFORD  
Client name:  
L.GUL

Drawing:  
ELEVATIONS

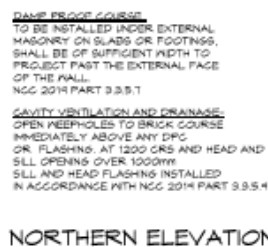
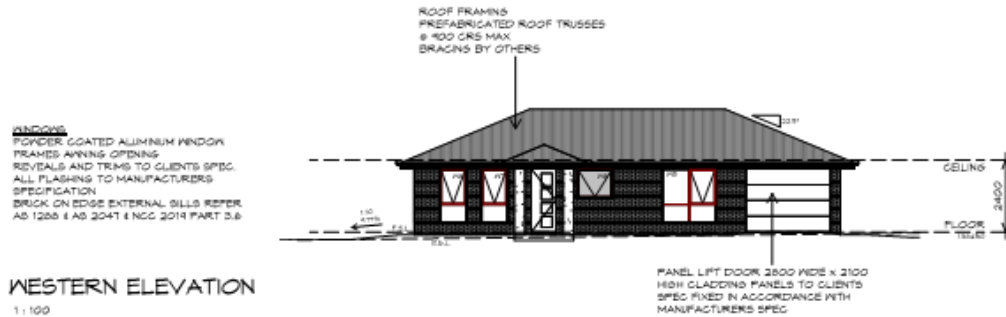
Drawn by: Author	Approved by: Approver
Date: 06/05/2020	Scale: 1 : 100

Project/Drawing no: PD20002 -U1-03	Revision: 03
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Accredited building practitioner: Frank Gebauer No 022964



PLANNING  
NOTE: DO NOT SCALE OFF DRAWINGS



UNIT 1

Amended  
06.05.20



10 Goodman Court, Invermay Tasmania 7244,  
p) - 03 6322 5799  
166 New Town Road, New Town, Hobart 7008  
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Project  
PROPOSED STAGED UNIT  
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60 MALCOMBE STREET,  
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Client name:  
L.GUL

Drawing:  
ELEVATIONS

Drawn by: Author	Approved by: Approver
Date: 06/05/2020	Scale: 1 : 100

Project/Drawing no: PD20002 -U1-04	Revision: 03
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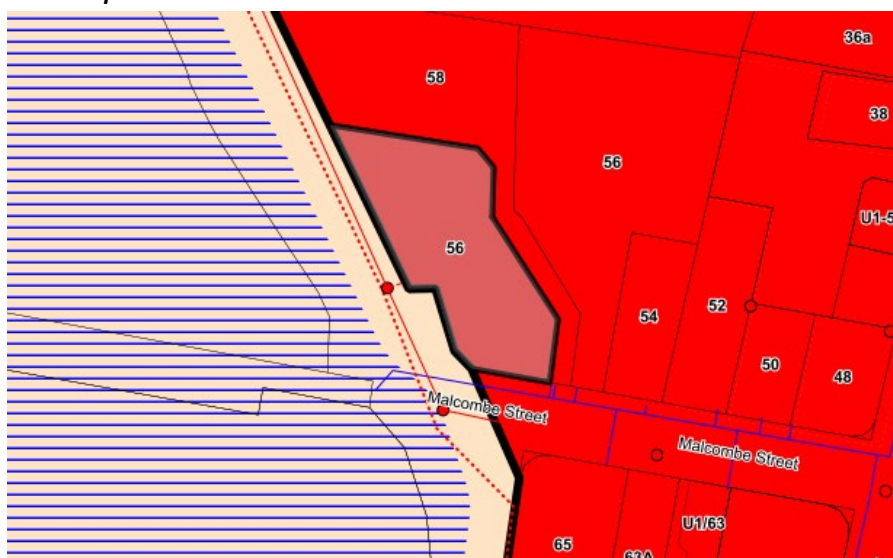
Accredited building practitioner: Frank Gebauer No 022964



PLANNING  
NOTE: DO NOT SCALE OFF DRAWINGS

#### 4.2 Zone and land use

##### *Zone Map – General Residential Zone*



The land is zoned General Residential and is subject to the Car Parking and Sustainable Transport Code.

The relevant Planning Scheme definition is:

<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>
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Residential is Discretionary in the zone.

#### 4.3 Subject site and locality

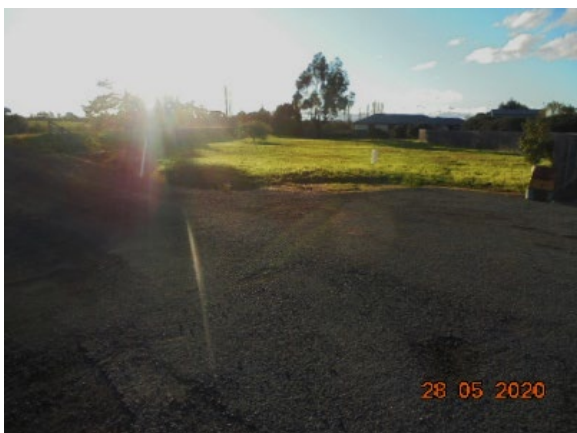
The author of this report carried out a site visit on the 29.05.2020. The subject site is a 2248m<sup>2</sup> vacant residential lot, located on the western edge of the township of Longford. Residential uses (mixture of single and multiple dwellings) are located to the north, east and south of the site. West of the site is the flood levee (unmade road reserve), Back Creek and farmland.

##### *Aerial photograph of area*



*Photographs of subject site*





#### 4.4 Permit/site history

Relevant permit history includes:

- Nil – vacant site.

#### 4.5 Representations

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

- Brent Simpson, 56 Malcombe Street, Longford
- Mark and Melanie Jewell, 54 Malcombe Street, Longford
- Kate and Stewart Gray, 58 Malcombe Street, Longford

#### **Map showing location of representors properties in relation to subject site**



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

#### **Issue 1**

- Waste storage

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

The representations state that clause 10.4.8 A1 and 10.3.2 A3 are not complied with. The latter is not applicable, as multiple dwellings are a permitted use in the zone, not discretionary. Clause 10.4.8 A1 is now complied with, as each dwelling is allocated a 1.5m<sup>2</sup> area of bin storage space, as per a revised landscaping plan (refer response from applicant in Attachment C).



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#### **Issue 2**

- Parking

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

Each unit is allocated 2 parking spaces. 2 visitor parking spaces are also provided. The parking spaces proposed are compliant with the requirements of table E6.1 of the Car Parking and Sustainable Transport Code.

#### **Issue 3**

- Noise

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

The proposal is for a residential use within a residential zone. Noise levels generated should not be dissimilar to a single dwelling. Noise regulations for residential environments are the same for single or multiple dwellings.

#### **Issue 4**

- Density/lack of open space

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

The General Residential Zone allows for a minimum of 325m<sup>2</sup> site area per dwelling. Based on the lot area, each dwelling in this proposal has a site area of 374.6m<sup>2</sup> and therefore, is compliant. Site area per dwelling is calculated by the area of the site (excluding any access strip) divided by the number of dwellings. Each dwelling also provides the required 60m<sup>2</sup> of private open space for each dwelling, including 24m<sup>2</sup> that has a minimum horizontal dimension of 4m. Overall site coverage and impervious surface site coverage provisions are also met.

#### **Issue 5**

- Rear setback variation

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

A variation is sought to the rear setback. The corresponding performance criteria for this clause looks at the impact of the variation on overshadowing, visual impact and dwelling separation. As the rear boundary is the northern boundary, overshadowing will be contained within the subject site. A full assessment against the relevant performance criteria is contained in section 4.7 of this report.

#### **Issue 6**

- Letterbox location

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

The representation does not provide any further detail on what the issues are that they anticipate will arise from the proposed positioning of the letterboxes. Letterboxes are proposed to be located at the front of the lot, in a communal location, which meets the requirements of clause 10.4.12 A1.1, that states "Provision for mailboxes must be made at the frontage."

#### **Issue 7**

- Stormwater/run off

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

There are no provisions within the *Northern Midlands Interim Planning Scheme 2013* that deal directly with stormwater, that are relied on by this proposal for compliance. Council's Works and Infrastructure Department and relevant consultants work proactively in the early stage of the development to ensure that the development can be serviced. Any changes required to the layout to facilitate servicing can then be worked through early in process to avoid later amendments. If approval is gained, a Plumbing Permit will be required, at which time a full assessment against relevant standards can be undertaken in accordance with relevant legislation. The applicants engineer also provided a response to the stormwater concerns raised by the representations – refer Attachment C.



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#### **Issue 8**

- Change from ‘semi-rural’ land classification

#### Planner’s comment:

The site is zoned General Residential under the *Northern Midlands Interim Planning Scheme 2013*. Prior to that, it was zoned Residential Serviced, which was the equivalent zone under the earlier *Northern Midlands Planning Scheme 1995*. It was rezoned from Rural General to Residential Serviced following the construction of the Longford Flood Levee and subsequent Planning Scheme Review (R1-7/09) – the amendment came into operation on the 3.05.2012. There is no ‘semi-rural’ land classification under either planning scheme.

#### **4.6 Referrals**

The only referrals required were as follows:

##### **Council’s Works Department**

Precis: Council’s Works & Infrastructure Department (Jonathan Galbraith, Leigh McCullagh & Cameron Oakley – Consultant Hydraulic Engineer) reviewed the application on the 4th-13<sup>th</sup> May 2020. Additional information was requested from the applicant and supplied. Recommended conditions are included in the conditions of approval.

##### **TasWater**

Precis: A Taswater Submission to Planning Authority Notice was issued on the 26.05.2020 (Taswater Ref: TWDA 2020/00652-NMC).

##### **General Manager**

Precis: Application signed by the General Manager for access works within the Council Road Reserve.

#### **4.7 Planning Scheme Assessment**

##### **GENERAL RESIDENTIAL ZONE**

##### **ZONE PURPOSE**

*To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*

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

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

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

**Assessment:** The proposal meets the zone purpose.

##### **LOCAL AREA OBJECTIVES**

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

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

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

**Assessment:** The proposal meets the local area objectives.

##### **PRECIS OF DEVELOPMENT STANDARDS FOR SINGLE DWELLINGS**

##### **10.4.1 Residential density for multiple dwellings**

A1 Site area per dwelling of not less than

✓ (a) 325m<sup>2</sup> → 374.6m<sup>2</sup> achieved.

##### **10.4.2 Setback and building envelopes for dwellings**

A1 Unless within a building area, then

✓ (a) 4.5m from primary frontage; or not less than existing dwelling on site; OR

N/a (b) 3m to secondary frontage; or not less than existing dwelling on site; OR

N/a (b) if vacant lot, setback which is not more or less than dwellings on immediately adjoining lots; OR

N/a (c) not less than the existing dwelling setback if less than 4.5m; OR

N/a (d) as per road setback specified in Planning Scheme



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	A2	Garage or carport to be set back:
✓	(a)	5.5m from primary frontage or 1m behind the façade, OR
N/a	(b)	The same as the dwelling façade if under dwelling
N/a	(c)	1m if gradient > 1:5 for 10m from frontage
	A3	Dwellings (excluding minor protrusions extending to 1.5m)
X	(a)	to be within building envelope
	(i)	frontage setback (as above), or 4.5m from rear boundary of adjoining frontage lot for internal lot
	(ii)	45 degrees from the horizontal at a height of 3m above natural ground level, 4m rear setback, and max height 8.5m AND
X	(b)	1.5m side setback or built to the boundary (existing boundary wall within .2m of boundary or; 9m or ¼ of the side boundary, whichever is lesser)

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

✓	A1	(a)	max. site coverage of 50% (excluding eaves)
✓		(b)	for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> , unless floor level is entirely over 1.8m above ground level (excl garage, carport or foyer)
✓		(c)	at least 25% free from impervious surfaces
✓	A2	(a)	(i) POS of 24m <sup>2</sup> in one location in one location, or
		(ii)	POS of 12m <sup>2</sup> in one location if a multiple dwelling with floor level over 1.8m high (as per A1b)
✓		(b)	(i) horizontal dimension of 4m; or
		(ii)	horizontal dimension of 2m if a multiple dwelling with floor level over 1.8m high (as per A1b); AND
✓		(c)	directly accessible from, & adjacent to, a habitable room (other than bedroom); AND
✓		(d)	not located to the S, SE or SW of dwelling, unless receives at least 3 hours of sunlight to 50% of area between 9am and 3pm on 21June; AND
N/a		(e)	between dwelling and frontage only if frontage is orientated between 30 degrees west of north and 30 degrees east of north; AND
✓		(f)	not steeper than 1:10, AND
✓		(g)	not used for vehicle parking

#### 10.4.4 Sunlight and overshadowing

X	A1	1 habitable room (other than bedroom) with window facing between 30 degrees west of north and 30 degrees east of north
✓	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 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.
✓	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 sub clause 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



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- (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling

**10.4.5 Width of openings for garages and carports**

- ✓ A1 Garage or carport within 12m of a primary frontage (whether free-standing or not), total width of openings facing frontage of < 6m or half the width of the frontage (whichever is lesser).

**10.4.6 Privacy**

- N/a A1 Balconies, decks, carports etc OR windows/glazed doors to a habitable room, 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 – 3m
  - (b) rear boundary – 4m
  - (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.
- N/a A2 Window or glazed door to habitable room with floor level over 1m must
  - (a) (i) 3m setback from side boundary; and
  - (ii) 4m setback from rear boundary; and
  - (iii) if a multiple dwelling, at least 6m from glazing of adjacent dwelling on same site
  - (iv) if a multiple dwelling, at least 6m from private open space of adjacent dwelling on same site
- N/a (b) (i) offset horizontally 1.5m from glazing of habitable room of another dwelling; or
- (ii) sill height or fixed obscure glazing 1.7m above floor level, or
- (iii) permanently fixed external screen for the full length of the glazing, to 1.7 m above floor level, with a uniform transparency of not more than 25%.

- X 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 glazing, 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.

**10.4.7 Frontage fences for single dwellings**

- N/a A1 Applies to maximum building height of fences on and within 4.5m of a frontage
- N/a (a) 1.2m if solid; OR
- N/a (b) 1.8m if above 1.2m has openings which provide a minimum 50% transparency

**See Planning Scheme for the following provisions for multiple dwellings**

**10.4.8 Waste storage for multiple dwellings-** Complies (in garage)

**10.4.9 Storage for multiple dwellings -** Complies

**10.4.10 Common Property for multiple dwellings -** Complies

**10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling –** N/a

**10.4.12 Site Services for multiple dwellings -** Complies

**Easements**

- ✓ No construction over an easement

The application meets the acceptable solutions of the General Residential zone, except for the variation to the rear and side setbacks, habitable room window orientation and proximity of shared driveway or parking spaces to habitable room windows. Accordingly, the development relies on the following performance criteria:

**10.4.2**

- |    |  |
|----|--|
| P3 | The siting and scale of a dwelling must:       |
|    | (a) not cause unreasonable loss of amenity by: |



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- (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.

**Comment –**

Variations are sought for the northern side (rear) setback to 1m for unit 5 and 2.5m for unit 6. A side setback variation to 1m for unit 1, 1.2m for unit 2, 1.3m to unit 3, and 1m for unit 6 are proposed. Shadow diagrams demonstrating the degree of anticipated overshadowing were provided and indicate that shadowing will be limited to the unmade road reserves to the west and south (Herberts Road/end of Malcombe Street) or contained within the site for the majority of the day. There may also be a small amount of overshadowing of the neighbouring driveway to the east during the mid-late afternoon. There will not be an unreasonable loss of amenity due to a reduction in sunlight to a neighbouring habitable room, private open space or vacant lot, therefore, P3 (a) (i-iii) is met.

The visual impact of the proposed dwellings is not considered to cause an unreasonable loss of amenity, as the dwellings are single story with a standard floor to ceiling height of 2.4. The lot is fenced with an existing paling fence at approximately 1.8m and adjacent dwellings are well separated from the subject site. Site coverage and open space requirements are also met. The proposal is therefore considered to comply with clause P3 (a) (iv).

(b) The separation distance between dwellings proposed on the subject site and dwellings on adjacent lots is consistent with the surrounding area. 5m+ is available to the adjacent dwelling to the north and the remain boundaries are bordered by driveways or roads/road reserves.

**10.4.4**

P1	A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
----	--

**Comment –**

Unit 3 relies on 10.4.4 P1, due to the orientation of the building resulting in windows being 32.7deg west of north. The living and dining areas of this unit are located at the northern end of the dwelling, and windows to these rooms are available to the east, north west and west, allowing sunlight to enter these habitable spaces for the majority of the day. 10.4.4 P1 therefore complies.

**10.4.6**

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.
----	--

**Comment –**

Unit 2 relies on 10.4.6 P3 for compliance, due to less than 2.5m separation between the living room window and common driveway. The unit is orientated parallel to the driveway, which will prevent vehicle light intrusion into this space. The location of proposed garden beds and plantings will also serve to cause through-traffic to stay approximately 2.5m from the window, with the section of driveway that is closer than 2.5m being used as manoeuvring space for vehicles exiting the garage of unit 3 only. The changeable driveway width will serve to slow traffic, which is the most effective mechanism for reducing vehicle noise. The proposal is therefore in compliance with clause 10.4.6 P3.

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 – See code assessment below



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E7.0	SCENIC MANAGEMENT CODE	N/a
E8.0	BIODIVERSITY CODE	N/a
E9.0	WATER QUALITY CODE	N/a
E10.0	RECREATION AND OPEN SPACE CODE	N/a
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

**ASSESSMENT AGAINST E4.0  
ROAD AND RAILWAY ASSETS CODE**

**E4.6 Use Standards**

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

<b>Objective</b>	
To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies with A2 – the proposed units are unlikely to generate greater than 40 vehicle movements per day.	N/a
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
N/a	N/a

**E4.7 Development Standards**

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

<b>Objective</b>	
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:	
<ul style="list-style-type: none"> <li>a) ensure the safe and efficient operation of roads and railways; and</li> <li>b) allow for future road and rail widening, realignment and upgrading; and</li> <li>c) avoid undesirable interaction between roads and railways and other use or development.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>



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

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

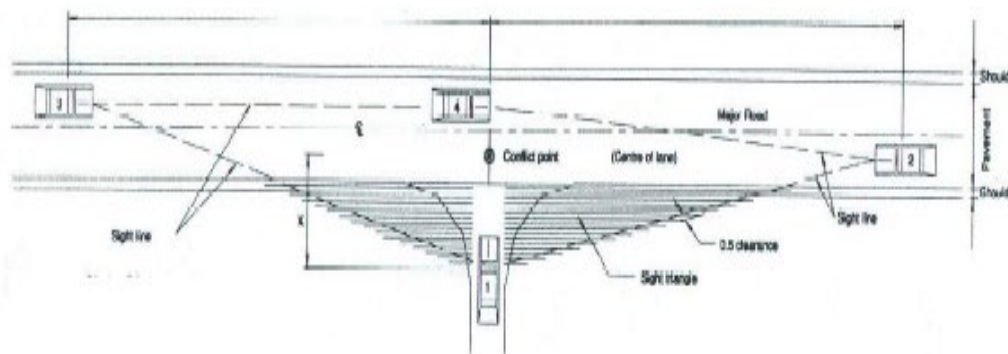
<p>Objective          To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 For roads with a speed limit of 60km/h or less the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

**E4.7.3 Management of Rail Level Crossings**

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

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

<b>Objective</b>	
To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.
Complies with A1 (a). Site distances in excess of 100m is available to the east. The road terminates with a driveway to the west.	N/a



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

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

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

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

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

**Notes:**

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



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(v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

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

#### E6.6 Use Standards

#### E6.6.1 Car Parking Numbers

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

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

Comment:

Complies with A1. Each unit is supplied with 2 parking spaces and two visitor parking spaces are also provided.

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

Use	Parking Requirement	
	Vehicle	Bicycle
<i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	<i>2 spaces per dwelling</i>	<i>1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.</i>
<i>visitor parking for multiple dwellings in the General Residential Zone</i>	<i>1 dedicated space per 4 dwellings (rounded up to the nearest whole number); or 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)</i>	

#### E6.6.2 Bicycle Parking Numbers

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

Acceptable Solutions	Performance Criteria
<p>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</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p>



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<p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>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.</p>
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Comment:  
Complies with A1.1 – parking space available with garage of each dwelling.

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

Objective: To ensure that taxis can adequately access developments.

Acceptable Solutions	Performance Criteria
<p>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).</p>	<p>P1 No performance criteria.</p>

Comment:  
N/a – dwellings in General Residential zone.

**E6.6.4 Motorbike Parking Provisions**

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

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

Comment:  
N/a – Less than 20 spaces.

**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
<p>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.</p>	<p>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.</p>

Comment:  
Complies with A1. Condition required to ensure compliance.

**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
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and  A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>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.</p>

Comment:  
A1.1 – Relies on performance criteria. One parking space for unit 1 is located forward of the building line.  
P2 – A single parking space is proposed to be located forward of the building line created by unit 1. The subject site is located at the end of a 'no through road' and is not a prominent position to any public spaces. Landscaping within the development will be able to provide sufficient screening to ensure the amenity of the area is retained. A condition may be applied to ensure compliance.



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Complies with A1.2.

<p>A2.1 Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>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></p>	<p>P2 Car parking and manoeuvring space must:</p> <p>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</p> <p>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.</p>
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Comment:

Complies with A2.1 as follows:

- a) Complies – the site is mostly level.
- b) Complies – all parking spaces can enter and exit in a forward direction.
- c) Relies on P2 (a & b) – the development proposes parking spaces with widths ranging from 2.4-2.5m.

A2.2 – Complies.

P2 a) The development complies with P2 (a) & (b) – noting that the requirements of Table E6.3 are in excess of the requirements of Australian Standard AS2890.1 2004 *Parking Facilities, Part 1: Off Road Car Parking* in terms of vehicular parking widths. The proposed parking spaces are in compliance with the Australian Standard and turning templates based on AUSROADS design for passenger vehicles, demonstrating that vehicles can safely enter and exit in a forward direction are provided in the design drawings.

**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

\*Note 1

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

Note 2

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

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

Angle of Car Spaces to Access Strip	Access Strips Widths	Car Park Widths	Car parking length
Parallel	3.6m	2.3m	6.7m
45 degrees	3.5m	2.6m	5.4m
60 degrees	4.9m	2.6m	5.4m
90 degrees	6.4m	2.6m	5.4m
	5.8m	2.8m	5.4m
	5.2m	3.0m	5.4m
	4.8m	3.2m	5.4m

Notes:

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

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

Objective: To ensure adequate access, safety and security for car parking and for deliveries.

Acceptable Solutions	Performance Criteria
<p>A1 Car parking areas with greater than 20 parking spaces must be:</p> <p>a) secured and lit so that unauthorised persons cannot enter or;</p>	<p>P1 Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the:</p> <p>a) levels of activity within the vicinity; and</p>



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b) visible from buildings on or adjacent to the site during the times when parking occurs.	b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
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Comment:  
N/a – less than 20 spaces.

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

Objective: To ensure adequate parking for persons with a disability.

Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 The location and design of parking spaces considers the needs of disabled persons, having regard to: <ul style="list-style-type: none"> <li>a) the topography of the site;</li> <li>b) the location and type of relevant facilities on the site or in the vicinity;</li> <li>c) the suitability of access pathways from parking spaces, and</li> <li>d) applicable Australian Standards.</li> </ul>
A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with <i>Australian Standards AS/NZ 2890.6 2009</i> .	P2 The number of parking spaces provided is appropriate for the needs of disabled persons, having regard to: <ul style="list-style-type: none"> <li>a) characteristics of the populations to be served;</li> <li>b) their means of transport to and from the site; and</li> <li>c) applicable Australian Standards.</li> </ul>

Comment:  
N/a – private dwellings, therefore, disabled parking is not provided.

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

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

Acceptable Solutions	Performance Criteria
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: <ul style="list-style-type: none"> <li>a) at least one loading bay must be provided in accordance with Table E6.4; and</li> <li>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</li> </ul>	P1 For retail, commercial, industrial, service industry or warehouse or storage uses adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.

Comment:  
N/a – no retail, commercial, industrial, service industry, warehouse or storage uses are proposed.

#### E6.8 Provisions for Sustainable Transport

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

Not used in this planning scheme

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

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

Acceptable Solutions	Performance Criteria
A1.1 Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</li> </ul>	P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	



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<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p>i) 1.7m in length; and</p> <p>ii) 1.2m in height; and</p> <p>iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
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**Comment:**  
Complies with A1.2 & A2. Each unit has a garage with sufficient space for bicycle parking if required.

**E6.8.5 Pedestrian Walkways**

**Objective:** To ensure pedestrian safety is considered in development

Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.

**Comment:**  
Complies with A1 – the parking for each dwelling is directly adjacent, and each dwellings garage is accessible from within the dwelling.

**Table E6.5: Pedestrian Access**

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

**Notes**

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

SPECIFIC AREA PLANS		
F1.0	TRANSLINK SPECIFIC AREA PLAN	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

STATE POLICIES		
The proposal is consistent with all State Policies.		

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993		
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .		

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES		
<i>Strategic Plan 2017-2027</i>		
<i>Statutory Planning</i>		

**5 FINANCIAL IMPLICATIONS TO COUNCIL**

Not applicable to this application.



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## 6 OPTIONS

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

## 7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the General Residential Zone:
  - Clause 10.4.2 A3 (a & b) – side and rear setbacks
  - Clause 10.4.4 A1 – north facing window
  - Clause 10.4.6 A3 – separation between driveway and habitable room window
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code.
  - Clause 6.7.2 P1 – Parking forward of building line
  - Clause E6.7.2 P2 – Parking space widths

Three representations were received in opposition to the development, noting a range of concerns about the development, such as setbacks, waste storage, noise, density, parking and stormwater. A full review of the representations and how they relate to the relevant provisions of the Planning Scheme is provided at section 4.5 of this report.

Although the proposal requires some variations, compliance with the relevant performance criteria of the scheme is achieved. 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, as well as requirements for landscaping and civil works.

## 8 ATTACHMENTS

- A. Application & plans, correspondence with applicant
- B. Responses from referral agencies
- C. Representations & applicant's response

## RECOMMENDATION

That land at 60 Malcombe Street, Longford be approved to be developed and used for Multiple Dwellings (6) - staged (vary setbacks/building envelope, north facing window & driveway separation to habitable rooms, parking forward of building line) in accordance with application PLN-20-0024, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P51** (*Drawing No: PD20002, Sheet No's: 01-4 & 06-13, U1 – 01-06, U2-01-06, U3-01-06, U4-01-06, U5-01-06 & U6-01-06, Dated: 06.05.2020 & Sheet No 05, dated 28.05.2020*) & **D1** (*IPD Stormwater Letter, prepared by Nathan Zanetto, dated: 05.05.2020, inclusive of attachment 1 – Drawing No: 1885 – Stormwater Gravity System Plan, Sheet No's: 1-2, dated: 05.05.2020 – rev B*) & **D2** (*IPD Stormwater Letter, prepared by Nathan Zanetto, dated: 31.03.2020, inclusive of Attachment 1 – Drawing No: 1885 – Concept Sketches, Sheet No's: 1-2, dated: 30.03.2020 – rev A, Attachment 2 – Rational Method Calculations, drawing no: 1885, dated: 31.03.20 & Attachment 3 – Existing Stormwater Discharges (figures 1-3)*).

### 2 Council's Works Department conditions

#### 2.1 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 & Infrastructure Department.



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- b) Stormwater connections are to be provided with a pit or bend to prevent stormwater being discharged directly towards the base of the flood levee. The connection design must be approved by Council prior to starting work on site.
- c) Concentrated stormwater must not be discharged into neighbouring properties
- d) Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- e) All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- f) Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings. The system must connect through properly-jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- g) A plumbing permit is required prior to commencing any plumbing or civil works within the property.

#### 2.2 Access

- a) A hotmix sealed driveway must be constructed from the edge of the road to the property boundary in accordance with LGAT Standards drawings TSD-R03 and TSD R0-4 and to the satisfaction of the Works Manager.
- b) The access driveway is to be located as close as practicable to the eastern boundary. A drive design including long section and cross section must be approved by Council prior to the commencement of works.
- c) Access works must not commence until an application for vehicular crossing has been approved by Council.

#### 2.3 Municipal standards & approvals

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

#### 2.4 Works in Council road reserve

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

#### 2.5 Pollutants

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

#### 2.6 Works damage bond

- a) Prior to the issue of a building permit, or the commencement of development authorised by this permit, a \$1000 bond must be provided to Council, which will be refunded if Council's infrastructure is not damaged.
- b) This bond is not taken in place of the Building Department's construction compliance bond.
- c) The nature strip, crossover, apron and kerb and gutter and stormwater infrastructure must be reinstated to Council's standards if damaged.
- d) The bond will be returned after building completion if no damage has been done to Council's infrastructure and all engineering works are done to the satisfaction of the Works & Infrastructure Department.



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#### 2.7 Nature strips

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

#### 3 TasWater conditions

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2020/00652-NMC, dated: 26.05.2020).

#### 4 Landscaping

- a) Landscaping works shall be in accordance with the endorsed plans, **except that the area in front of unit 1 shall be densely landscaped to provide screening to a height of 1.5m of the car parking space forward of the building line**, 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) Each unit shall be provided with a garden shed of at least 6 cubic metres **prior to the commencement of use of that unit**.
- c) A bond of \$500 per unit shall be provided **prior to the commencement of development of that unit authorised by this permit** – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

#### 5 Driveways and Parking Areas

- a) Driveways and parking areas around each unit shall be sealed with an impervious asphalt or concrete pavement **prior to the commencement of use of the unit**.
- b) Each parking space (unless contained within a garage) shall be clearly and permanently labelled with the unit number it is allocated to or as a visitor parking space, **prior to the commencement of use of the unit**.

#### 6 Required prior to the application for a building permit

**Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant shall:**

- a) Pay a \$1000 works bond (as per condition 2.6);
- b) Pay a \$500 per unit landscape bond (as per condition 4).

#### 7 Prior to commencement of use

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

- a) Landscaping works for each unit - mail and newspaper receptacles, clothes-drying facilities, private open space screening and garden shed (as per condition 4 – landscaping);
- b) Driveways and parking areas around each unit sealed & labelled (as per condition 5).

#### DECISION

Cr



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**PLAN 2 PLANNING APPLICATION PLN-20-0075: 44 MAIN ROAD, PERTH**

*Attachments: Section 1 – Page 231*

*File Number: PLN-20-0075*  
*Responsible Officer: Des Jennings, General Manager*  
*Report prepared by: Paul Godier, Senior Planner*

## **1 INTRODUCTION**

This report assesses an application for 44 Main Road, Perth for a 2 Lot subdivision.

## **2 BACKGROUND**

**Applicant:**

Cohen & Associates

**Owner:**

M Ashton & C Scaife

**Zone:**

General Residential

**Codes:**

Road & Railway Assets Code, Carparking & Sustainable Transport Code, Recreation & Open Space Code

**Classification under the Scheme:**

Residential

**Existing Use:**

Residential

**Deemed Approval Date:**

20 June 2020

**Recommendation:**

Approve

**Discretionary Aspects of the Application**

- Subdivision within 50m of a railway;
- Access by a Right of Way.

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 30, Effective from 24 March 2020*

**Preliminary Discussion:**

There is no record of the applicant holding preliminary discussions.

Figure 1 - Subject site from Main Road



### 3 STATUTORY REQUIREMENTS

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

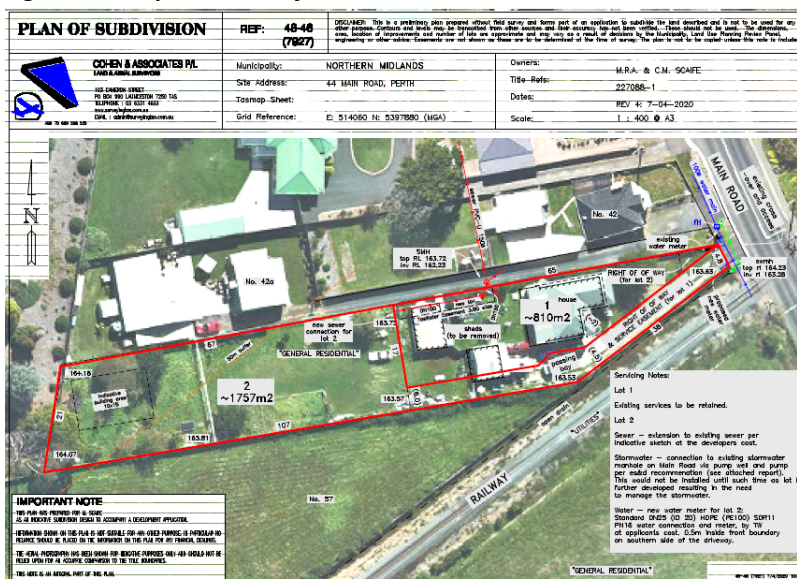
Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 of the *Land Use Planning & Approvals Act 1993* states that a person must not commence any use or development where a permit is required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

### 4 ASSESSMENT

#### 4.1 Proposal

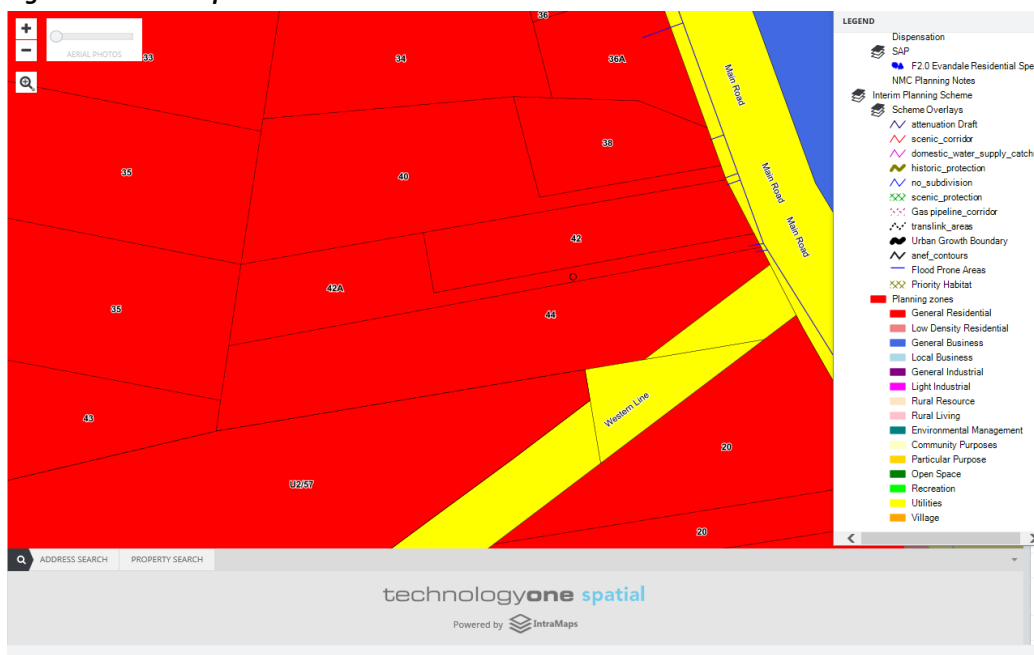
Approval is sought for a 2-lot subdivision. Lot 1 would be 810m<sup>2</sup> and contain a house. Lot 2 would be a vacant internal lot with an area of 1,757m<sup>2</sup>.

Figure 2 – Proposed Plan of Subdivision



## 4.2 Zone and land use

**Figure 3 - Zone Map – General Residential**



The land is zoned General Residential.

## 4.3 Subject site and locality

The author of this report carried out a site visit on 29 May 2020. The site contains a dwelling and outbuildings. It adjoins a railway to the south and has frontage to Main Road. There is a single dwelling on an internal lot immediately to the north.

**Figure 4 - Aerial photograph of area**



**Figure 5 - Subject site on left, access to 42A on right**



#### 4.4 Permit/site history

Relevant permit history includes:

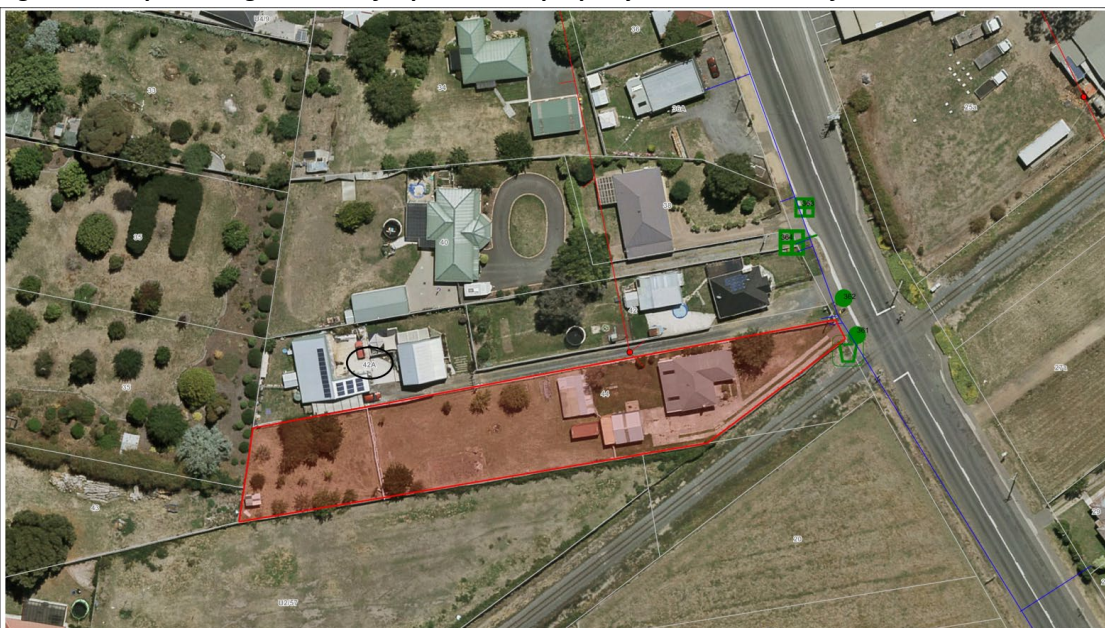
- DA22/91 Shed
- DA58/91 Verandah

#### 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:

- Allen Hutton, 42A Main Road, Perth

**Figure 6 - Map showing location of representor's property in relation to subject site**





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

#### ***Concern about flooding if there is not provision for drainage under the access to Lot 2.***

##### Planner's comment:

Council's Engineering Officer advises that the proposal is to provide a pumped system which would be capable of draining the whole lot including the driveway and also has a back-up in the event of a power failure, so provided the system is designed correctly and the pump is operational this subdivision should not make his water problems any worse than they already are.

#### ***Questions how sewerage will be disposed of from Lot 2 as it will have to run uphill to the manhole. How will he access his property during connection?***

##### Planner's comment:

Development on Lot 2 might require a private sewerage pump to reach the gravity system.

#### ***How will he access his property during connection?***

##### Planner's comment:

The sewerage connection can only be done by a contractor registered by TasWater. The contractor should contact the affected property owner before connection and simple connections should only take a few hours.

#### ***Questions whether there will be interruptions to electrical and water supply as they pass to the southern side of the sewerage pit.***

##### Planner's comment:

The sewerage connection can only be done by a contractor registered by TasWater and it is expected they would search for underground services before undertaking the work.

## 4.6 Referrals

### **Council's Works Department**

Provided the attached response and their recommended conditions are included in the conditions of approval.

### **TasWater**

A TasWater Submission to Planning Authority Notice was issued and is included in the conditions of approval.

### **Department of State Growth**

Advised of no comment to make.

### **TasRail (adjoining landowner)**

#### **Stormwater**

The owner of 44 Main Road Perth contacted TasRail in October 2019 to discuss stormwater. TasRail advised that discharge of stormwater or other run-off into the rail corridor drainage system is not permitted, and information was provided to the applicant about compliance with AS4799 and the TasRail Permit System. Attached a copy of that correspondence.

TasRail notes that the applicants plans show the rail corridor but also show the rail open drain; we also acknowledge that the notes on that plan states that connection to existing stormwater manhole on Main Road would be as per the es&\*d recommendation in an attached report. However, TasRail could not locate this report to confirm that the stormwater run-off and connection will comply with TasRail's requirements.

TasRail therefore requests that should Council approve this planning application, the Council Permit conditions make it clear that the stormwater is not permitted to be discharged into the rail corridor or the rail drainage system. It is recommended that the stormwater plan for this property provided to TasRail for review before any works commence, noting that the existing culvert and stormwater outlet appear to be on railway land.

#### **Driveway access to Lots 1 and 2**

TasRail notes the submitted plans show an established driveway into Lot 1 by turning from Main Road and across the flow of oncoming traffic into Lot 1 – and this is proposed to become a ROW/access into Lot 2.



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TasRail was not able to identify when this driveway was established but has a concern that persons entering 44 Main Road Perth may inadvertently cross over the railway road markings (stop line) before crossing over the flow of traffic and into the driveway. Note that road vehicles should never cross over the stop line when the level crossing signals are activated.

If this driveway was proposed to be situated at this location in 2020, then likely TasRail object and ask that the driveway be moved so that it is well behind the road marking.

TasRail therefore requests that an approved Council Permit for this subdivision make it clear that vehicles entering the ROW/driveway must not cross over the railway road marking (stop line).

#### **Noise**

The Noise and Vibration report has highlighted that train horn noise at this location were measured at 105dBA. Given that train services operate 24/7 including through the very early hours, TasRail requests that the applicant confirm they have completed an appropriate due diligence about likely train horn noise exposure at this location (for Lot 1 and 2) and acknowledge that the train horn is a safety device that is required to be sounded at least twice per level crossing.

General

TasRail requests that the attached TasRail Standard Notes be included with the Council Permit (assuming it is approved).

#### **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>
<b>Assessment:</b> 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>
<b>Assessment:</b> The proposal meets the local area objectives.

#### **10.4.15 Subdivision**

##### **10.4.15.1 Lot Area, Building Envelopes and Frontage**

Objective	
To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.	
Acceptable Solutions	Performance Criteria
A1 Lots must: <ul style="list-style-type: none"> <li>a) have a minimum area of at least 450m<sup>2</sup> which: <ul style="list-style-type: none"> <li>i) is capable of containing a rectangle measuring 10m by 15m; and</li> <li>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> </ul> </li> <li>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>c) be for the provision of utilities; or</li> <li>d) be for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) be to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for: <ul style="list-style-type: none"> <li>a) a dwelling to be erected in a convenient and hazard-free location; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) adequate private open space.</li> </ul>
Complies with A1 a).	N/a



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A2 Each lot must have a frontage of at least 3.6m.	P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.
Complies.	N/a

**10.4.15.2 Provision of Services**

Objective To provide lots with appropriate levels of utility services.	
Acceptable Solutions	Performance Criteria
A1 Each lot must be connected to a reticulated: a) water supply; and b) sewerage system.	P1 Each lot created must be: a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
Complies.	N/a
A2 Each lot must be connected to a reticulated stormwater system.	P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.
Complies	N/a

**10.4.15.3 Solar Orientation of Lots**

Objective To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
A1 At least 50% of lots must have a long axis within the range of: a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.
Complies.	N/a
A2 The long axis of residential lots less than 500m <sup>2</sup> , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500 m <sup>2</sup> must provide adequate solar access to future dwellings, having regard to the: a) size and shape of the development of the subject site; and b) topography; and c) location of access way(s) and roads.
N/a	N/a

**10.4.15.4 Interaction, Safety and Security**

This clause was not used in this planning scheme

**10.4.15.5 Integrated Urban Landscape**

Objective To provide attractive and continuous landscaping in roads and public open spaces that contribute to the: a) character and identity of new neighbourhoods and urban places; or b) to existing or preferred neighbourhood character, if any.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and c) connectivity through the urban environment is protected or enhanced; and d) the visual amenity and attractiveness of the urban environment is enhanced; and e) it furthers the local area objectives, if any.
Complies	N/a



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**10.4.15.6 Walking and Cycling Network**

Objective	
a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and	
b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.	
c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to: <ul style="list-style-type: none"> <li>a) link to any existing pedestrian and cycling networks; and</li> <li>b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and</li> <li>c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and</li> <li>d) promote surveillance along roads and from abutting dwellings.</li> </ul>
Complies	N/a

**10.4.15.7 Neighbourhood Road Network**

Objective	
a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and	
b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	P1 The neighbourhood road network must: <ul style="list-style-type: none"> <li>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</li> <li>b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</li> <li>c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</li> <li>d) provide safe and efficient access to activity centres for commercial and freight vehicles; and</li> <li>e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and</li> <li>f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and</li> <li>g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and</li> <li>h) take into account of any identified significant features.</li> </ul>
Complies	N/a

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



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E.5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
E7.0	SCENIC MANAGEMENT CODE	N/a
E8.0	BIODIVERSITY CODE	N/a
E9.0	WATER QUALITY CODE	N/a
E10.0	RECREATION AND OPEN SPACE CODE	Complies – General Manager’s consent to cash in lieu of land provided.
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

#### ASSESSMENT AGAINST 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>
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 Roads and Jetties Act 1935.

#### 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.



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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.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies.	Complies.
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.
N/a	N/a

#### 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 areas on new lots; and	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



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c) outdoor sitting, entertainment and children's play areas	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.
Does not comply. There is potential for building areas on the new lot to be within 50m of the railway.	A noise and vibration report was provided which found that the measured levels LA1,15min levels were below the 80 dBA and therefore an increased sound transmission loss beyond that of a standard building envelope is not required under the assessment criteria adopted in the report. Measured ground vibration levels were well below the criteria outlined in the report and therefore no recommendations are given. At the levels measured vibration may be perceptible but highly unlikely to result in adverse health effects or structural damage to buildings. The proposal satisfies the performance criteria.

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

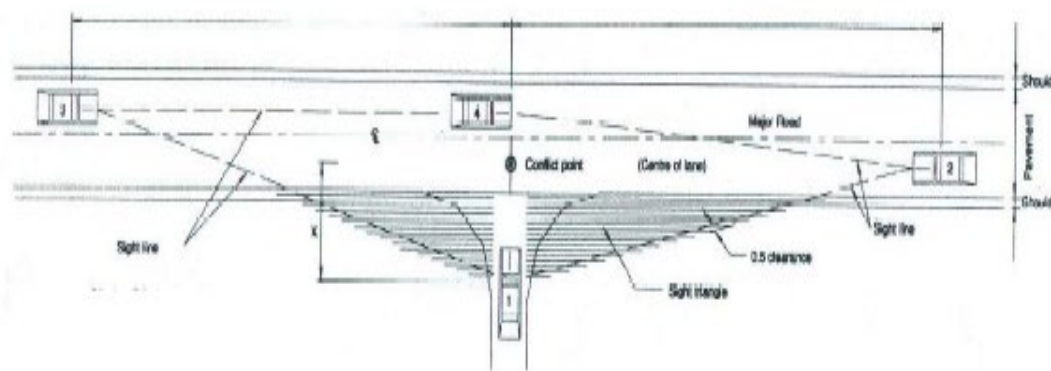
<b>Objective</b> To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 For roads with a speed limit of 60km/h or less the development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

**E4.7.3 Management of Rail Level Crossings**

<b>Objective</b> To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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.
N/a	N/a

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

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



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

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

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

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

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

**Notes:**

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



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- (iii) A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2 in Figure E4.7.4;
- (iv) A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
- (v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

**ASSESSMENT AGAINST E6.0  
CAR PARKING & SUSTAINABLE TRANSPORT CODE**
**E6.6 Use Standards**
**E6.6.1 Car Parking Numbers**

Objective: To ensure that an appropriate level of car parking is provided to service use.	
Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>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</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>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</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
Comment: Each lot has enough room for the car spaces required by Table E6.1.	N/a

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

Use	Parking Requirement	
	Vehicle	Bicycle
<i>If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	1 space per dwelling	1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation.
<i>If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)</i>	2 spaces per dwelling	

**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
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p>



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<p>the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	a)	likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
	b)	location of the site and the distance a cyclist would need to travel to reach the site; and
	c)	availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
Comment: Each lot has enough room for the bicycle spaces required by Table E6.1.	N/a	

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

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

#### E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.	
Acceptable Solutions	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Comment: Each lot has enough room for the motorbike spaces required.	

#### 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: <ul style="list-style-type: none"> <li>a) formed to an adequate level and drained; and</li> <li>b) except for a single dwelling, provided with an impervious all weather seal; and</li> <li>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</li> </ul>	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: To be addressed with an application for development on Lot 2.	

##### 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: <ul style="list-style-type: none"> <li>a) the layout of the site and the location of existing buildings; and</li> <li>b) views into the site from the road and adjoining public spaces; and</li> <li>c) the ability to access the site and the rear of buildings; and</li> <li>d) the layout of car parking in the vicinity; and</li> <li>e) the level of landscaping proposed for the car parking.</li> </ul>
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: To be addressed with an application for development on Lot 2.	
A2.1 Car parking and manoeuvring space must: <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</li> </ul>	P2 Car parking and manoeuvring space must: <ul style="list-style-type: none"> <li>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</li> </ul>



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<p>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>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>.</p>	<p>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.</p>
--	---

Comment: To be addressed with an application for development on Lot 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

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

STATE POLICIES
The proposal is consistent with all State Policies.

OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES
<b>Strategic Plan 2017-2027</b>
<ul style="list-style-type: none"> <li>• Statutory Planning</li> </ul>

**4.8 Local Government (Buildings and Miscellaneous Provisions) Act 1993**

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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<b>If 'yes', refuse the subdivision.</b>			
<b>Section 85</b>	<b>Refusal of application for subdivision</b>		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		✓
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		✓
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		✓
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		✓
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		✓
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		✓
85(d)(iii)	public open space;		✓
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		✓
85(d)(v)	private roads, ways or open spaces;		✓
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		✓
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		✓
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		✓
85(d)(ix)	provision for the preservation of trees and shrubs;		✓
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		✓
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		✓
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		✓
85(g)(ii)	party-wall easements;		✓
85(g)(iii)	the state of a party-wall on its boundary.		✓
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		✓
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		✓
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		✓
86(2)(f)	the filling in of ponds and gullies;		✓
86(2)(g)	the piping of watercourses.		✓
	<b>If 'yes':</b>		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
<b>Section 107</b>	<b>Access orders</b>	<b>Yes</b>	<b>No</b>



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107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		✓
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
<b>Section 108</b>	<b>Road widening</b>	<b>Yes</b>	<b>No</b>
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		✓
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		✓

## 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:

- Subdivision within 50m of a railway;
- Access by a Right of Way.

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

The proposal satisfies the scheme requirements as discussed in this report. It is recommended that the proposal be conditioned to be used and developed in accordance with the proposal plans.

### Garbage and recycling collection

The property has 4.8m frontage to Main Road. The property adjoins a railway to the south and an internal lot to the north. It has 4.8m of frontage so there is room for only two wheelie bins.

The permit should note that:

- Council will provide only 1 garbage bin which must be shared between lots 1 and 2, and 1 recycling bin which must be shared between lots 1 and 2.
- There is enough room on site for the bins to be stored in accordance with the planning scheme requirements i.e. in a communal storage area with a setback of at least 4.5m from the frontage and at least 5.5m from any dwelling.
- The developer could lodge a strata application showing this communal storage area; or
- The developer could engage a private waste collector to collect bins from inside the property, in which case Council would not charge a waste collection fee.

## 8 ATTACHMENTS

- Application & plans
- Responses from referral agencies
- Representation



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#### RECOMMENDATION

That land at 44 Main Road, Perth be approved to be developed and used for a 2 Lot subdivision (road & railway assets code) in accordance with application PLN-20-0075, and subject to the following conditions:

#### 1 LAYOUT NOT ALTERED

The use and development must be in accordance with the endorsed documents **P1** (Plan of Subdivision, Ref: 48-46 (7927) 7/4/2020).

#### 2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

##### 2.1 Stormwater

- Each lot must be provided with a connection to the Council's stormwater system, constructed in accordance with the ES&D stormwater assessment 28/11/19 and to the satisfaction of Council's Works & Infrastructure Department.
- Lot 1 must be provided with a private stormwater pump station, wet well and rising main connected to the Council Stormwater System. This arrangement must be designed in accordance with AS 3500.3 and must be of sufficient depth and capacity to enable gravity drainage from the entire lot. All structures and hardstand areas on this lot must be plumbed into the system. Plans must be submitted to Council for approval prior to the commencement of any works on site.
- The applicant must enter into, and comply with all conditions of, an agreement under Part 5 of the Land Use Planning & Approvals Act 1993 with the Northern Midlands Council to provide for the following:
  - *The owner of Lot 2 agrees to:*
    - *install a suitably sized pump station designed in accordance with AS 3500.3, including power failure backup, prior to the commencement of any building or civil works on site.*
    - *Submit design plans to the General Manager's approval prior to installation of the pump station.*
    - *Plumb all structures and hardstand areas on the lot into the system and it must be of sufficient depth and capacity to enable gravity fall.*

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

##### 2.2 As constructed information

As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.

##### 2.3 Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

##### 2.4 Works in State road reserve

- The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.
- Application requirements and forms can be found at [transport.tas.gov.au/road/permits](http://transport.tas.gov.au/road/permits), applications must be submitted at least twenty-eight (28) days prior to any scheduled works. In accordance with the Roads and Jetties Act 1935, works must not be commenced within the State Road reservation until a permit has been issued.

##### 2.5 Separation of hydraulic services

- All existing pipes and connections must be located.
- Where required, pipes are to be rerouted to provide an independent system for each lot.



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- Certification must be provided that services have been separated between the lots.

#### 2.6 Easements to be created

Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

#### 2.7 Pollutants

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

#### 2.8 Nature strips

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

### **3 TASWATER CONDITIONS**

Sewer and water services shall be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2020/00614-NMC).

### **4 AGREEMENT UNDER PART 5 OF LAND USE PLANNING APPROVAL ACT 1993 - TASRAIL**

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

1. The owners of Lot 2 formally acknowledge:
  - a. a dwelling will be exposed to train noise;
  - b. that train services operate 24/7 with the timetable subject to change at any time; and
  - c. the train horn is required to be sounded twice per level crossing and at any other time a train driver perceives a risk.
2. The owners agree not to make complaint or take any other action in relation to the above matters.

### **5 PUBLIC OPEN SPACE CONTRIBUTION**

A cash contribution must be paid in lieu of land for public open space in accordance with Council policy:

- \$1,400 per new lot; or
- The applicant may obtain a valuation not less than one month old by a registered land valuer, of the subject land, less one of the proposed lots. The Public Open Space Rate shall total 5% of that value.

### **6 SEALING OF FINAL PLANS**

All conditions must be completed before the Final Plan is sealed.

#### **NOTES:**

##### Garbage and Recycling Collection

- Council will provide only 1 garbage bin which must be shared between lots 1 and 2, and 1 recycling bin which must be shared between lots 1 and 2.
- There is enough room on site for the bins to be stored in accordance with the planning scheme requirements i.e. in a communal storage area with a setback of at least 4.5m from the frontage and at least 5.5m from any dwelling.
- The developer could lodge a strata application showing this communal storage area; or
- The developer could engage a private waste collector to collect bins from inside the property, in which case Council would not charge a waste collection fee.



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#### **TasRail Standard Notes (as at 24 October 2019)**

- Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time. Landowners and prospective landowners should undertake appropriate due diligence to ensure they are aware of train noise and vibration, particularly train horn noise.
- The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
- Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)
- No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc.
- No persons should enter rail land without formal authorisation.
- Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
- As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
- Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited.
- All access and rail land enquiries should be directed to [property@tasrail.com.au](mailto:property@tasrail.com.au)
- As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.
- Vehicles entering the access to lots 1 and 2 must not cross over the railway road marking (stop line).

#### **DECISION**

Cr

**PLAN 3 DRAFT PLANNING SCHEME AMENDMENT 06/2019 &  
PLANNING APPLICATION PLN-19-0221: 74 MARLBOROUGH STREET,  
LONGFORD**

*Attachments: Section 1 – Page 265*

Responsible Officer: Des Jennings, General Manager  
Report prepared by: Paul Godier, Senior Planner  
File Number: PLN-19-0221

## 1 INTRODUCTION

At its March 2020 meeting, Council resolved to:

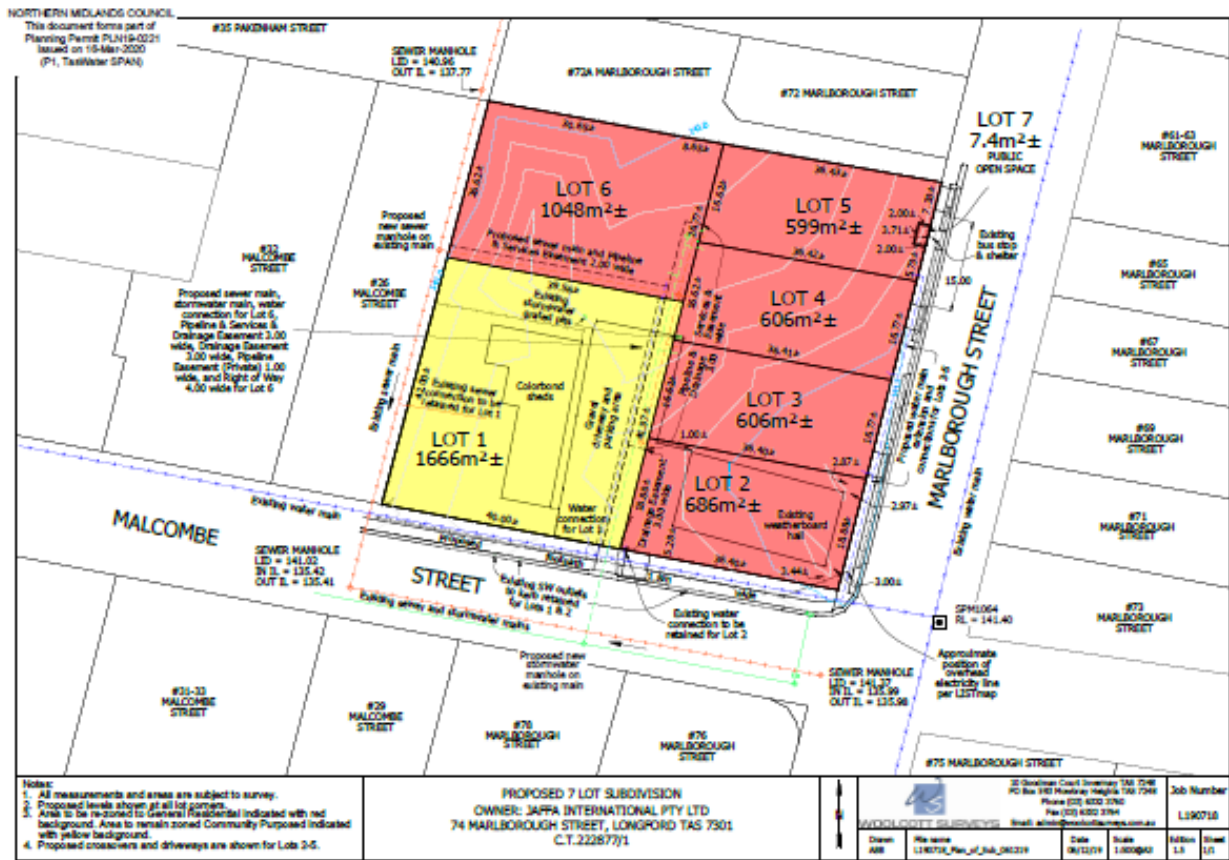
- initiate and certify draft Planning Scheme Amendment 06/2019 to rezone part of 74 Marlborough Street, Longford, from Community Purpose to General Residential, including a site-specific qualification that lots fronting Marlborough Street be no smaller than 590m<sup>2</sup>; and
- issue a permit for the land at 74 Marlborough Street, Longford, be developed and used for a 6 Lot Subdivision.

The draft amendment and planning permit were placed on public notification and one representation was received. The representation is considered in this report.

**Figure 1 - rezone part of the land to General Residential**



Figure 2 – Proposed Plan of Subdivision



## 2 SUMMARY INFORMATION

**Applicant:**

Commercial Project Delivery

**Owner:**

Jaffa International Pty Ltd

**Proposal:**

Rezone part of land from Community Purpose to General Residential, application for a 6-lot subdivision

**Existing Use:**

Men's Shed, PCYC meeting hall

**Critical Date:**

Report on representations to be sent to Planning Commission by 6 July 2020

**Recommendation:**

Endorse statement of opinion as to the merit of the representation

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

## 3 STATUTORY REQUIREMENTS

In accordance with Schedule 6 (3) (2) (b) of the *Land Use Planning & Approvals Act 1993*,

Council is required under Section 39 (2) to forward to the Planning Commission a report comprising –

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

These matters are discussed below.

#### 4 ASSESSMENT OF REPRESENTATION

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

- Patricia Logan, owner of 72 Marlborough Street, Longford.

#### Consideration of the Representation

**ISSUE** *Concern that the heritage listed cottage at 72 Marlborough Street may be impacted by construction work on 74 Marlborough Street.*

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

The Director of Building Control's Determination on Protection Work specifies the circumstances when an owner must perform protection work as required by Part 6 of the Building Act 2016. As protection work is provided for under the Building Act, it is considered that this matter does not impact on the draft amendment or permit.

#### Recommendation

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

**Figure 3 - Subject site highlighted, representor's property within cloud**



#### 5 OPTIONS

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



## NORTHERN MIDLANDS COUNCIL AGENDA – SPECIAL MEETING 15 JUNE 2020

### 6 ATTACHMENTS

- Draft amendment and permit
- Representation
- The Director of Building Control's Determination on Protection Work

### RECOMMENDATION

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

**ISSUE** *Concern that the heritage listed cottage at 72 Marlborough Street may be impacted by construction work on 74 Marlborough Street.*

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

The Director of Building Control's Determination on Protection Work specifies the circumstances when an owner must perform protection work as required by Part 6 of the Building Act 2016. As protection work is provided for under the Building Act, it is considered that this matter does not impact on the draft amendment or permit.

#### **Recommendation**

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

#### DECISION

Cr

## COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

### RECOMMENDATION

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

#### DECISION

Cr

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



NORTHERN MIDLANDS COUNCIL  
AGENDA – SPECIAL MEETING  
15 JUNE 2020

**CON ITEMS FOR THE CLOSED MEETING**

DECISION

Cr

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Projects Manager, Senior Planner and Executive Assistant.

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

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.  
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**CON 2 CONTRACTS, AND TENDERS, FOR THE SUPPLY OF GOODS AND SERVICES AND THEIR TERMS, CONITIONS, APPROVAL AND RENEWAL**

As per provisions of Section 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*.  
*Tender – Ross*

**CON 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*.  
*Appeal*

**CON 4 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*.  
*Tender documentation*

DECISION

Cr

That Council move out of the closed meeting.

Mayor Knowles closed the meeting at .....