



**NORTHERN
MIDLANDS
COUNCIL**

AGENDA

ORDINARY MEETING OF COUNCIL

MONDAY, 15 FEBRUARY 2021

**IN PERSON &
VIA ZOOM VIDEO CONFERENCING
PLATFORM**

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.

MEETING CONDUCT

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

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;

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

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


Des Jennings
GENERAL MANAGER

GUIDELINES FOR COUNCIL MEETINGS

PUBLIC ATTENDANCE DURING THE COVID-19 DISEASE EMERGENCY DECLARATION

Public Attendance Meeting Guidelines during the COVID-19 Disease Emergency

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This has necessarily meant that public attendance at meetings has been restricted. Under these arrangements Council meetings have been undertaken remotely via online platforms.

While COVID-19 restrictions remain in place, Council is mindful of the need to ensure community safety and compliance with regard to social distancing and limitations on the number of persons who may gather. This obligation is balanced with the need to minimise disruption to the business of Council.

Council determined that limited public access to Council meetings would be permitted from the Council Meeting scheduled for 14 December 2020.

Attendance of the public will be restricted to those who wish to make representation or present a statement in person at the meeting, preference is to be given to individuals

1. making representations to planning applications which are subject to statutory timeframes (limit of 4 persons per item), and
2. those making statements or representations on items listed in the Agenda for discussion (limited to 2 persons).

To ensure compliance with Council's COVID-19 Safety Plan, any person wishing to attend will be required to register their interest to attend, which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting by emailing council@nmc.tas.gov.au or phoning Council on 6397 7303.

On arrival attendees will:

- be required to complete the health declaration section of their registration form to support COVID-19 tracing (in the event that it is necessary); and
- receive direction from council officers (or Council's delegate) in relation to their access to the meeting room.

Access to the Municipal Building will only be permitted until 6.45pm, at which time Public Question Time will commence.

Members of the public who would prefer not to attend the meeting, but would like to ask a question or make a representation to the Council that would normally be heard during Public Question Time, may forward their question/representation to council@nmc.tas.gov.au which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting.

Any questions/representations received will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

These arrangements are subject to review based on any change in circumstance relating to the COVID-19 Disease Emergency.

Council will continue to ensure minutes and audio recordings of Council meetings are available on Council's website.

PUBLIC QUESTIONS AND STATEMENTS

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

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

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

REPRESENTATIONS ON PLANNING ITEMS

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

Each speaker is limited to a maximum of 3 minutes.

PETITIONS

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



NORTHERN MIDLANDS COUNCIL
AGENDA – ORDINARY MEETING
15 FEBRUARY 2021

NOTICE IS HEREBY GIVEN THAT THE NEXT MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON MONDAY 15 FEBRUARY 2021 AT 5.00PM IN PERSON AND 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

10 FEBRUARY 2021

4.00pm Councillor Workshop – closed to the public

GOV 1 ATTENDANCE

1 PRESENT

In Attendance:

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.

GOV 5 CONFIRMATION OF MINUTES: OPEN COUNCIL ORDINARY COUNCIL MEETING MINUTES

DECISION

Cr

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Wednesday 27 January 2021, be confirmed as a true record of proceedings.

GOV 6 MOTIONS ON NOTICE

1 NOTICE OF MOTION

No notices of motion were received.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 7 COMMITTEE MINUTES

1 CONFIRMATION OF MINUTES OF COMMITTEES

Attachments: Section 1 – Page 1

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

	Date	Committee	Meeting
i)	01/12/2020	Campbell Town District Forum	Ordinary
ii)	01/12/2020	Perth Local District Committee	Ordinary
iii)	08/12/2020	Liffey Hall Management Committee	Ordinary
iv)	20/01/2021	Longford Local District Committee	Ordinary
v)	02/02/2021	Ross Local District Committee	Ordinary
vi)	02/02/2021	Perth Local District Committee	Ordinary
vii)	03/02/2021	Longford Local District Committee	Ordinary

DECISION

Cr

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

2 RECOMMENDATIONS OF SUB COMMITTEES

In the attached minutes of sub committees, no new recommendations have been noted as being for Council's consideration.

NOTE: *Matters already considered by Council at previous meetings have been incorporated into INFO 10: Officer's Action Items.*

Longford Local District Committee

At the ordinary meeting of the Longford Local District Committee held on 20 January 2021 the following motion/s were recorded for Council's consideration:

Tear-off Street Maps for Longford. The map is useful for many of our tourists who are of the older generation, and either do not understand technology or prefer printed information that shows them the location and how to get to there.

- 1) Ask Council to use their resources to revise and reprint maps.
- 2) Council garner support from business sponsors to use their resources to place their business names on the back of maps.

Officer Comment:

Council Officers to seek quotes and survey Longford businesses through the Northern Midlands Courier to ascertain business support for the production of tear-off maps, prior to a report to Council

Officer Recommendation

That Council note the request and action to be taken.

DECISION

Cr

Issue of safety when trucks are entering Woolmers Lane from Panshangar Road: Ask Council to review this situation to make recommendations to improve the safety aspects at this intersection.

Officer Comment:

Further information is to be sought from the committee regarding specific safety concerns.

It is noted that previous concerns have been raised regarding sight distance to the right, and in this regard a warning sign is in place on the approach. However, a request for an 80km speed limit has previously been rejected by the Department of State Growth.



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Officer Recommendation

That Council note the information provided and Officers seek further information from the Committee.

DECISION

Cr

Campbell Town District Forum

At the ordinary meeting of the Campbell Town District Forum held on 1 December 2020 the following motion/s were recorded for Council's consideration:

Invitation to State Growth to attend Forum: CTDF would like to invite State Growth representatives to attend their next meeting (2 March) to discuss the progress and address the concerns of the Forum on the implementation of the underpass and the upgrading of Campbell Town High Street. Both projects are linked as they involve the safety of all members of the community as they cross the Midlands Highway.

Officer Comment

The Forum's Secretary to contact DSG on behalf of the Committee and invite representatives to a future meeting, if available.

Officer Recommendation

That Council note the recommendation.

DECISION

Cr

Dual Naming: That CTDF expedite the dual naming of Campbell Town and the palawa name on the sign.

Officer Comment

The sign layout to make provision for future inclusion of the name, whilst approval is sought.

Officer Recommendation

That the matter be progressed.

DECISION

Cr

Campbell Town War Memorial Oval and Sports Complex: The Forum request that the name of the new complex reflect the original name and be 'Campbell Town War Memorial Oval and Sports Complex.'

Officer Comment

The name of the sports precinct remains unchanged and is the "Campbell Town War Memorial Oval".

Officer Recommendation

That Council note the request.

DECISION

Cr

Perth Local District Committee

At the ordinary meeting of the Longford Local District Committee held on 2 February 2021 the following motion/s were recorded for Council's consideration:

Train Park additional play equipment:

- 1) request Council to consider urgent maintenance to the timber sculptures; play equipment and facilities as part of the 'Special COVID-19 Funding' to ensure appropriate and safe condition for the 2021 sesquicentenary of trains.
- 2) Request council to include upgrades to the Train Park in the Perth Main Street Masterplan.

Officer Comment:

Council Officers to investigate and liaise with the Committee.

Officer Recommendation

That Council note the request.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

Perth Bicentenary Committee: Request Council approach the Examiner and Country Courier to feature a story on Northern Midlands ALL towns celebrating their bicentenaries in 2021 and events planned for the communities to participate in the celebrations.

Officer Comment:

Council Officers to investigate and liaise with the Committee.

Officer Recommendation

That Council note request.

DECISION

Cr

Longford Local District Committee

At the ordinary meeting of the Longford Local District Committee held on 3 February 2021 the following motion/s were recorded for Council's consideration:

Local Heritage Code & Heritage Precincts: The LLDC requests Council to accept the recommendations presented at the Council workshop on Monday February 1, 2021 by putting in place an addendum to the current Local Historic Heritage Code (E13) and the Heritage Precincts Area Plan (F2) which will be specific to all new buildings that are erected. This area includes from the Country Club Hotel (Union Street) to where Malcombe Street crosses Marlborough Street.

Officer Comment:

A Planning Scheme amendment would be required.

Officer Recommendation

That the Committee meet with Council's Planners to discuss further, including the outcomes to be achieved from the suggested amendment prior to further report/discussion at a Council workshop.

DECISION

Cr

Racecourse Signage: That LLDC request the Council to add a sign for the racecourse on the existing sign on Cressy Road at the corner of Cracroft Street.

Officer Comment:

Council Officers to investigate.

Officer Recommendation

That Council note the recommendation.

DECISION

Cr

GOV 8 DATE OF NEXT COUNCIL MEETING: MONDAY, 15 MARCH 2021

Mayor Knowles advised that the next Ordinary Council Meeting of the Northern Midlands Council would be held at 5.00pm on Monday, 15 March 2021 in person and via the 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).



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

INFO INFORMATION ITEMS

1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING

Responsible Officer: Des Jennings, General Manager

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

Date Held	Purpose of Workshop
01/02/2021	Council Workshop Discussion included: <ul style="list-style-type: none">• Longford Heritage Precinct• Campbell Town Town Hall• Care Beyond Cure Inc – Tender Funerals Tasmania• Footpath Trading By Law• Public Spaces By-Law• Traffic Concerns: Wellington & Marlborough Streets Intersection at Longford• Dog Park at Perth• Legana Pump Track• Payment of Bonds
15/02/2021	Council Workshop Discussion: <ul style="list-style-type: none">• Council Meeting Agenda items
01/03/2021	Presentations planned to be received at next workshop: <ul style="list-style-type: none">• Creative Cities

2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 28 January 2021 to 15 February 2021 are as follows:

Date	Activity
28 January 2021	Attended Mark Shelton's St Giles Charity run, Perth
28 January 2021	Attended Ten Days on the Island launch, Launceston
31 January 2021	Attended Bicentenary Event Picnic in the Park, Campbell Town
1 February 2021	Attended Council Workshop, Longford
4 February 2021	Attended TasWater quarterly briefing, Launceston
4 February 2021	Attended Examiner lunch, Launceston
15 February 2021	Attended Waste Management meeting, Launceston
15 February 2021	Attended Council Workshop and Meeting, Longford

3 GENERAL MANAGER'S ACTIVITIES

General Manager's activities for the prior month are as follows:

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

- Attended Regional General Manager's meeting
- Met with Consultants re Depot Administration Office upgrade
- Met with Consultants re Memorial Hall and Village Green Longford
- Met with Consultants re Main Street Projects
- Attended Northern Tasmania Development Corporation board strategy meeting
- Met with Parks and Wildlife Service
- Met with service provider re waste recycling
- Met with Cr Polley



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

4 PETITIONS

1 PURPOSE OF REPORT

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

2 OFFICER'S COMMENT

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

Section 57. Petitions

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

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains –
- (a) a clear and concise statement identifying the subject matter and the action requested; and
 - (b) in the case of a paper petition, a heading on each page indicating the subject matter; and
 - (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
 - (d) a statement specifying the number of signatories; and
 - (e) at the end of the petition –
 - (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
 - (ii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.

- (3) In this section –

electronic petition means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;

paper petition means a petition where the petition is created on paper which is then circulated and to which the signatories have added their details directly onto the paper;

petition means a paper petition or electronic petition;

signatory means –

- (a) in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and
- (b) in the case of an electronic petition, a person who has added his or her details to the electronic petition.

3 PETITIONS RECEIVED

Nil.

5 CONFERENCES & SEMINARS: REPORT ON ATTENDANCE BY COUNCIL DELEGATES

No reports relating to attendance at conferences and seminars have been received.

6 132 & 337 CERTIFICATES ISSUED

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

S132. Certificate of liabilities

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

S337. Council land information certificate

- (1) A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.
- (2) The general manager, on receipt of an application made in accordance with [subsection \(1\)](#), is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate.
- (3) A certificate under [subsection \(2\)](#) relates only to information that the council has on record as at the date of issue of the certificate.
- (4) A prescribed fee is payable in respect of the issue of a certificate.
- (5) The general manager, on request, may provide in or with the certificate any other information or document relating to the land that the general manager considers relevant.
- (6) A council does not incur any liability in respect of any information provided in good faith from sources external to the council.



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- (7) A person, with the consent of the occupier or owner of specified land, may request in writing to the general manager that an inspection be carried out of that land to obtain supplementary information relevant to that land.
- (8) If the general manager agrees to a request under [subsection \(5\)](#) or [\(7\)](#), the general manager may impose any reasonable charges and costs incurred.
- (9) In this section –
land includes –
 (a) any buildings and other structures permanently fixed to land; and
 (b) land covered with water; and
 (c) water covering land; and
 (d) any estate, interest, easement, privilege or right in or over land.

	No. of Certificates Issued 2020/2021 year												Total 2020/2021 YTD	Total 2019/2020	
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June			
132	136	71	95	98	105	69	52							626	915
337	34	41	36	44	59	66	29							309	515

7 ANIMAL CONTROL

Prepared by: *Martin Maddox, Accountant and
Tammi Axton, Animal Control Officer*

Item	Income/Issues 2019/2020		Income/Issues for January		Income/Issues 2020/2021	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,278	101,937	25	606	4,061	96,629
Dogs Impounded	44	4,089	2	529	11	1,007
Euthanized	1	-	-	-	-	-
Re-claimed	39	-	3	-	10	-
Re-homed/Dogs Home *	4	-	1	-	1	-
New Kennel Licences	15	1,080	-	-	8	576
Renewed Kennel Licences	70	3,080			72	3,168
Infringement Notices (paid in full)	42	12,149	4	635	20	4,135
Legal Action	-	-	-	-	-	-
Livestock Impounded	-	-	-	-	1	65
TOTAL		122,335		1,770		105,581

* previously sent to RSPCA (and subsequently Launceston City Council shelter) to 30 January 2019; commenced with utilising the Dogs Home April 2019.

Registration Audit of the Municipality:

on going

Kennel Licences

0 kennel licences applied for

Microchips:

0 dogs microchipped

Infringements:

2 infringement issued.

Attacks:

1 attack – sheep– dog seized and declared dangerous

Impounded Dogs:

2 dogs impounded – 2 reclaimed by owner.

1 dog from December rehomed



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: *Graeme Hillyard, Environmental Health Officer*

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

Ensure safe standards of food offered for sale are maintained.

Investigations/ Inspections/ Licences Issued	2017/2018	2018/2019	2019/2020	2020/2021	Number -- this month	Current No. of Premises Registered
Notifiable Diseases	4	5	1	0		
Inspection of Food Premises	77	127	111	67	12	125
Place of Assembly Licences					1	

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

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

Inspections are conducted according to a risk-based assessment and cover all aspects of food storage, handling and preparation. A total of 35 criteria are assessed for either compliance, non-compliance or serious non-compliance. Actions, including follow-up inspections, are taken according to the outcome of inspections.

9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Animal Control	4	5	6	2	1	1	1					
Building & Planning	-	-	-	1	1	1	1					
Community Services	-	-	-	-	1	11	6					
Corporate Services	-	3	1	-	1	2	-					
Governance	-	-	-	-	-	1	-					
Waste	1	-	-	-	-	-	-					
Works	31	27	28	34	13	35	41					

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

Date	Recipient	Purpose	Amount \$
15-Sep-20	Campbell Town District High School	Inspiring Positive Futures Program	7,272.73
15-Sep-20	Campbell Town District High School	Chaplaincy	1,363.64
27-Oct-20	Campbell Town District High School	Donation - School Achievement Awards	150.00
27-Oct-20	Perth Primary School	Donation - School Achievement Awards	50.00
27-Oct-20	Evandale Primary School	Donation - School Achievement Awards	50.00
27-Oct-20	Longford Primary School	Donation - School Achievement Awards	50.00
27-Oct-20	Cressy District High School	Donation - School Achievement Awards	136.36
27-Oct-20	Longford Fire Brigade	Donation	100.00
27-Oct-20	Perth Fire Brigade	Donation	100.00
18-Nov-20	Longford Care-a-car Committee	Donation	1,000.00
25-Nov-20	Helping Hand Association	Donation	1,500.00
22-Dec-20	Cressy District High School	Inspiring Positive Futures Program	8,000.00
<i>Planning/Building Applications Remitted</i>			
20-Jan-21	Relay for Life Fundraiser Longford Goat Show	Temporary Food Permit	33.00
20-Jan-21	Nth Tas Light Horse Troop War Animals Remembrance Day	Temporary Food Permit	33.00



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

Date	Recipient	Purpose	Amount \$
20-Jan-21	Campbell Town Auxiliary Market Stall	Temporary Food Permit	186.00
20-Jan-21	Longford Rotary Club	Temporary Food Permit	186.00
School & Bursary Programs			
11-Nov-20	Chanelle Woods	Bursary Program 2019 - instalment 2	1,000.00
18-Jan-21	Jonty Webb	Bursary Program 2020 - instalment 1	1,000.00
18-Jan-21	Charlotte Layton	Bursary Program 2019 - instalment 2	1,000.00
19-Jan-21	Connor Perri	Bursary Program 2020 - instalment 1	1,000.00
		TOTAL DONATIONS	\$24,210.73

11 ACTION ITEMS: COUNCIL MINUTES

Date	Min. Ref.	Details	Action Required	Officer	Current Status
17/09/2018	258/18	Initiation of Draft Planning Scheme Amendment 04/2018 include Flood Risk Mapping in the Planning Scheme for land along Sheepwash Creek from Arthur Street to Cemetery Road, Perth	That Council, acting as the Planning Authority, pursuant to section 34 of the former provisions of the Land Use Planning and Approvals Act 1993 resolve to initiate draft Planning Scheme Amendment 04/2018 to the Northern Midlands Interim Planning Scheme 2013 to include the flood risk mapping for land zoned General Residential and Future Residential, based on the mapping shown in the attachment, in the planning scheme maps.	Senior Planner	A flood map is to be incorporated by an amendment to the Planning Scheme. Aerial survey to be undertaken prior to seeking quotes for amendment. Aerial Survey complete, Land Survey Modelling can now commence, due mid-March.
27/01/2021	010/21	Campbell Town Swimming Pool	That: ... 9) the matter be reviewed after the season closes.	General Manager	
16/03/2020	Deferred item	GOV8 Overhanging Trees/Hedges: Evandale	Deferred to provide opportunity for the community to attend	General Manager	No further action to be taken at this time. To be workshopped and report to be relisted.
27/01/2021	021/21	Just Cats Proposal: User Pay Basis	That the matter be referred to the neighbouring Council's by the General Manager to consider a consolidated approach, which may include meeting with Just Cats as well as other service providers to consider all aspects of cat management, including: education programmes, State government funding/ support that may be available. Discussions to not only relate to the rehoming of cats.	General Manager	Report to future Council meeting.
19/08/2019	238/19	Local District Committees: Review of Memorandum of Understanding	That the matter be deferred to a workshop	General Manager	Advice formally provided to Committees for comment. Report to Council workshop.
21/10/2019	313/19	Confirmation of Minutes - Ross Local District Committee - 7.1 Macquarie River	The Ross Local District Committee requests that the Northern Midlands Council progress the dual naming of the Macquarie River to Tinamirakuna which includes community consultation and investigation. - That Council support the proposal and progress the request	Executive & Comms Officer	Contacted DPIPW and Tasmanian Aboriginal Centre, awaiting response. Application to be lodged in March for consideration in April.
14/12/2020	415/20(3)	Recommendation of sub committees - Ross LDC - Road Markings	As an urgent matter of Public Safety, the Ross Local District Committee requests the Northern Midlands Council repaint the white traffic dividing lines on the Northern (Chiswick Rd), and Southern (Roseneath Road), entrances to Ross. The bend on Roseneath Road approaching the Ross Bridge is of particular concern where the white dividing line is heavily worn and is barely visible. - That Council note the information, investigate the matter and action accordingly.	Executive & Comms Officer	Works Manager to meet with Committee to discuss.
16/11/2020	382/20	Recommendations of Sub Committees -Campbell Town District Forum - Tourist Signage	Tourist symbol information to be placed at road entries to Campbell Town. - That Council Officers investigate the matter.	Executive & Comms Officer	Matter being investigated by Tourism and Executive & Comms Officers.
17/02/2020	039/20	Recommendations of Sub Committees - Cressy Local District Committee	Bartholomew Park Sign - That Council officers investigate and design a new park sign and explanation plinth (providing background on the park name) to be located at the corner of Main and Church streets, Cressy near the trout sculpture, and it be brought back to the Committee for comment	Works Manager	Design drawing to be provided by Committee. CLDC Secretary to follow up with Committee.

LONG TERM ACTIONS

Date	Min. Ref.	Details	Action Required	Officer	Current Status
18/09/2017	279/17	Historical Records and Recognition: Service of Councillors	That Council, ...and ii) progress the following when the glass enclosed area at the front of the Council Chambers is nearing completion: Photograph/photographs of current Councillors – professional printing and framing; Archiving of historic photographs; Production of a photo book of historic photographs for display.	Exec Assistant	Photographs of full NMC Council, for each term since inception, received. Some photos still to be sourced.
18/05/2020	146/20	Northern Midlands	That Council endorse the progression of the Northern Midlands	Youth Officer	Postponed to 2021.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

Date	Min. Ref.	Details	Action Required	Officer	Current Status
19/11/2018	323/18	Youth Voice Forum Tom Roberts Interpretation at Longford	Youth Voice Forum That Council approve the proposal to develop a Tom Roberts interpretation panel for erection in the grounds of Christ Church Longford and a short Tom Roberts' video, and consider funding these items in the mid-year budget review process.	Project Officer	Interpretation panel installed. Video production being negotiated. To be finalised in 2021.

COMPLETED ACTION ITEMS FOR DELETION

Date	Min. Ref.	Details	Action Required	Officer	Current Status
27/01/2021	020/21	Consultation On Draft Land Use Planning And Approvals Amendment (Tasmanian Planning Scheme Modification) Bill 2020 And Housing Land Supply Amendment Bill 2020	That Council advises the Department of Justice that it supports the amendments to the Land Use Planning and Approvals Act 1993 for improved processes for finalising the Local Provisions Schedules.	Senior Planner	Advice sent.
27/01/2021	010/21	Campbell Town Swimming Pool	That: 1) the access to the swimming pool be via the front entrance to the new facility. 2) the kiosk within the new building be utilised. 3) an additional casual pool employee be engaged to operate the kiosk and assist with the supervision of the site. 4) Council accept responsibility for the maintenance of the grassed areas and hedges. 5) the amenities at the entrance to the facility be utilised as the family change room facility. 6) Council Officers list for the 2021/2022 draft budget for consideration, the installation of a toilet to the family change room. 7) the cost of items 2, 3, 4 and 6 be met by the Campbell Town Swimming Pool Committee, by way of annual fund raising. 8) the blinds to the small meeting room be installed this financial year and funded by Council.	General Manager	Met with Committee, new agreement to be drawn up and signed.
29/06/2020	208/20	Footpath Trading By-Law	That the matter be deferred to a Council Workshop for discussion.	General Manager	Report to Council.
27/01/2021	013/21	Public Question Time - 32 Norfolk Street	Responses to Mr Robert Henley, Ms Barbara Rees and Ms Kerry Donoghue re submissions	General Manager	Letters/emails sent.
27/01/2021	012/21	Perth Park Naming Survey (Norfolk Street)	That 1) a decision on the matter be deferred; and 2) the Perth Local District Committee be advised of the results of the survey and Council seek comment from the Committee.	Exec. Assistant	Matter referred to PLDC. Report to Council.
14/12/2020	415/20(3)	Recommendation of sub committees - Longford LDC - 7.2 Longford Racecourse and the Longford Show Ground as part of Brickendon and Woolmers Heritage Link.	That while considering the changes to the Longford planning scheme the heritage values of the town are given priority so that historic zones are linked to include Brickendon and Woolmers - That the Chair of the Committee meet with officers of Council's Planning Department to discuss their proposal.	Executive & Comms Officer	LLDC met with Planners.
14/12/2020	415/20(3)	Recommendation of sub committees - Longford LDC - 7.3 General Residential Zone.	a) That Council reinstate the zoning of Longford Racecourse area back to rural, stipulating the uses as stables, horse training and horse agistment in the area bounded by Wellington, Anstey, Cracroft and Brickenfon streets; b) That this Committee recommends that Council change the description of general residential zone from "urban" to "rural" and include this in local area objectives and adjust the zone purposes to include "desired future characteristics" in the explanation. That the Chair of the Committee meet with officers of Council's Planning Department to discuss their proposed changes.	Executive & Comms Officer	LLDC met with Planners.
27/01/2021	023/21	Nomenclature: Re-Naming Of Translink Industrial Park	That Council submit an application to Placenames Tasmania for the "Translink Industrial Park" to be recognised as an unbounded locality. The boundary area to be defined in accordance with the revised plan and as described	Engineering Officer	Name submitted.
20/07/2020	241/20	Traffic Concerns: Intersection of Marlborough & Wellington streets Longford	That Council i) conduct a vehicle movement survey on the - Wellington/Marlborough street and Wellington/Lyttleton Street - intersections to ascertain the data on vehicle movements through those intersections; and ii) investigate current heavy vehicle movements and routes through Longford and identify possible solutions and alternate routes; and iii) present the data and options for discussion at a Council Workshop prior to a report being tabled at a future Council meeting.	Engineering Officer	Report to Council.
27/01/2021	009/21	Information Items - Petition - 32 Norfolk Street Perth	That Council, in relation the 32 Norfolk Street Perth, receive a further report regarding the actions requested by the petition numbered 1-4. The report to include the validity of the request to rescind a planning decision, detail of costs that have been incurred and that would likely be incurred should Council implement any of the actions numbered 1-4 of the petition.	General Manager	Report to February Council meeting.

Matters that are grey shaded have been finalised and will be deleted from these schedules



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12 RESOURCE SHARING SUMMARY: 01 JULY 2020 TO 30 JUNE 2021

Resource Sharing Summary 1/7/20 to 30/6/21 As at 31/01/21	Units Billed	Amount Billed GST Exclusive \$
Meander Valley Council		
Service Provided by NMC to MVC		
Street Sweeping Plant Operator Wages and Oncosts	164.00	8,857.09
Street Sweeper - Plant Hire Hours	167.25	14,722.06
Total Services Provided by NMC to Meander Valley Council		23,579.15
Service Provided by Meander Valley Council to NMC		
Wages and Oncosts		
Plumbing Inspector Services	371.30	27,725.99
Engineering Services	2.00	129.00
Total Service Provided by MVC to NMC		27,725.99
Net Income Flow		- 4,146.84
Total Net		- 4,146.84
Private Works and Council Funded Works for External Organisations		
	Hours	
Economic & Community Development Department		
Northern Midlands Business Association		
Promotion Centre Expenditure - Tourism Officer	4.00	Not Charged to Association Funded from Council Budget A/c 519035
Works Department Private Works Carried Out	158.00	
	162.00	

13 VANDALISM

Prepared by: Jonathan Galbraith; Engineering Officer

Incident	Location	Estimated Cost of Damages		
		January 2021	Total 2020/21	January 2020
-	-	\$ -	\$ -	\$ -
TOTAL COST VANDALISM		\$ -	\$ 5,300	\$ 4,600

14 YOUTH PROGRAM UPDATE

Prepared by: Billie-Jo Lowe, Youth Officer

PCYC program

There were no programs facilitated during January due to school holidays, PCYC programs resume in Campbell Town and Perth in term 1.

Free2B girls program

There were no programs facilitated in January due to school holidays. The Free2B girls programs resume in Campbell Town and Longford in term 1.

Additional volunteers are needed for both programs and this has been promoted in school newsletters and social media. There are 2 volunteers registered, one for each group and they will undertake training on 2 February.

Northern Midlands Active Youth Program

There were no programs facilitated in January due to school holidays. The Active Youth program will resume in Campbell Town and Cressy in term 1.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

Meetings

Billie-Jo represents Council on the Northern Youth Coordinating Committee and the Northern Midlands Interagency Group.

Billie-Jo is meeting with the Australian Drug Foundation on 16 February to find out about the youth related services available.

15 STRATEGIC PLANS UPDATE

Prepared by: *Lorraine Green, Project Officer*

CURRENT AS OF 2 FEBRUARY 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
Blessington			
Feasibility Study: Investment in Ben Lomond Ski field Northern Tasmania (TRC Tourism)	Jun-15		<ul style="list-style-type: none"> Ongoing collaboration with Parks and Wildlife Services and other key stakeholders to progress implementation of report recommendations. State Government budget included commitment of \$400,000 to upgrade the shuttle bus carpark below Jacob's Ladder. Project completed June 2019 January 2019: Nomination submitted for Ben Lomond to be the state's next iconic walk. Nomination unsuccessful.
Campbell Town			
War Memorial Oval Precinct Tennis/Multi-purpose courts			<ul style="list-style-type: none"> September 2017: Funding application submitted to TCF for \$55,000 towards the courts development: application successful. Grant deed executed and funds received. Request submitted March 2020 for extension to deadline to enable completion of court surrounds work – anticipated September/October 2020.. November 2017: Funding application submitted to Sport & Recreation Tas for \$80,000 towards the project: application successful. Acquittal report submitted December 2019. October 2020: Tennis Club submitted Improving the Playing Field Grant application for a tennis pavilion. Outcome awaited. November 2020: Tennis Club secured funds for a practice 'hit-up' wall.
Oval Irrigation System and Public Toilets			<ul style="list-style-type: none"> October 2020: application submitted to Improving the Playing Field grant program for oval irrigation system and new public toilet facility. Advised Jan 2021 application unsuccessful.
CBD Urban Design and Traffic Management Strategy (GHD) (Lange Design and Rare Innovation)	May-16		<ul style="list-style-type: none"> GHD contracted to prepare the strategy: final report accepted at November 2017 Council Meeting. Council secured \$1 million loan through the Northern Economic Stimulus package towards the implementation of the main street component of the strategy. November 2017: Lange Design and Rare Innovations Design contracted to prepare the design and construction tenders. Stage 1 concept plan received April 2018. June 2019: Landscape Works Technical Specification received. Request for funding through the Local Government Land Transport Infrastructure Program submitted April 2020.
Cressy			
Swimming Pool Master Plan (Loop Architecture)	Dec 15		<ul style="list-style-type: none"> Master Plan accepted at October 2017 Council meeting. Liberal election commitment of \$100,000 to upgrade the complex. Acquittal report due November 2020 – extension requested. Nationals in Government funding commitment of \$400,000 made March 2019. Funding agreement signed January 2020. Design Consultant engaged, tender under review December 2020 – late 2021 completion date anticipated.
Recreation Ground Master Plan (Lange Design & Loop Architecture)	Feb-17		<ul style="list-style-type: none"> January 2017: confirmation that the state govt has approved \$220,000 for the ground upgrade through the Northern Economic Stimulus Package. February 2017: Lange Design and Loop Architecture contracted to develop the master plan. Master Plan accepted at April 2018 Council Meeting. Levelling the Playing Field grant for inclusive changerooms (\$354,076) secured October 2019 (to be matched by Council funding). First report due 30.6.20. October 2019: assisted Cressy Cricket Club with funding application to Stronger Communities Program for clubrooms upgrade: funding secured. Facility upgrade design brief completed. Design work completed. Tender awarded December 2020.
Evandale			
Honeysuckle Banks			<ul style="list-style-type: none"> At May 2017 Council meeting, Council i) accepted in principle the Honeysuckle Banks Plan; ii)



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
			consider funding the minor works components of the plan in future Council budgets, and iii) request Council Officers to seek to secure external grants to assist with the implementation of the full plan.
Morven Park Master Plan (Lange Design)	Nov-16 April 18		<ul style="list-style-type: none"> November 2016 Lange Design contracted to develop master plan. Council accepted 2030 Master Plan at April 2018 Council Meeting. State Liberal election commitment of \$158,000 towards facilities' upgrades. Progress reports submitted Dec 2018, March 2019 and Sept 2019. February 2019: funding of 50% matching grant by Council (\$430,300) secured under Levelling the Playing Field State Government Grant Program. First progress report submitted 7 October 2019. Final report due 30 June 2020. Extension of completion date requested (to end December 2020) AFL Tas funding commitment of \$60,000 secured – to be paid upon project completion. Anticipated completion early 2021. October 2020: Application submitted to Improving the Playing Field Grant Program for ground drainage works. Outcome awaited.
Longford			
Community Sports Centre Master Plan (RT & NJ Construction Services)	Feb-15		<ul style="list-style-type: none"> January 2017: Council advised State Govt has approved \$1,000,000 for the upgrade through the Northern Economic Stimulus Package Work progressing.
CBD Urban Design Strategy (Lange Design and Loop Architecture)	May-16		<ul style="list-style-type: none"> December 2016: Draft Urban Design Strategy received. Strategy and Guidelines manual accepted at the October 2017 Council Meeting. Negotiations underway February 2018 with State Growth towards development of a deed regarding the future maintenance of the Illawarra Road roundabout. Nationals in Government funding commitment of \$4 million made in March 2019. Documentation to secure funds submitted October 2019. Deed of Agreement signed June 2020.
Memorial Hall & Village Green Infrastructure			<ul style="list-style-type: none"> September 2017: Philp Lighton Architects contracted to undertake the study of the Council Offices, Memorial Hall, Town Hall and Library facilities. Report received. March 2019: Nationals in Govt commitment of \$4m to Longford Urban Design Project memorial hall redevelopment and village green infrastructure upgrade are components of the project. Application to secure the funding commitment submitted 3 October 2019. Agreement signed June 2020. Tender being prepared.
Perth			
Perth Early Learning Centre Redevelopment (Loop Architecture)	Oct-15		<ul style="list-style-type: none"> March 2019: Nationals in Government funding commitment of \$2.6million for the redevelopment of the Early Learning Centre. Documentation to secure funds submitted 4 October 2019. Deed of Agreement signed November 2020: Project in schematic design phase. Jan 2021: DA being prepared.
CBD Precinct Concept Master Plan (Lange Design and Loop Architecture)	Apr-20		<ul style="list-style-type: none"> Consultancy Agreement signed. Draft concept plans prepared.
Ross			
Swimming Pool Master Plan (Loop Architecture)	Dec-15		<ul style="list-style-type: none"> Draft Master Plan received May 2016: structural assessment approved August 2016 Final plan received June 2017 Council resolved at October 2017 Meeting to undertake a survey of the use of the pool across the 2017-2018 swimming season. Pool usage data received May 2018. Council resolved at June 2020 Meeting to develop a Swimming Pool Strategy. Strategy development underway.
Village Green Master Plan (Lange Design, Loop Architecture)	Jun-16		<ul style="list-style-type: none"> Master Plan accepted in principle at Council December 2016 Meeting. January 2017: cost estimate for design and documentation, tender process and project management received from JMG. January 2017: Council advised State Government has approved \$300,000 loan through the Northern Economic Stimulus Package for the implementation of the Master Plan. February 2017: Application lodged with Building Better Regions Fund for \$237,660 to enable the Master Plan to be implemented in its entirety. Application unsuccessful. February 2017: Lange Design and Loop Architecture contracted to manage the implementation of the master plan. Concept design presented to Council workshop on 8 May. Planning approval with conditions to be met passed at January 2018 Council Meeting.



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Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status
			<ul style="list-style-type: none"> March 2018: Lange Design submitted full project package for Village Green, ready for planning application to be prepared by Council Officers. Current: Stage 2 work progressing with Local Road and Community Infrastructure Program funding.
Western Junction			
Launceston Gateway Precinct Master Plan Freight Demand Analysis Report (SGS) Master Plan	Oct-15		<ul style="list-style-type: none"> Council approved the preparation of a brief for the precinct master plan at the Sept 2016 Council Meeting. Liberal election commitment of \$5.5million upgrade of Evandale Main Road between the Breadalbane roundabout and the airport, and \$1million for edge-widening and other works to improve safety along Evandale Main Road from the airport to Evandale.
TRANSlink Stormwater Upgrade Project			<ul style="list-style-type: none"> Applications lodged with National Stronger Regions Fund 2015/ 2016: unsuccessful. Application submitted February 2017 to the Building Better Regions Fund for \$2,741,402 (total project cost is \$5,482,805: council's contribution is \$1,525,623 and private investors \$1,215,780). Application unsuccessful. Application submitted December 2017 for Round Two Building Better Regions Fund: notified July 2018 unsuccessful. Purchase of parcel of land for stormwater detention purpose.
Municipal wide			
Integrated Priority Projects Plan (Jacobs, Evergreen Lab)	Apr-20		<ul style="list-style-type: none"> Consultancy Agreement signed June 2020. Draft report on agenda for Council Workshop in first quarter 2021.

COMPLETED ACTION ITEMS FOR DELETION

Nil this month.

Strategic Plans By Location & Consultant	Start Date	Implementation Date	Current Status

16 STRATEGIC PROJECTS OUTCOMES AND DELIVERY 2017-2027

Prepared by: Departmental Managers

Progress Report:

Not Started (obstacles)
On Hold
On Track
Completed

Status	Comments
GOVERNANCE	
Local Government Reform	<p>Minister Gutwein advised that Council has received the study. GM to report to Council on progress. Expressions of Interest sought for the role of Project Manager, Shared Services Implementation Project. NOA Group engaged. Workshops arranged with Senior Managers of participating councils. NOA Group report finalised, GM's meeting to be arranged to finalise. Legal Services tender submissions being considered. NOA workshops on 5 priority Council functions: IT, Regulatory Services (Planning/Building Compliance), Payroll/Rates, Risk Management/WH&S. Completed, report being reviewed by GMs.</p> <p>Legal Services project considered by GMs, contract finalised.</p> <p>Joint IT platform to be investigated.</p>
Elected Members Development and Annual Plans	Policy and Annual Plan to be prepared.
People and Culture Plan	<p>Framework utilised for recruitment is best practice</p> <ul style="list-style-type: none"> Environmental Health Officer Trainee – Development Services <p>Wage Subsidy for Apprentice Wages (50% of wages paid up to a maximum of \$7000 per apprentice, per quarter). Applying for Oct to Dec 2020 quarter.</p> <p>WHS Training for all staff – Revisiting to ascertain dates for 2021</p> <p>Employee Satisfaction Survey – Questions complete. Need to populate Survey Monkey. Will implement to staff mid-2021</p> <p>Family and Domestic Violence Policy – complete and with the General Manager for review</p> <p>Developing a Contractor Agreement for use in the Projects Team</p>



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Status	Comments
	Developing a Leave Policy General human resource matters - ongoing Performance management and disciplinary matters – ongoing (as required) Employee learning and development - ongoing Development and implementation of Human Resources Policies and Procedures – ongoing.
Best Business Practice, Governance and Compliance	Legislative Audit, Delegations Review and Policy Manual update ongoing.
Media and Marketing	Communications Strategy and Framework to be developed. Expanding Council's communications through social media and other publications. Marketing Plan prepared.
CORPORATE SERVICES	
Asset Management Plan Annual Review	Road and Building revaluation adopted 2019/20, review of Asset Plans to be completed upon finalisation of Audit by Tas Audit Office.
Annual Budget and Quarterly Review	Long Term Financial Plan updated, and annual budget adopted by Council at 29 June 2020 meeting.
Information Technology Upgrade Program	Open Office and Technology One upgrade path options for Local Government enterprise software under consideration, including resource sharing option.
Emergency Management	Municipal emergency meeting held and regular regional meetings attended during Covid19 via zoom. Updated Emergency Recovery Plan adopted May 2017 by Council, revision of Emergency Management Plan tabled at 16 November 2020 Council meeting.
Workplace Health and Safety Action Plan Annual Review	WHS audit assessment reviewed ongoing basis. Risk Register review November 2020.
Customer Service Standards	Participated in LGAT state-wide community satisfaction annual survey. Attending the National Local Government Customer Service Network state meetings on regular basis. Implemented Live-Pro customer service system early 2019. Covid19 recovery and care package developed.
COMMUNITY & DEVELOPMENT	
Land Use and Development Strategy	Endorsed 21 October 2019. To be released for public consultation (awaiting timelines for LPS to consolidate the release)
Tasmanian Planning Scheme Integration	Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. Awaiting contact for post-lodgement meeting.
Strategic Projects Team	
Economic Development Master Plan - Prepare, Prioritise, Implement	1) Council and NMBA collaborated on a small-scale project to identify opportunities to grow the number of businesses in the TRANSLink precinct. Council accepted in principle the TRANSLink Pilot Project: Consultation, Analysis and Recommendations for Growing and Enhancing the TRANSLink Business Precinct in Northern Tasmania Report, August 2018. NMBA contracted April 2019 to implement the TRANSLink Engagement Project. Project completed 2) Economic development framework adopted by Council at May 2020 council meeting. Implementation underway. December 2020 first progress report submitted to Council. Second report due June 2021.
Strategic Infrastructure Projects	
Launceston Gateway Precinct Master Planning	Listed as a component of the Municipal Land Use & Development Strategy. Options for southern expansion prepared.
Northern Midlands Rural Processing Centre	Combined with Launceston Gateway Precinct component of the Municipal Land Use & Development Strategy.
Perth Town Structure Plan	Council has endorsed the plan and draft amendments to planning scheme to be prepared.
Perth Community & Recreation Centre & Primary School Integrated Master Plan	Funding committed from Federal Government toward expansion of Perth Childcare Centre. Funding Agreement signed June 2020. Project in schematic design phase. Development Application being prepared.
Sense of Place Planning - all villages and towns	Master planning for townships underway.
Longford CBD Urban Design Strategy	Commitment of \$4million from National Party prior to federal election. Funding Agreement signed June 2020. Tender for memorial hall upgrade, and BBQ and toilet facility being prepared
Longford Place Activation Plan	Complete.
Campbell Town CBD Urban Design and Traffic Management Strategy	Allocation in 2018/2019 budget to commence works. Tender prepared. State Liberal election commitment of \$1.9 million for underpass between War Memorial Oval and School/Multipurpose Centre
Ross Village Green Master Plan	Planning approval received. Work progressing
Ross Swimming Pool Master	Plan complete. Community consultation on future of the pool commenced September 2020.



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Status	Comments
Plan	
Cressy Recreation Ground Master Plan	Council accepted Cressy Recreation Ground 2030 Master Plan at April 2018 Council meeting. Levelling the Playing Field funding received. Tender awarded December 2020. Report to Council Feb 2021.
Cressy Swimming Pool Master Plan	State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to federal election. Funding signed. Tenders under review - report to Council Feb 2021.
Evandale Morven Park Master Plan	Council accepted Morven Recreation Ground 2030 Master Plan at April 2018 Council meeting. State Government levelling the Playing Field grant: \$430,300 secured towards development of inclusive changerooms. Project close to completion.
Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania	Study being driven by external stakeholders, Council support provided when requested. Included in NMC Priority Projects 2019 document.
Sheepwash Creek WSUD Open Space Corridor	July 2018: WSUD space corridor concept plan and concepts – Phillip to Drummond streets – received from consultants. Land acquired. Stormwater works underway.
Economic Development	
Economic Development Master Plan Strategy Delivery	Economic development framework adopted by Council at May 2020 meeting. Implementation underway. See <i>Strategic Projects Team</i> above.
Economic Development (incl. Tourism) Strategy Delivery	Covered in the Economic Development Framework.
Tourism Strategy Implementation	Augmented Reality Project - For the northern part of the Heritage Highway, Ross is the first town to come on board. Draft version has been released. Northern Midlands Business and Volunteer Expo – postponed due to pandemic.
Youth and Ageing Strategy	Youth programs and services being pursued. Grant funding received for 2020 programs. On hold due to pandemic. Recommencing October 2020.
Discrimination Strategy	Officers investigating development of strategy
Family Violence Strategy	Council continues to support <i>End Men's Violence Against Women</i> campaign. Officers investigating development of strategy
Supporting Health and Education Programs	Participating in the Northern Health Providers Networks meetings. Further Education Bursary Program finalised for 2020.
Supporting Employment Programs	Participate in LGAT special interest groups on a quarterly basis. Support Work for the Dole program. Participate in work experience and University placements.
Supporting Sport and Recreation Programs	Participation in quarterly northern Sport & Recreation meetings. Planning and implementation of upgrade to Council owned sporting facilities underway. Support provided to participants in sporting activities on a state and national level.
Social Recovery Plan	Review complete
Disability Action Plan	Review complete
Cohesive Communities and Communities at Risk	Not yet commenced.
Legislative Audit	Review of legislation ongoing.
Delegations Reviews	Review as new staff commence and legislation changes. Regulatory software purchased to assist.
Council Policy Manual Review	Policies due for review, relevant managers and officers notified, schedule for review in place. Ongoing.
Land Use and Development Strategy	Endorsed 21 October 2019. To be released for public consultation (awaiting timelines for LPS to consolidate the release)
Tasmanian Planning Scheme Integration	Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. Awaiting contact for post-lodgement meeting.
WORKS & INFRASTRUCTURE	
TRANSlink Precinct Renewal - Stormwater	Seeking grant assistance to fund planned works. Included in NMC Priority Projects 2019 document.
Campbell Town War Memorial Oval	External landscaping works, tennis court shade structure and irrigation works outstanding.
Longford NM Sport and Fitness Centre	Stage 3 works in progress, incl: foyer, landscaping and car park.
Evandale Honeysuckle Banks	Masterplan complete. Only minor works being undertaken. Included in NMC Priority Projects 2019 document. Table and bench seating replaced.
Nile Road Upgrade	Included in Roads 5-year Capital Works program. Included in NMC Priority Projects 2019 document.
Stormwater Management Plans	Model build for all Towns in progress.
Waste Management 2017 - 2020	Member of the Northern Waste Management Committee. WTS disposal and supervision contracts tendered for long term provision of services. Concrete material being collected, to be crushed at a later date.



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	Status	Comments
NRM Program Collaboration	Green	Collaborating with NRM North on the WSUD Master Plan for Sheepwash Creek.
Longford Recreation Ground Master Plan	Blue	Complete.
Sheepwash Creek	Green	Stage 2 in progress.

17 HERITAGE HIGHWAY TOURISM REGION ASSOCIATION (HHTRA) & TOURISM UPDATE

Prepared by: *Fiona Dewar, Tourism Officer*

The Heritage Highway Tourism Region Association meet physically every three months and utilise zoom and email for discussions if required in between.

Current marketing activities continue and include website blog posts and social media. A recent report for July – December 2020 shows that website and social statistics were impacted by a scaled back approach during the border travel and restrictions in 2020, however follower comments had been very positive and people were looking forward to exploring and visiting in the future. Traffic significantly picked up since September 2020. Social posts included appropriate COVID safety travel compliance messages.

Key search words and phrases are used in blogs and posts to optimise reach and engagement. There is a very good rate of engagement and a high percentage of people engage with the posts.

The new Drive Journeys marketing by Tourism Tasmania has had a significant direct impact on the amount of referral traffic to the Heritage Highway website. This is an excellent way to leverage of the Drive Journeys.

The Heritage Highway website calendar is one of them most viewed pages.

Heritage Highway Instagram engagement is up 17% to 4.89%, and the reach is organic. In context, Instagram engagement across all industry averages 1.2%.

The hashtag #MidlandsTasmania is up to over 7000 images shared by other people using the hashtag, and shows a high level of recognition.

On facebook the average engagement is over 9%. This is a good result. In context, the average engagement rate across all industries is 1%.

Statistic analysis shows Hobart is a big audience.

It is important to remind tourism operators to list their businesses and events on the Australian Tourism Data Warehouse (ATDW). People are searching for things to do, and most tourism websites, including the HHTRA, take their product listings from the ATDW. The more product showing up in the region makes a region look more attractive to travel to. The event list distributed by the Tourism Officer weekly encourages operators to ensure they are listed on the ATDW.

Ross Revealed, augmented reality experience is now live. There are some teething issues to sort out and the Tourism Officer will be working with the developer to get sorted.

Tourism Update

Tourism Tasmania conducted a photo shoot at Evandale focusing on the Penny Farthings. While the Penny Farthing event is cancelled in 2021, the photos are still highly important with their fit into the Tourism Tasmania brand. Many Tourism Tasmania staff email signatures include the Penny Farthing image.

More events are being planned and the Tourism Officer is working with a number of organisers to help them with Council's compliance requirements, and their COVID safety plans as required.

The Event Matrix continues to be regularly updated and distributed to over 300 email address, including tourism operators, industry agencies and organisations, interested people.

A new event to the region is the Launceston Horticultural Society's Flower Show, which will bring the event to Evandale four times a year. This will be good for the Evandale and the Northern Midlands.



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18 TASWATER: OWNERS' REPRESENTATIVES QUARTERLY BRIEFING 3 & 4 FEBRUARY 2021

Attachments: Section 1 – Page 31

Prepared by: Gail Eacher, Executive Assistant

Attached for information is the presentation Taswater: Owners' Representatives Quarterly Briefing 3 & 4 February 2021.

ATTACHMENT

Presentation

19 BICENTENARY PLANNING UPDATES

Prepared by: Fiona Dewar, Tourism Officer

Ross

The Ross Bicentenary Committee are planning a series of events throughout the year.

- Feb – June: Education exhibition at the Tasmanian Wool Centre Museum called: It Takes a Village.
- 21 Feb: Bike Ride with Picnic Lunch
- 13 March: If These Halls Could Talk – Ten Days on the Island.
- 18 April: Hike
- 8 May: Bush Feast
- 2 June: formal ceremony at the Town Hall. Quilt unveiling. Visitors Book.
- May – June: Centenary Trees
- June – Dec: Exhibition at the Tasmanian Wool Centre Museum, called: 20 Objects
- August: A Night at the Pub. Pub talk with previous publicans
- 12 Sept: Ross Running Festival.
- 17 Oct. Bicentenary Cricket Match.
- 13 Nov. Remembrance Day Dance.
- 20 Nov: Open Houses and Gardens
- 31 Dec: New Year's eve on the Green Village Fair
-

Campbell Town

The Campbell Town Bicentenary Committee are planning a series of events throughout the year:

- Completed: January. Picnic in the Park, with food, music, entertainment, vintage car display.
- February. Senior Citizens lunch at bowling Club.
- March. Lake Leake trout fishing competition.
- April. Historical guided walking tours.
- May. Official naming day at Town hall with TSO choir.
- June. Bicentenary golf day.
- July. St Luke's organ recital.
- August. Historical house/farm tour weekend.
- September. School sports day (colonial games and costumes).
- October. Campbell Town garden tours.
- November. Bush dance at Wool Pavilion at Showgrounds, with old skills, hand shearing, wood chopping displays.
- December. School children costumed Christmas caroling.

Perth

The Perth Bicentenary Committee are planning a series of events throughout the year:

- 25 Feb: Primary School Bicentenary Picnic
- 18 April: History Scavenger Hunt
- 29 May: Bonfire and Barbecue
- 21 Sept: Seniors High Tea



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- 23 Oct: Perth Bicentenary Memorial Celebration.

20 NORTHERN MIDLANDS BUSINESS ASSOCIATION (NMBA): COVID RELATED BUSINESS SUPPORT - SUMMARY OF ACTIVITIES – UPDATE NOVEMBER 2020 - MID-FEBRUARY 2021

NMBA activities to support local business COVID communications, support, and recovery which have been enabled by Council's \$6,690 funding are as follows:

ACTIVITY:	PURPOSE:
Regularly update the special Covid section of NMBA website. 12 updates to the website were conducted during the period November 2020 to start of February 2021.	Maintain a central place for the latest relevant Covid information, rather than businesses needing to be bombarded by the avalanche of information being received by NMBA.
Attend and participate in the weekly TCCI Chamber Alliance meetings to propose Covid safety programs, monitor impacts on businesses, and obtain first knowledge of upcoming information and support programs.	NMBA ability to put forward new programs directly benefitting local businesses, push for additional government support, and awareness of emerging trends and issues.
Attend and participate in Monthly State Ministerial Covid program and policy development meetings	NMBA proposals and business representation credited with resulting in new State Government programs in areas such as seasonal workforce, business mental health, and beneficial changes to business grant programs.
Develop and launch a Northern Midlands business mental health and wellbeing program.	Initial stages of this program included proposals recognised as resulting in new State Government Mental Health support programs, and NMBA offering all Northern Midlands Businesses free accredited Mental Health First Aid training courses
Develop and launch a Northern Midlands ecommerce and online marketing enablement program.	All Northern Midlands businesses can opt- in to have their own online shopfront within 7 days at no upfront cost, risk, or obligation.
Deliver effective communications to the greatest number of Northern Midlands businesses	Regular NMBA enews bulletins, which along with the complementary NMBA business data project, are now resulting in: Number of emails sent: 946 Successful deliveries: 931 (98.4%) Number of individual businesses: 632 Number of received emails opened within 24 hours of sending: 745 (80.02%)
Attend and participate in the Premier's Economic and Social Recovery Advisory Council	Direct representation and voting rights on new funding and programs to support local business activity, employment, education and recovery.
Maintaining the NMBA 3-step Business Covid Recovery program, which includes securing and coordinating free expert assistance from business consultants on business recovery and WorkSafe experts on Covid safety plans and compliance.	A specific, easy to understand and adopt program developed by NMBA that provides businesses with: <ul style="list-style-type: none"> • Support – providing information resources for navigating through the pandemic • Compliance – free, one-on-one support with experts who can visit any NM business to help develop recovery plans and also safety compliance plans • Registration system- so that businesses can get the specific, tailored help they need and have their compliance plans checked and certified
Subscribe to all relevant Covid bulletins and communication alerts from State and Federal Governments, and industry associations. Manage incoming Covid information reaching as many as 30 updates each week Collate and prioritise Covid information according to relevance to Northern Midlands businesses.	Ensure accurate, up to date availability of Covid information, which is condensed and prioritised according to the needs of Northern Midlands businesses, including health alerts, grants, support programs, events, education, safety, resilience,

DECISION

Cr

That the information items be received.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 9 ANNUAL GENERAL MEETING AND ANNUAL REPORT

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

1 PURPOSE OF REPORT

The purpose of this report is to make a determination in relation to the time and date for Council's Annual General Meeting for 2020.

2 INTRODUCTION/BACKGROUND

Section 72A of the *Local Government Act (LGA)* requires Council to hold an Annual General meeting no later than 15 December of each year.

On 21 September 2020 (min. ref. 296/20) Council received a report in relation to the holding of the Annual General Meeting, at that time, the following was the decision of Council:

That

- 1) *the Annual General Meeting for the Northern Midlands Council be held at the Longford Council Offices on Monday, 14 December 2020, commencing at 5pm;*
- 2) *...*

Council has subsequently received the correspondence from the Department of Premier and Cabinet, which reads as follows:

As you would be aware, the Local Government Act 1993 (the LG Act) requires councils to include a copy of the Tasmanian Audit Office's (TAO) audit opinion in their Annual Reports. This year however, the COVID-19 pandemic has caused delays to the TAO's annual local government audit process. While the LG Act does not provide an explicit timeframe for the finalisation of Annual Reports, councils are required to invite the public to make submissions on the report for discussion at the Annual General Meeting. Under section 72B of the Act, councils must hold their AGMs no later than 15 December each year.

In recognition of the impacts of COVID-19 pandemic, I can advise that the Premier has issued a Notice pursuant to section 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (the COVID-19 Act), to extend the statutory timeframe under s72B of the LG Act by three months. Practically, this means that councils will have until 15 March 2021 to hold their 2020 AGMs. General guidance on convening an Annual General Meeting can be found on the Local Government Division's website. Councils that are in a position to hold their AGMs before 15 December may still do so. The Notice simply provides additional time for this to occur.

I am advised that the Notice will be published in the Tasmanian Government Gazette on 28 October 2020 and, in accordance with section 8 of the COVID-19 Act, will take effect from this date. Once this occurs I would encourage councils to ensure that any reliance on this Notice is appropriately communicated with their local communities.

...

On 16 November 2020 Council included in its Agenda an information report detailing the postponement of the Annual General Meeting, and the presentation of the 2019/2020 Annual Report, in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, which provides for the extension of the statutory timeframe under s72B of the LG Act by three months.

Council's Annual Audit has now been finalised and preparation of the Annual Report is well underway. In accordance with the provisions of COVID-19 Act regarding the extension of the statutory timeframe for the holding of the AGM and presentation of the Annual Report, it is now proposed to hold the 2020 AGM on 15 March 2021.

3 STRATEGIC PLAN 2017/2027

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

- Lead –
 - Leaders with Impact



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Core Strategies:

- ◆ Communicate – Connect with the community
- ◆ Lead – Councillors represent honestly with integrity
- ◆ Manage – Management is efficient and responsive

▪ Money Matters

Core Strategies:

- ◆ Budgets are responsible yet innovative
- #### ▪ Best Business Practice & Compliance

Core Strategies:

- ◆ Council complies with all Government legislation

4 STATUTORY REQUIREMENTS

The *Local Government Act 1993* requires Council to prepare an Annual Plan for the municipal area for each financial year. The Council is also required to prepare an Annual Report which provides a summary of the Annual Plan for the preceding financial year. The Act sets out the details of what must be provided in the Annual Report which includes a copy of the Audit opinion for the preceding financial year.

Local Government Act 1993:

Section 72. Annual Report

(2) *The General Manager is to*

(d) *advertise in a daily newspaper circulating in the municipal area the availability of the report, together with an invitation to electors to lodge submissions on the report with the council for discussion at its annual general meeting.*

Section 72B Annual General Meeting

(1) *A council must hold an Annual General Meeting on a date that*

(b) *is not before 14 days after the date of the first publication of a notice under subsection (2).*

(2) *a Council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.*

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (the COVID-19 Act)

The COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (the COVID-19 Act), provides for the extension of the statutory timeframe under s72B of the LG Act by three months

5 FINANCIAL IMPLICATIONS

Council prepares the Annual Report internally and distributes the report via electronic means and/or hard copy, as required.

6 RISK MANAGEMENT

Council has a responsibility under the *Local Government Act 1993* to hold an Annual General Meeting.

7 COMMUNITY CONSULTATION

The Annual General Meeting provides an opportunity for Council to inform and engage with the community on current issues within the community. The meeting provides an opportunity for the public to gauge the success of the Council over the twelve-month period taking into account the initiatives that were set in the preceding Annual Plan.

8 OFFICER'S COMMENTS/CONCLUSION

It is proposed that the Annual Report be first advertised for public comment on or before Saturday, 27 February 2021.

It is recommended that the 2020 Annual General Meeting be held at the Longford Council Office on Monday,



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15 March 2021 at 5pm, in conjunction with the Council Meeting planned for that date.

RECOMMENDATION

That the Annual General Meeting for the Northern Midlands Council be held at the Longford Council Offices on Monday, 15 March 2021, commencing at 5pm.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 10 FOOTPATH TRADING BY LAW

Attachments: Section 1 – Page 45

Responsible Officer: Des Jennings, General Manager
Report prepared by: Tammi Axton, Compliance & Animal Control Officer

1 PURPOSE OF REPORT

The purpose of this report is for Council to endorse the making of a Footpath Trading By-Law for the Northern Midlands Municipal area.

2 INTRODUCTION/BACKGROUND

The Northern Midlands Council previously had three by-laws regulating Footpath Trading and associated activities:

- Display of Goods on Highway By-Law
- On Street Dining By-Law
- Freestanding Sign By-Law

The three by-laws expired on 26th January 2020.

The proposed introduction of the Footpath Trading By-Law is to replace the three previous by-laws and combine with Northern Midlands Councils Footpath Trading Policy to make one document, providing guidance and regulation of footpath trading in the Northern Midlands.

With the introduction of a licence to trade on footpaths and penalties for offences and non-compliance a Footpath Trading By-law will prevent excessive usage of signage by a business on footpaths, prevent danger/hazards to the community when utilising footpaths, ensure fairness to all businesses and protect both Council and the public against damage and loss by setting the basic level of Public Liability Insurance to be held by the business.

Officers consulted with LGAT before making of a new by-law, they suggested Council combine the 3 previous by-laws to make one document.

The merging of the by-law with the Footpath Trading Policy makes one document that is easy to understand and follow.

There have been no changes from the previous by-laws in regard to the number of penalty units imposed for non-compliance; however the following offences and penalties have been added to the proposed by-law:

Clause	Description of Offence	Penalty (Penalty Units)
9(8)	Fail to comply with conditions of licence	2
9(9)	Make false representation or declaration	2
15(2)	Fail to comply with requirements of notice	2
18(1)	Obstruction of Authorised Officer	2

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

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

- 1) Consider the need for regulation, in the context of existing regulation, and with regard to the alternatives to making a by-law.
- 2) Prepare a draft by-law.
- 3) Undertake initial consultation on the by-law with key stakeholders. This may include inviting comments or



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

- submissions and holding meetings or workshops.;*
- 4) *Adjust the by-law to reflect comments received during the initial consultation process.*
 - 5) *Council passes a formal resolution (by an absolute majority) of its intention to make a by-law. This can occur at any stage in the process up to this point. However, at this point the by-law consultation draft should be finalized and the council may wish to see it.*
 - 6) *Council prepares a draft Regulatory Impact Statement (RIS) if required.*
 - 7) *The RIS and by-law are referred to the Director of Local Government for consideration.*
 - 8) *If satisfied that the RIS meets all statutory requirements, the Director will issue a certificate of approval to the council.*
 - 9) *Council gives notice of the proposed by-law and carries out its public consultation.*
 - 10) *Notice of the proposed by-law is advertised in print media.*
 - 11) *Copies of the RIS and by-law are to be made available for public inspection/purchase, and displayed on the council's website, as required under Section 158 of the Act.*
 - 12) *Submissions are invited from the community and key stakeholders. Section 159 of the Act requires that all submissions are to be considered by the council.*
 - 13) *If required, alterations to the draft by-law are to be made only by an absolute majority. If the alteration substantially changes the purpose of the proposed by-law, or its effect on the public, the council will provide public notice.*
 - 14) *Council makes the by-law under its common seal.*
 - 15) *The by-law is certified by a legal practitioner and the general manager of the council.*
 - 16) *The by-law must be published in the Tasmanian Government Gazette within 21 days of being made by the council and be titled with reference to the municipal area, subject matter and the year in which it is made.*
 - 17) *The general manager of the council is to make the by-law available and should put it on the council's website.*
 - 18) *The by-law is submitted to the Subordinate Legislation Committee as required within seven working days of publication in the Gazette.*
 - 19) *The by-law is tabled in parliament within 10 sitting days of publication in the Gazette, as required under Section 47 of the Acts Interpretation Act 1931.*
 - 20) *Council sends the Director of Local Government a sealed copy of the by-law, the certifications under Section 162 of the Act and a statement explaining:*
 - *The purpose and effect of the by-law*
 - *The outcomes of public consultations in respect of the by-law*

A by-law cannot:

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

To date the following steps have been taken.

- a) Draft by-law prepared.
- b) Draft Regulatory Impact Statement prepared
- c) Draft by-law and draft Regulatory Impact Statement reviewed by the Director of Local Government.

Council officers are now presenting the Draft Footpath Trading By-law and Draft Regulatory Impact Statement to Council. If Council agrees with the by-law as drafted it must pass a formal resolution **by absolute majority** of its intention to make the by-law.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

The report was tabled at the 29 June 2020 Council meeting (min 208/20), at which time the following was the decision of Council:

Cr Goninon/Cr Polley

That the matter be deferred to a Council Workshop for discussion.

Carried unanimously

The matter has been referred to a workshop for discussion and a Council decision is now sought.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with Impact
Core Strategies:
 - ◆ Manage – Management is efficient and responsive
 - Best Business Practice & Compliance
Core Strategies:
 - ◆ Council complies with all Government legislation
 - ◆ Continuous improvement is embedded in staff culture
- Progress –
 - Economic Development – Supporting Growth & Changes
 - ◆ New & expanded small business is valued
 - ◆ Support new businesses to grow capacity & service
 - ◆ Towns are enviable places to visit, live & work
- People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ◆ Caring, Healthy, Safe Communities – Awareness, education & service

4 POLICY IMPLICATIONS

With the making of this by-law Council will no longer need the current Footpath Trading Policy, as the draft by-law has combined both the by-law and the current Footpath Trading Policy in the one document.

5 STATUTORY REQUIREMENTS

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

6 FINANCIAL IMPLICATIONS

Council will continue to use existing staff to enforce the by-law. Administrative costs of the licence system will be covered by the licence fee.

7 RISK ISSUES

Council have had in place three by-laws regulating footpath trading for the last 10 years. If Council does not proceed with this by-law it is altering the position it has held for the last 10 years, the risk being that Council is showing inconsistency in its position regarding footpath trading.

8 CONSULTATION WITH STATE GOVERNMENT

The draft by-law and draft Regulatory Impact Statement have been reviewed by the Director of Local Government. Amendments to the documents have been made following feedback from the Director of Local Government prior to requesting Council's endorsement.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

9 COMMUNITY CONSULTATION

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

10 OPTIONS FOR COUNCIL TO CONSIDER

Council may:

- Endorse the proposed draft by-law as attached and revoke the Footpath Trading Policy; or
- Require the removal or addition of matters to the attached by-law; or
- Elect not to pursue the by-law and retain the Footpath Trading Policy.

11 OFFICER'S COMMENTS/CONCLUSION

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

In considering the need for a by-law, Council should have regard to the number of complaints received about the placement and amount of signage on footpaths, the danger/hazard to the community when utilising footpaths and the need to protect both Council and the public against damage and loss by setting the basic level of Public Liability Insurance to be held by businesses who are trading on footpaths.

The only solution which enables Council the power to control and enforce compliance with Footpath Trading is the introduction of a by-law.

In considering the making of a by-law of this nature, Council should consider the following:

- Regulate footpath trading on public streets;
- Require the issue of a licence/permit for footpath trading;
- Require licences to be renewed annually;
- Provide for applications to be on a prescribed form;
- Provide the ability to refuse the issue of a licence based on size the of a sign, the type of sign, the number of signs or the location of footpath trading;
- Establish penalties for offences.

The Draft Footpath Trading By-Law attached takes into account the above issues.

12 ATTACHMENTS

- 12.1 Draft Footpath Trading By-law.
- 12.2 Draft Regulatory Impact Statement
- 12.3 Display of Goods on Highway By-Law No.1 of 2009
- 12.4 On Street Dining By-Law No. 2 of 2009
- 12.5 Freestanding Sign By-Law No.3 of 2009
- 12.6 By-Law Variations Schedule

RECOMMENDATION

That Council,

- i) in accordance with s.156 of the *Local Government Act 1993* intends to make the proposed Footpath Trading By-Law No. 1 of 2021 to regulate Footpath Trading within the Northern Midlands municipality.
- ii) upon gazettal of the Footpath Trading By-Law No. 1 of 2021, revokes the Footpath Trading Policy.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL
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**GOV 11 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT):
MOTIONS FOR THE GENERAL MEETING TO BE HELD ON 12 MARCH
2021**

Responsible Officer: Des Jennings, General Manager
Report prepared by: Maree Bricknell, Corporate Services Manager; Erin Miles, Development Supervisor and Gail Eacher, Executive Assistant

1 PURPOSE OF REPORT

This report considers motions to be included in the Local Government Association of Tasmania (LGAT) agenda for the General Meeting to be held on 12 March 2021.

2 INTRODUCTION/BACKGROUND

The Local Government Association of Tasmania (LGAT) will hold a General Meeting on 12 March 2021 at the Paranapple Convention Centre Devonport from 10.00am (coffee on arrival from 9.30am).

The agenda has as yet not been finalised, however, LGAT have provided advance notice of 3 motions which have been submitted for consideration which are likely to be of significant interest to Council and thus LGAT considered it important to bring them to Council's attention at the earliest possible time to provide councils an opportunity to discuss the motions and to ensure relevant debate at the meeting.

At the 12 March 2020 LGAT meeting, the decisions of Council regarding the motions reflected within this report will determine how the Northern Midlands Council voting delegate should vote.

Together with the following motions, the background comments provided by LGAT and Council Officer's comments are included:

2.1 LGAT Motion: Planning Authorities (submitted by Burnie City Council)

Decision Sought

That the LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the *Land Use Planning and Approvals Act 1993* to –

- a) delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and**
- b) provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.**

2.1.1 Background Comments:

The parliament of Tasmania has legislated in the *Land Use Planning and Approvals Act 1993* that the council elected under the Local Government Act 1993 must also serve as the planning authority for its municipal area.

The requirement is a continuation of a similar arrangement dating from the early 1960's under which a local council had responsibility for how the land within a municipal area is to be used and developed.

The key responsibilities of a planning authority under the Act are to –

- a) prepare and maintain a planning scheme for the municipal area; and

- b) take all reasonable steps within the ambit of its power to enforce the observance of that planning scheme in respect of all use or development undertaken within the municipal area, including to determine an application to use and develop land if a permit is required.

The planning authority role is mandatory; and is entirely separate from the function of a council under the *Local Government Act 1993*.

While a Council may exercise its authority as a planning authority through a committee of the council, and may delegate powers and functions to an employee, it cannot ignore, abandon or surrender the role, or devolve responsibility in whole or part to any person or body external to the Council.

The powers and functions of a planning authority require actions and decisions with potential to materially affect the rights and interests of others; and which may generate an intersection of conflicting views and opinion.

The requirement on a council to act as a planning authority has long caused conflict and confusion.

There is a general and long-standing disquiet within Tasmanian councils over the confusion, conflict, and complexity of the “two hats” requirement inherent dual statutory functions.

There is an almost irresolvable tension between the general responsibilities of a council as the representatives of community and its role as a planning authority.

The former requires a council is to provide for peace, order and good governance, and to promote and represent the health, safety, welfare and best interests of the community.

The latter imposes considerable limitations on the ability to act as a council because of the duty on a planning authority to remain neutral, and to set aside matters of importance to the community if irrelevant to the considerations and decision instructed by the planning scheme.

As a planning authority, a council is required to –

- a) understand complex issues and to consider the validity of detailed planning applications within the 5-day period following provision of an agenda and a Council meeting
- b) make the decision directed by the planning scheme and explained in the qualified advice provide by Council officers unless there are valid reasons to move for an alternate decision
- c) set aside and have no regard to views and opinions of the community that are not directly relevant to the applicable requirements of the planning scheme

It is appropriate to test the desire of local government to continue in the role of a planning authority with a responsibility to make decisions on permit applications, and to explore use of independent assessment panels to assess and decide permit applications

Other Australian jurisdictions have recognised the struggle experienced by local government when required to separate the role as people’s representative from that of an independent arbitrator of compliance to a strict set of planning rules.

Several State jurisdictions currently operate a form of independent assessment panel which act as an alternative to the local council for decisions on land use permits.

There are also many overseas models, including some systems where the local council has no involvement in assessment or determination of a permit application.

While there are variations in administrative arrangements and scope of practice for assessment panels, underlying objectives typically include to increase probity and accountability, safeguard against corruption or misconduct, and to lead to better planning outcomes.

Significantly, the use of an independent panel can free a council to focus on planning strategy, and will provide a freedom to make representations and to advocate for its community on any aspect of a proposal.



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Most States where independent panels are available have prescribed the matters that must come before a panel are to include - significant or technically complex permit applications; projects that may have a high economic, environmental and social value or impact; proposals within a specific locality or of a particular kind; public housing and State agency proposals; applications made by the council; and matters likely to attract significant public interest, opposing views and opinions, or controversy.

Some systems allow a council discretion to refer other kinds of application for decision by a panel.

Panels generally comprise a chair with a legal or public administration background and two or more specialist members; and may include a local government and/or community representative to provide local knowledge and perspective.

The use of an assessment panel does not deprive or change a council's responsibility and involvement in land use planning strategy and policy, or in the preparation of a local planning scheme.

The proposed investigation would examine the various models currently used in other jurisdictions; consider the scope of permit matters that must or may be referred; and the necessary membership and administrative arrangements.

A decision by LGAT member councils to support introduction of system of independent assessment and decision panels requires amendment to the *Land Use Planning and Approvals Act 1993*.

A persuasive argument to State government will require support from the local government sector to forego or modify what is currently an almost an exclusive power, and to devolve that power in whole or part to an external body of experts.

The ultimate decision required in this Motion is who do we represent as elected members of a council?

It is relatively easy to appreciate the "2-hat" analogy, but in reality we only wear one – the hat that represents the residents of our municipal area and requires we look after their well-being and to support their right to question, challenge and be championed by their representatives.

This is not always easy or possible when acting as a planning authority.

It is appropriate for the LGAT to investigate the level of support, and to examine options for how a panel would be structured and operate.

The matter should be further considered by LGAT members on completion of the investigation and before any decision to make a formal approach to government.

2.2 LGAT Motion: Future Gaming Legislation Exposure Draft (submitted by Glenorchy City Council)

Decision Sought

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released.

2.2.1 Background Comments:

In 2018, the Tasmanian Government announced its policy for the future of the Tasmanian gaming market, providing an overview of how the Tasmanian gaming industry will be restructured.

In 2020, the Department of Treasury and Finance released a public consultation paper, the Future of Gaming in Tasmania, which provided detail of the Future Gaming Market regulatory model that will implement this policy from 1 July 2023.

The original timeline was for the exposure draft of the Gaming Control Amendment (Future Gaming Market) Bill 2020 (draft future gaming bill) to be released on 27 April 2020 with the closing date for

comment on the draft on 8 May 2020. The review was deferred due to the impacts of the COVID-19 pandemic. It anticipated that the draft future gaming bill will be now be released for comment in 2021.

Under the new regulatory model, licences for casinos, keno and hotels and clubs would be distributed for up to 20 years, with further changes to the regulatory model unlikely until 2043.

While Glenorchy City Council and other councils and stakeholders have had an opportunity to comment on the public consultation paper, it will be very important for councillors and council officers to have time to fully review the draft future gaming bill when it is released and have enough time to respond.

As noted, the original timetable set for the consultation period for the bill was 10 working days. It is anticipated that this will also be the case when the draft bill is released in 2021.

LGAT previously had a Statewide Partnership Agreement with the Tasmanian Government in relation to timeframes for consultation on issues relevant to local government.

Although the agreement has expired, the issue was discussed at the Premier's Local Government Council meeting on 6 September 2019, with the minutes recording the following:

"The Premier noted that, although the Statewide Partnership Agreement between the State Government and the local government sector has expired, the Government continues, as a matter of protocol, to observe the five-week consultation period contained in that Agreement. This was welcomed by LGAT. The Premier noted he would be asking the Secretary of DPAC to write to other agency heads reminding them of the minimum five-week period."

The motion therefore seeks LGAT's support in calling for the State Government to honour the agreement in relation to the consultation period of the draft bill to allow an appropriate time for a detailed review and preparation of submissions.

The proposed changes to the legislation will have an impact on any local government area which has electronic gaming machines, particularly for single operators of hotels and clubs. Regardless of whether councils support or oppose the legislation, it is important to understand the changes and the possible effects on their communities.

2.3 LGAT Motion: Deferral of Draft Future Gaming Bill (submitted by Glenorchy City Council)

Decision Sought

That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- a) **The release of the fifth Social and Economic Impact Study; and**
- b) **Social and economic modelling used to develop the Future of Gaming in Tasmania policy.**

2.3.1 Background Comments:

The Future Gaming Market regulatory model proposed by the State Government is a major restructure of the gaming industry. Given its significance, it is important that information used to develop the model, as well as up-to-date information on the sector, is made available to all stakeholders.

The Gaming Control Act 1993 requires that an independent review of the social and economic impact of gaming in Tasmania be conducted every three years. The Social and Economic Impact Study of Gambling in Tasmania (SEIS) provides an analysis of key trends in gambling and a gambling prevalence study. This is a key study that is tabled in each House of Parliament after completion.

The fifth SEIS is currently underway (submissions closed in October 2020) and is expected to be completed by the second quarter of 2021. It is possible that the draft future gaming bill will be released, and a decision made in Parliament, prior to the results of the SEIS being made available.

Given the importance of the SEIS and the fact that the Future Gaming legislation exposure draft was postponed due to the impacts of the COVID-19 pandemic, being able to review the SEIS and any recommendations made in that report prior to commenting on the Future Gaming legislation exposure draft is critical.

Submissions to the Future of Gaming in Tasmania could be made based on the information publicly available at the time in the Tasmanian Government's Future Gaming consultation paper. The consultation paper provided details of the proposed changes to the regulatory model but did not provide any social or economic modelling used by the State Government to develop its proposal.

It is essential for councils and other stakeholders to have access to this modelling information if they are to add value to the next stage of the consultation process and gain a clearer picture of how changes will impact individual municipalities.

The request to defer the Future Gaming legislation until the release of the SEIS and the provision of the social or economic modelling would not impact the Tasmanian Government's proposed legislation commencement date of July 2023.

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:
 - ◆ 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



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Core Strategies:

- 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

Consideration needs to be given to matters listed, Council is then to determine how the voting delegate is to vote on each of the 3 motions submitted for consideration at the 12 March 2020 LGAT general meeting.

5.1 Planning Authorities (submitted by Burnie City Council)

That the LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the *Land Use Planning and Approvals Act 1993* to –

- delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and**
- provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.**

5.2 Future Gaming Legislation Exposure Draft (submitted by Glenorchy City Council)

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released.

5.3 Deferral of Draft Future Gaming Bill (submitted by Glenorchy City Council)

That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- The release of the fifth Social and Economic Impact Study; and**
- Social and economic modelling used to develop the Future of Gaming in Tasmania policy.**

6 OFFICERS COMMENTS

6.1 Planning Authorities (submitted by Burnie City Council)

Given the issues raised by Burnie City Council regarding the conflict of interests that Councillors are faced with in terms of representing the communities interest v's acting as a Planning Authority, there may be merit in LGAT investigating further the level of interest across Councils and the relevant matters for consideration, such as the type of applications an independent development assessment panel may consider and costs of implementation. Council/LGAT may also wish to consider whether the scope of projects it would refer for decision would fit within the scope of *Major Infrastructure Development Approvals Act 1999* (MIDAA), such as the Marinus Link electricity transmission upgrade.

6.2 Future Gaming Legislation Exposure Draft (submitted by Glenorchy City Council)

Council's has previously deliberated on the matter of poker machines and gaming. On 17 October 2016 Council



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resolved as follows:

Cr Knowles/Cr Goss

That Northern Midlands Council not prepare a submission but that the Local Government Association of Tasmania (LGAT) be informed of Council's support of the select committee review of the Gaming Act.

Carried unanimously

6.3 Deferral of Draft Future Gaming Bill (submitted by Glenorchy City Council)

As per 6.2.

7 ATTACHMENTS

Nil.

RECOMMENDATION

That Council vote as follows in relation to the items listed below for consideration at the 12 March 2021 LGAT general meeting:

1) **Planning Authorities**

That the LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the Land Use Planning and Approvals Act 1993 to –

- a) delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and
- b) provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.

Vote for the Motion / Vote against the Motion / Forward an Amendment to the Motion

2) **Future Gaming Legislation Exposure Draft**

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released.

Vote for the Motion / Vote against the Motion / Forward an Amendment to the Motion

2.3 **LGAT Motion: Deferral of Draft Future Gaming Bill**

That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- a) The release of the fifth Social and Economic Impact Study; and
- b) Social and economic modelling used to develop the Future of Gaming in Tasmania policy.

Vote for the Motion / Vote against the Motion / Forward an Amendment to the Motion

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 12 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA): 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT CALL FOR MOTIONS & CONFERENCE ATTENDANCE

Attachments: Section 1 – Page 82

Responsible Officer: Des Jennings, General Manager

Report prepared by: Gail Eacher, Executive Assistant

1 PURPOSE OF REPORT

The purpose of this report is to determine:

- a) any notices of motion to be submitted; and
- b) attendance of Councillors

at the 2021 National General Assembly of Local Government to be held in Canberra from 20 to 23 June 2021.

2 INTRODUCTION/BACKGROUND

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, the event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and our communities.

a) Notices of Motion

Each year, the Australian Local Government Association (ALGA) writes to Councils inviting them to participate in that year's National General Assembly (NGA) by submitting a notice of motion.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

- be relevant to the work of local government nationally;
- not be focussed on a specific location or region – unless the project has national implications. Council's will be asked to justify why the motion has strategic national importance and should be discussed at a national conference;
- be consistent with the themes of the NGA;
- complement or build on the policy objectives of your state and territory local government association;
- be submitted by a council which is a financial member of their state or territory local government association;
- propose a clear action and outcome, i.e. call on the Australian Government to do something;
- be a new motion that has not already been debated at an NGA in the preceding two years; and
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: *This National General Assembly call on the Federal Government to restore funding for local government financial assistance grants to a level equal to at least 1% of Commonwealth taxation revenue.*

To ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception



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only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 26 March 2021.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of council. Motions should be lodged electronically to be received no later than 11:59pm on Friday 27 March 2020.

It should be noted that:

... for every motion it is important to complete the background section on the form. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. There is a word limit of 150 for the motion and 200 for the national objective and 300 for the key arguments.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government and whether the motions meet all the criteria detailed above.

Please note that motions should not be prescriptive in directing how the matter should be pursued.

With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, the ALGA Secretariat will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local, state or territory issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any council that submits a motion will be present at the National General Assembly to move and speak to the motion.

The attached discussion paper provides guidance to councils developing Motions for Debate at the National General Assembly.

In his letter dated 27 November 2020, ALGA CEO, Adrian Beresford-Wylie has advised that

...

The theme for the 2021 NGA is 'Working Together for our Communities'. This theme acknowledges the need to come together and with other partners, including the Federal Government, to deliver for our communities.

ALGA received significant feedback on the motions process and topics from the 2018 and 2019 NGA. In response to the feedback received, ALGA has prepared a discussion paper that explores data that identifies critical areas local government needs to consider now and into the future.

To inform the submission of motions, please read the discussion paper (included with this letter) and ensure motions meet the identified criteria.

...

b) The Conference

This year, the National General Assembly of Local Government is to be held at the National Convention Centre in Canberra from 20 to 23 June.



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Further, to the invitation extended by the ALGA CEO to Council to register for the 2021 National General Assembly for Local Government, Mr Beresford-Wylie has advised that

The Regional Forum will be held onsite in Canberra on 20 June 2021. At this time it is unclear whether COVID-19 restrictions will still be in force in June 2021, but if this is the case the NGA may also include virtual participation and attendance. Lastly, Stilmark has recently become a major sponsor for the Australian Local Government Association events and we have included a brochure outlining how they wish to partner with Councils to improve the resilience of telecommunications for your community.

3 STRATEGIC PLAN 2017-2027

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

- Lead –
 - Leaders with ImpactCore Strategies:
 - ◆ Lead – Councillors represent honestly with integrity
- People –
 - Sense of Place – Sustain, Protect, Progress
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
- Place –
 - Environment – Cherish & Sustain our Landscapes

4 POLICY IMPLICATIONS

Attendance at the conference is in accordance with Council's *Councillors Allowances, Travelling & Other Expenses* Policy, as follows:

6. CONFERENCES & SEMINARS

The budget will be allocated to the following conferences
LGAT & LGMA conference to be attended by up to 6 councillors
ALGA conference attended by Mayor & Deputy Mayor
Australian Roads conference attended by 1 councillor
'Other' conferences and seminar sessions as approved.

Attendance to all conferences, seminars and training sessions with a cost in excess of \$150 are to be in compliance with a resolution of the Council, except on emergency situations, where approval must be given by a unanimous approval from Council Executive.

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

5 STATUTORY REQUIREMENTS

N/a.

6 FINANCIAL IMPLICATIONS

There is no fee to submit a motion.

Council each year allocates a budget for elected members to attend conferences and professional development, the 2020/2021 budget allocation is \$18,800. An amount of \$2,249 has been expended to end February, with \$15,751 still available of the allocation.



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ALGA has not as yet provided details of the Conference registration costs and accommodation deals available, however, last year costs were as follows:

- Registration per attendee was listed as: Early Bird \$989, standard registration \$1,099, late registrations \$1,199;
- Accommodation prices at approximately \$375 per night.
- Return flights to Canberra are approximately \$500 to \$1,200;

It should be noted that a google search of flight and accommodation costs indicates that the costs listed above (extract from Council's 2020 report) are still relevant for the period in question, i.e. June 2021.

Historically, Council has sent two elected members and the General Manager to the NGA Conference.

7 RISK ISSUES

There is no risk in submitting a motion to the NGA.

There are risks associated with the physical attendance of delegates at the conference:

- Council's delegates may not be able to physically attend due to Government restrictions relating to the ongoing COVID-19 pandemic;
- Delegates who physically attend the conference may be required to quarantine in Canberra on arrival;
- Delegates may be required to quarantine/self-isolate on returning to Tasmania;
- Council delegate/s may be exposed to the COVID-19 virus.

8 CONSULTATION WITH STATE GOVERNMENT

N/a.

9 COMMUNITY CONSULTATION

N/a.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council is to consider

- whether or not to submit a motion or motions to the 2021 National General Assembly of Local Government conference; and
- the attendance of Councillors at the conference.

11 OFFICER'S COMMENTS/CONCLUSION

The report provides the necessary background to the conference.

Advice on Council's nominated representatives (**or expressions of interest from Councillors**) is sought along with notice of motions.

It should be noted the ALGA Program and Registration has not yet been made available and will be circulated on receipt thereof.

12 ATTACHMENTS

12.1 Call for motions discussion paper



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RECOMMENDATION

That Council

- i) note the report;
- ii) authorise the physical and/or virtual attendance of
 - ...
 - ...at the 2021 National General Assembly of Local Government to be held in Canberra from 20 to 23 June 2021.
- ii) submit the following motions for consideration at the ALGA conference:
 - ...

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 13 PERTH PARK NAMING SURVEY (NORFOLK STREET)

Responsible Officer: Des Jennings, General Manager

Report prepared by: Gail Eacher, Executive Assistant and Lucie Copas, Executive & Communications Officer

1 PURPOSE OF REPORT

The purpose of this report is to ascertain and ratify a name for the new park to be located at Norfolk Street, in Perth.

2 INTRODUCTION/BACKGROUND

At the 19 October 2020 Council Meeting Council considered a proposal to name the park ‘Dolly Dalrymple Reserve’. After investigation and consultation with Aboriginal Heritage Tasmania and Heritage Tasmania it was resolved that the proposed site did not hold enough significance to be named directly after Dolly Dalrymple.

Council Officers investigated the history of Perth and came up with several alternative naming suggestions, they are as follows:

- Houghton Park (derived from the original land grant)
- Caler Park (old Perth family name)
- Lowen Park (old Perth family name)
- Peachy Park (old Perth family name)
- Stancombe Park (old Perth family name)
- Stackhouse Park (old Perth family name)
- Galer Park (old Perth family name)
- Sheepwash Park (adjacent to Sheepwash Creek)
- Tay Park (Perth township in Scotland, which Perth was named by Governor Macquarie, is located on the River Tay)

The following decision was made at the 19 October 2020 Council Meeting:

Cr Polley/Cr Goninon

That a decision on the matter be deferred to the December Council meeting to allow time to canvass the Perth Local District Committee, residents of Perth and other interested parties, on a preferred name for the park.

Carried unanimously

Council Officers prepared a survey for community consultation. The survey was first advertised on Councils Facebook page, website, and in the Northern Midlands courier from 27 November 2020 onwards. The survey closed 21 December 2020.

We received **98** responses in total, with **9** invalid responses as the respondents did not live in Perth. It was a condition of the survey that you must be a resident of Perth for your response to be considered.

The following are alternative naming suggestions that were received from survey respondents (respondents have been left anonymous):

- Lama Corner Park
- Norfolk Park x4
- Poets Park x2
- Norma Davis Park
- Littlejohn Park
- Birds Park x2
- Harry Bean Park
- Panninher Park x2



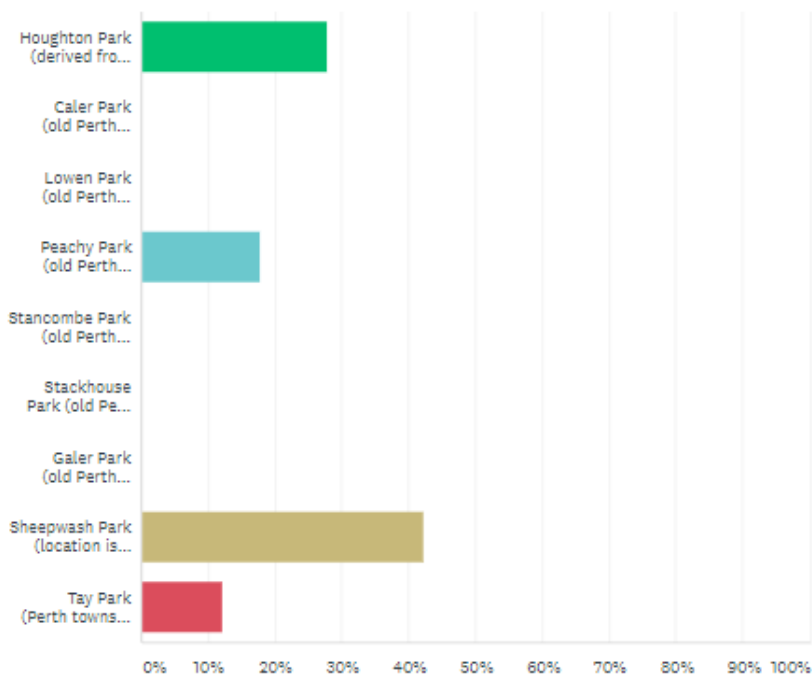
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- Village Green
- Locomotive Park
- Dennis Park x2

The collated results of the survey (including electronic and physical responses) are as follows, not including alternative suggestions:

We are seeking input from residents of Perth to help us name our new park in Norfolk Street, Perth. After investigating the incredible history of Perth, we have the following naming suggestions:

Answered: 90 Skipped: 8



ANSWER CHOICES	RESPONSES
▼ Houghton Park (derived from the original land grant)	27.78% 25
▼ Caler Park (old Perth family name)	0.00% 0
▼ Lowen Park (old Perth family name)	0.00% 0
▼ Peachy Park (old Perth family name)	17.78% 16
▼ Stancombe Park (old Perth family name)	0.00% 0
▼ Stackhouse Park (old Perth family name)	0.00% 0
▼ Galer Park (old Perth family name)	0.00% 0
▼ Sheepwash Park (location is adjacent to Sheepwash Creek)	42.22% 38
▼ Tay Park (Perth township in Scotland, which Perth was named by Governor Macquarie, is located on the River Tay)	12.22% 11
TOTAL	90

[Comments \(28\)](#)

The 9 invalid responses are as follows:

- Tay Park (Longford address)

- Peachy Park (Longford address)
- Peachy Park (Longford address)
- Houghton Park (Nile address)
- Tay Park (Railton address)
- Houghton Park (Devon Hills address)
- Dalrymple Commons (Victoria address)
- Dalrymple Jonson or Norma Davis Park (Western Junction address)
- Rob Roy Park (Longford address)

A report was tabled at the 27 January 2021 Council Meeting, minute reference 012/21, at which time the following was the decision of Council:

DECISION

...

Cr Davis/Cr Goninon

That

- 1) *a decision on the matter be deferred; and*
- 2) *the Perth Local District Committee be advised of the results of the survey and Council seek comment from the Committee.*

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Davis, Cr Goninon, Cr Goss, Cr Lambert

Voting against the Motion:

Cr Brooks, Cr Polley

As per the decision of Council the report was referred to the Perth Local District Committee. The report was received at the 2 February 2021 meeting of the Committee; it is noted that, at that meeting, the membership of the Committee has supported the naming of the park, as follows:

1) Sheepwash Creek:

Community park naming survey results were discussed. The PLDC noted 98 responses, the majority of which supported the name 'Sheepwash Park'. The PLDC support Council's endorsement of Sheepwash Park and appreciate the process Council has followed to allow community participation.

3 STRATEGIC PLAN 2017-2027

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

- Progress –
 - Economic Development – Supporting Growth & Changes
 - ◆ Towns are enviable places to visit, live & work
 - Tourism Marketing & Communication
 - ◆ Tourism thrives under a recognised regional brand
 - ◆ Tourism partnerships build sense of place identity
- People –
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ◆ Council nurtures and respects historical culture
 - ◆ Developments enhance existing cultural amenity
 - ◆ Public assets meet future lifestyle challenges
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities



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Core Strategies:

- ◆ Living well – Valued lifestyles in vibrant, eclectic towns
 - ◆ Communicate – Communities speak & leaders listen
 - ◆ Participate – Communities engage in future planning
 - ◆ Connect – Improve sense of community ownership
 - ◆ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ◆ Cherish & sustain our landscapes
 - History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ◆ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

N/a

5 STATUTORY REQUIREMENTS

As this proposed park is within a Town Boundary under section 8.1 of the nomenclature guidelines, “Names for other reserves and parks are to be selected and proposed in accordance with the principles in these guidelines by the managing authority” in this case being Council.

6 FINANCIAL IMPLICATIONS

N/a

7 RISK ISSUES

There are several risks associated with naming a public reserve directly after an individual or family name. These can include criminal or felonious investigations, reputational, and historical inaccuracy.

Council received several comments via the survey and Facebook page requesting that the park is not named after an individual or family. The comments are as follows:

- “please no family names, gone and forgotten”
- “Sheep wash Park, that way not favouring any family”
- “Why does it have to be named after a family?”

The Nomenclature Board advised that while Norfolk Park may be considered because the park is located on Norfolk Street, it was advised against as to not confuse the Perth park with several similarly named parks already existing in Southern Tasmania.

8 CONSULTATION WITH STATE GOVERNMENT

Council Officers consulted with the Nomenclature Board to ensure appropriate names were considered.

9 COMMUNITY CONSULTATION

There was a great response to Councils survey with a total of 98 responses. Comment has also been received from the Perth Local District Committee supporting the endorsement of the name Sheepwash Park.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

10 OPTIONS FOR COUNCIL TO CONSIDER

Council must now consider the most appropriate and suitable name while taking into consideration the community's response.

11 OFFICER'S COMMENTS/CONCLUSION

The overwhelming results of the survey suggest that the most suitable name is Sheepwash Park. The surveys contain information which is subject to privacy and are included in the Closed Council agenda attachments.

A report was tabled at the 27 January 2021 Council Meeting, minute reference 012/21, at which time Council resolved to defer a decision pending comment from the Perth Local District Committee, the report was referred to the Perth Local District Committee.

Subsequent to their 2 February meeting, the Committee provided comment supporting the endorsement by Council of the name Sheepwash Park.

12 ATTACHMENTS

12.1 Summary and Survey responses (separate closed council attachment)

RECOMMENDATION

That Council consider the results of the survey, the community response, the comments provided by the Perth Local District Committee and endorse the name Sheepwash Park.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 14 ASSISTING TOURISM IN THE NORTHERN MIDLANDS TO RECOVER FROM COVID-19

Responsible Officer: Des Jennings, General Manager

Report prepared by: Fiona Dewar, Tourism & Events Officer, Lucie Copas, Executive & Communications Officer

1 PURPOSE OF REPORT

To provide Council with a report on the proposed way forward to assisting tourism in the Northern Midlands to recover from COVID-19.

2 INTRODUCTION/BACKGROUND

In June 2020, the State Government announced the partial lifting of the COVID-19 lockdown, thus allowing Tasmanians to take intrastate breaks. At this time Tourism Tasmania encouraged tourism businesses to offer incentives versus price discounts to attract visitors.

At the June 2020 Council meeting, Council considered a report that detailed the type of incentives that could be developed in the Northern Midlands to attract intrastate visitors to our tourism businesses. Council resolved:

Cr Polley/Cr Goss

That Council support the proposed course of action to entice intrastate visitors to Northern Midlands to stay, play and spend, and allocate a budget of \$2,000 towards the project commencing in Longford, and a further recommendations be made to the next Council meeting in relation to the other towns across the Northern Midlands.

Carried

Voting for the motion

Mayor Knowles, Cr Goss, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Lambert, Cr Polley

Voting against the motion:

Cr Davis

At the time the agenda item was prepared it was anticipated Council's Tourism and Events Officer would be the lead person in the development of the incentive packages. This officer was subsequently seconded for a three month period to work on essential pandemic response activities relating to Council's facilities. Since the officer's return to her tourism role, her priority workload has been assisting organisers of events in the Northern Midlands to develop and implement COVID-19 safety plans. This has enabled the Northern Midlands to host a number of events that have boosted visitor numbers to our municipal area.

With the recent re-opening of the state's borders to interstate visitors, the emphasis has changed from offering incentive packages to aligning with the promotional destination-specific campaigns currently being run by Tourism Tasmania and Visit Northern Tasmania.

The Northern Midlands is within the footprint of 'Heartlands', one of the newest of the five Tourism Tasmania Drive Journeys. Council has the opportunity to leverage off 'Heartlands' by creating on-trend style videos in keeping with the look and feel of Tourism Tasmania and Visit Northern Tasmania campaigns, and promoting the Northern Midlands towns as 'must see' destinations for visitors (intra- and inter- state), and a desirable place to live.

Council officers are currently seeking quotes from production companies for the design and production of short on-trend style videos for the towns of Avoca, Campbell Town, Cressy, Evandale, Longford, Perth and Ross. The officers are also seeking to obtain cost estimates for the utilisation of the promotional videos in a comprehensive marketing plan including TV advertisements, social media, websites, newspapers and at visitor centres across the state.

3 STRATEGIC PLAN 2017-2027

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

- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ◆ Attract healthy, wealth-producing business & industry
 - Economic Development – Supporting Growth & Changes
 - ◆ New & expanded small business is valued
 - ◆ Support new businesses to grow capacity & service
 - ◆ Towns are enviable places to visit, live & work
 - Tourism Marketing & Communication
 - ◆ Tourism thrives under a recognised regional brand
 - ◆ Tourism partnerships build sense of place identity
- People –
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ◆ Living well – Valued lifestyles in vibrant, eclectic towns
 - ◆ Connect – Improve sense of community ownership
- Place –
 - History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ◆ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

N/A

6 FINANCIAL IMPLICATIONS

At the January 2021 Meeting, Council approved an allocation in the 2020/2021 Council budget of \$13,000 towards the production of the videos. The one quote received to date from a production company falls within this funding allocation. Quotes have been requested from other production companies and cost estimates are also being sought for the accompanying comprehensive marketing plan.

7 RISK ISSUES

From a tourism perspective: As our state borders re-open, visitation by interstate tourists is increasing. Council needs to work with Tourism Tasmania and Visit Northern Tasmania to encourage visitor dispersal into the regions and specifically, within the Northern Midlands. These tourism bodies have ramped up their marketing, and if we do not step up our marketing efforts, there is a risk the Northern Midlands towns will not benefit from the wider state marketing initiatives.

From a lifestyle perspective: With all the development happening in our region, the Northern Midlands is increasingly attractive to young families seeing the rural lifestyle within easy reach of the services and employment opportunities of the city. Failing to promote the amenities of our towns and the lifestyles they provide runs the risk of not encouraging maximise growth in resident numbers in the Northern Midlands.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

8 CONSULTATION WITH STATE GOVERNMENT

The proposed approach is in accordance with Tourism Tasmania's current promotional campaign and Council officers are working in consultation with Visit Northern Tasmania staff.

9 COMMUNITY CONSULTATION

N/A

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can either accept or not accept this report on the proposed way forward to assisting tourism in the Northern Midlands to recover from COVID-19.

11 OFFICER'S COMMENTS/CONCLUSION

Council has an integral role to play in the Northern Midlands' economic and social recovery from the pandemic. Failure to attract intra- and inter- state visitors to our towns to stay, play and spend will be detrimental to local tourism operators and will result in local tourism operators suffering further financial hardship.

12 ATTACHMENTS

N/A

RECOMMENDATION

That Council accept the report on the proposed way forward to assisting tourism in the Northern Midlands to recover from COVID-19 and request a report be tabled at the March 2021 Council Meeting on the outcome of the request for quotes for the production of the promotional videos and accompanying marketing plan.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

GOV 15 PETITION: COUNCIL OWNED PROPERTY AT 32 NORFOLK STREET, PERTH

Attachments: Section 1 – Page 94

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager; Maree Bricknell, Corporate Services Manager and Erin Miles, Development Supervisor

1 PURPOSE OF REPORT

The purpose of this report is to consider the petition lodged in relation to the subdivision of 32 Norfolk Street Perth.

2 INTRODUCTION/BACKGROUND

In regard to the subdivision of number 32 Norfolk Street Perth, a petition was tabled at the 14 December 2020 Council meeting, with a list of further signatories collected after the petition being lodged being tabled at the 27 January 2021 Council meeting.

Receipt of the petition was recorded in minute 009/21(4), at which time the following information was provided:

A petition initiated by Barbara Rees of 15 Thyne Avenue, Newstead was received by Council on 14 December 2020.

The initial petition was compliant and met the requirements of S57 of the *Local Government Act 1993*.

The petition requests the following action:

- 1) *Rescind the decision (PLN-18-0296) to subdivide 32 Norfolk Street, Perth.*
- 2) *Rehabilitate the historic well at 32 Norfolk Street making it part of the public open space.*
- 3) *Rezone 32 Norfolk Street, Perth to a Heritage Precinct under the Northern Midlands Interim Planning Scheme 2013, Local Historic Heritage Code E13.*
- 4) *Prohibit building on or between the historic structures at 32 Norfolk Street, Perth.*

A total of 233 signatures were collected at that time, analysed as follows: Perth – 178, Northern Midlands (not Perth) 48, other municipal areas 7.

A further list of 157 signatories was provided to the General Manager on 21 January 2021, it appears that these signatures were solicited following the tabling of the initial petition.

The validity of the additional pages of the petition is questionable as there are a number of names listed which do not appear to be signatories to the petition.

At the 14 December 2020 Council meeting considered a Notice of Motion put forward by Councillor Brooks seeking a report to overturn the approval for the subdivision at 32 Norfolk Street, this motion was lost (minute reference 414/20).

DECISION

Cr Brooks/Cr Goninon

That the Council agrees to consider a motion at its next meeting that, if resolved in the affirmative, would have the effect of overturning previous decision made by the Council such that an approved subdivision at 32 Norfolk Street, (titles of which are close to issuing), the configuration of public open space and all works associated with that subdivision will be set aside and discontinued.

Lost

Voting for the motion:

Cr Brooks, Cr Goninon, Cr Lambert

Voting against the motion:

Mayor Knowles, Cr Adams, Cr Davis, Cr Goss, Cr Polley

Council at its meeting of 27 January 2021 made the following decisions:



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DECISION

Cr Polley/Cr Goninon

Information item 4 Petitions - That Council receive the additional signatories to the petition tabled and received at the 14 December 2020 Council Meeting related to the subdivision of 32 Norfolk Street, Perth.

Carried unanimously

Cr Goninon/Cr Davis

That the matter be discussed.

Carried unanimously

Cr Brooks/Cr Goninon

That Council, in relation the 32 Norfolk Street Perth, receive a further report regarding the actions requested by the petition numbered 1-4. The report to include the validity of the request to rescind a planning decision, detail of costs that have been incurred and that would likely be incurred should Council implement any of the actions numbered 1-4 of the petition.

Carried

Voting for the Motion:

Cr Adams, Cr Brooks, Cr Goninon, Cr Lambert, Cr Polley

Voting against the Motion:

Mayor Knowles, Cr Davis, Cr Goss

Cr Brooks/Cr Adams

That Council receive Information items 1 to 19 (excluding item 4).

Carried unanimously

The process of subdivision of 32 Norfolk Street into 3 allotments is now complete with titles issued on 13 January 2021, together with required services infrastructure and fencing in place.

With all works at the site nearing finalisation the properties will be ready to list for sale in the near future.

In accordance with the decision of Council, this report serves to investigate the actions requested including the validity of the request to rescind a planning decision and costings related to those already incurred in developing the site and costs likely to be incurred to rehabilitate the property were that to occur.

1) Rescind the decision (PLN 18-0296) to subdivide 32 Norfolk Street Perth

Section 53 of the *Land Use Planning and Approvals Act 1993* determines when a permit takes effect and Section 53 (7) states:

- (7) The permit referred to in subsection (1) remains in effect until –*
 - (a) it lapses under subsection (5) ; or*
 - (b) it expires as a result of a condition or restriction contained in the permit; or*
 - (c) it is cancelled under section 65G .*

The permit has not lapsed, as it was substantially commenced within 2 years of the date the permit was issued. The permit did not contain a condition that caused the application to expire.

Under section 65G (4)

- (4) A planning authority has grounds for cancelling a permit if the authority is reasonably of the opinion that –*
 - (a) the permit would not have been granted; or*
 - (b) different conditions to the conditions, if any, it imposed on the permit would have been imposed –if the applicant had not made a material misstatement of fact, or concealed material facts, in relation to the application for the permit.*

There are no grounds for cancelling a permit, as there was no material misstatement of fact, or concealed material facts, in relation to the application for the permit. The permit, therefore, remains in effect.



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It would be possible to supersede the decision by a new decision (ie. new discretionary planning application). If the intention is to return the titles to their original form, this could be achieved by adhering the titles by way of sealed plan. Noting the latter, the works associated with the subdivision (access, services etc) have already been installed.

2) Rehabilitate the historic well at 32 Norfolk Street making it part of the public open space.

The well has remained in situ and untouched since first found as part of the clean up of the site associated with planning permit PLN-18-0306 (vegetation and shed removal). The well has been capped with a concrete 'lid' for safety reasons to avoid the possibility of it being inadvertently accessed. There is no requirement to 'rehabilitate' the well, as it remains in situ. Council could choose to make the lot available for public open space if it wished to but would need to make the area safe and protect it from disturbance/vandalism

3) Rezone 32 Norfolk Street, Perth to a Heritage Precinct under the Northern Midlands Interim Planning Scheme 2013, Local Historic Heritage Code E13.

Land within a Heritage Precinct requires assessment against both the E13 Local Historic Heritage Code and F2 Heritage Precinct Specific Area Plan. Both the code and specific area plan are largely concerned with the impact of development on the streetscape and the precincts encapsulate the majority of heritage listed places within the township that, combined, create a heritage rich streetscape.

The subject site has been determined by Heritage Tasmania to have inadequate heritage value to be recognised at state level (ie. on the state Heritage Register). Only two heritage listed places exist in Norfolk Street, with the remainder being predominantly post 1960's construction.

A change to the location of the Heritage Precinct in Perth would require a planning scheme amendment and would need to demonstrate sufficient strategic merit to be initiated. Final approval lies with the Tasmanian Planning Commission. This is also the case to locally list the site as a local heritage place under the *Northern Midlands Interim Planning Scheme 2013*.

4) Prohibit building on or between the historic structures at 32 Norfolk Street, Perth.

The site is zoned General Residential and an application for development must be considered on its merit against the relevant provisions of the Planning Scheme. The only way to restrict development would be to place a "no build" area on the title plan. This would require an amendment to the sealed plan.

Council's Heritage Advisors, David Denman and Associates (Geoff Clark) provided the following response to the recommendations of the Historical Heritage Assessment Report provided by Southern Archaeology, which deals with this issue in part:

We think it important to consider not only the raw heritage fabric an associated histories, but the context of the both in the current landscape. SA's report notes that –

An ideal outcome would be for the house and well to remain on one title and for no structure or development to occur on or between these two structures that will impact or take away from the heritage values and association (relationship) between the two.

And without consideration of context this may well be the case.

It is important to acknowledge that much of the older area of Perth will contain both historic fabric and associated histories, and so it is important to ensure that the unaffected retention of any such material be considerate of the need to sustain its condition. If material and properties become 'sterilised' as a result of their retention, then the ongoing cost of their upkeep must fall to Northern Midlands Council. Although the house and well are of some interest, it is unlikely that this interest will extend to the point where they can be displayed (economically), as a museum piece. The re-amalgamation of the two parcels, and the imposition of development restrictions seems to imply a move toward a museum piece, for want of a better term, as there can be little benefit in retaining the 'association' whilst the material remains in private hands and on private

property. The geographical disposition of the two components will not change with time, whether on a single parcel or on two.

While ever the well remains on a privately owned parcel of land, whether separate or amalgamated, it will remain invisible in the streetscape, and knowledge of its presence will necessarily be by means other than visual observation. As such, its associations with the residence will be found also by means other than visual observation. Unless 'displayed', this will always be the case.

We would suggest that the most appropriate approach to protection of the component parts would be through viable use.

- *We understand that the residence is currently occupied as a residence, and its retention is therefore economically supported.*
- *The well has been excised as a result of the subdivision of the allotment and currently falls on a vacant parcel. The well is proximate to one of the boundaries of this new allotment and as such, can be retained also with the further economic (residential) development of this separate parcel of land. A sketch plan for a residence has already been provided to this end.*

The two separable components, house and well, can be protected by means other than re-amalgamation and additional development restrictions as outlined in SA's report. In reality, their preservation is probably best served through the avenue of continued use as opposed to the ideal noted in SA's report which would be at best financially unpalatable.

It is worth noting that the current proposal, already partly enacted through the subdivision, does not necessarily preclude the uptake of the recommendation in due course. Financial viability and economic responsibility must however be considered in any case.

In relation to recommendation 1 –

We are of the opinion that the associations between the well and the house are not necessarily served by the re-amalgamation of the two parcels.

In relation to recommendation 2 –

Similarly, we are of the opinion that the associations between the well and the house will not benefit materially by restricting development between the two.

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
 - Money Matters
Core Strategies:
 - ◆ Budgets are responsible yet innovative
 - ◆ 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:
 - ◆ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth & Changes



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- ◆ Towns are enviable places to visit, live & work
- ◆ Developers address climate change challenges
- ◆ Maximise external funding opportunity
- People –
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ◆ Council nurtures and respects historical culture
 - ◆ Developments enhance existing cultural amenity
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ◆ Living well – Valued lifestyles in vibrant, eclectic towns
 - ◆ Communicate – Communities speak & leaders listen
 - ◆ Participate – Communities engage in future planning
 - ◆ Connect – Improve sense of community ownership
 - ◆ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ◆ Cherish & sustain our landscapes
 - ◆ Meet environmental challenges
 - History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ◆ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

N/a.

5 STATUTORY REQUIREMENTS

Previous planning approvals issued for the site have been assessed and decided upon in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* and the *Northern Midlands Interim Planning Scheme 2013*. The *Historic Cultural Heritage Act 1995* is not relevant to the subject site, as it does not contain a place of state heritage significance.

6 FINANCIAL IMPLICATIONS

In accordance with the decision of Council, this report serves to investigate the actions requested including the validity of the request to rescind a planning decision and costings related to those already incurred in developing the site and costs likely to be incurred to rehabilitate the property were that to occur.

An estimate of expenditure to date is \$347,000, inclusive of purchase of property, subdivision and works on site.

The expected income from the residence on the Lot is expected to be in excess of \$240,000 and \$140,000 plus for Lot 2.

If Council was to agree to the proposal, the income from Lot 2 would be forgone.

7 RISK ISSUES

Council's Officers have expended funds to implement its decision related to the subdivision at 32 Norfolk Street. A new Development Application would necessitate expenditure of additional funds above those spent to date.



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The loss of the income from the sale of Lot 2 would impact the future development of the site, as additional funds will need to be sought from other avenues, or impact other developments that would benefit from the sale revenue.

8 CONSULTATION WITH STATE GOVERNMENT

A new development application may necessitate consultation with authorities, including: TasWater and Tasrail.

Consultation has previously been undertaken with Heritage Tasmania and Aboriginal Heritage Tasmania. In correspondence from Pete Smith, Director, Heritage Tasmania, Natural and Cultural Heritage (NCH) Division, it was stated that “Our assessment is that the well has no known history or discernible features that suggests it is of State historic cultural heritage significance.”

9 COMMUNITY CONSULTATION

The initial development application required public consultation with the subdivision of the land.

10 OPTIONS FOR COUNCIL TO CONSIDER

The following options are available going forward:

- 10.1 Continue with the sale of the land (lots 1 & 2 – house and vacant lot) and development of the remaining land as public open space as originally intended and in accordance with current approvals.

Comment:

Council has already invested significant funds and gone through due process to reach this point. Titles for the site have now been issued and investment of the revenue from the subdivided lots can now be directed towards developing the remaining area for public open space. The sale of the land would allow for a private party to purchase the vacant lot and develop as they see fit (whether this be through public access to well to otherwise).

- 10.2 Act of some or all of the requests raised in the petition – as outlined below:

- 1) Rescind the decision (PLN18-0296) to subdivide 32 Norfolk Street, Perth

Comment:

It is not possible to rescind the decision under the constraints of the *Land Use Planning and Approvals Act 1993*. It would be possible to either supersede the decision with a new application (ie. for a boundary adjustment), or to adhere the titles. This may have financial implications for development of the remainder of the public open space, as discussed in section 6 of this report.

- 2) Rehabilitate the well at 32 Norfolk Street making it part of the public open space.

Comment:

There is no requirement to ‘rehabilitate’ the well, as it remains in situ. The well could be added to the remaining public open space, either by a boundary adjustment (this would require a new development application and may have implications on the minimum lot size of the vacant lot), by adhesion, by simply incorporating it as part of the public open space, or a combination of these options. The lots are already fenced, services connected and titles issued.

- 3) Rezone 32 Norfolk Street, Perth to a Heritage Precinct under the *Northern Midlands Interim Planning Scheme 2013*, Local Historic Heritage Code E13.

Comment:

A change to the location of the Heritage Precinct in Perth would require a planning scheme amendment and would need to demonstrate sufficient strategic merit to be initiated. Final approval lies with the Tasmanian Planning Commission. This is also the case to locally list the site as a local heritage place under the *Northern Midlands Interim*



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Planning Scheme 2013. Given the lack of Heritage Listed Places surrounding the area, existing (non-heritage) streetscape characteristics, previous heritage advice and separation from the existing heritage precinct, there does not appear to be sufficient strategic merit to pursue an amendment to place 32 Norfolk Street, Perth in a Heritage Precinct. This does not prohibit an individual from lodging an application for an amendment, for Council to consider.

4) Prohibit building on or between the historic structures at 32 Norfolk Street, Perth.

Comment:

Advice from Council's Heritage Consultant (David Denman and Associates – Geoff Clark), is that "We are of the opinion that the associations between the well and the house are not necessarily served by the re-amalgamation of the two parcels" and "similarly, we are of the opinion that the associations between the well and the house will not benefit materially by restricting development between the two." It would be possible to amend to sealed plan to create a 'no build' area on the title; however, it would be contrary to Council's heritage advice to do so and have financial implications for the ongoing use/sale of the lot.

11 OFFICER'S COMMENTS/CONCLUSION

This report serves to address each of the matters requested in the petition initiated by Barbara Rees, received by Council on December 14, 2020. The petition is the culmination of a range of correspondence from Ms Rees and other interested parties on the site at 32 Norfolk Street, Perth. Council pursued the proposed development applications and associated works as part of an overall plan to create improved public open space and stormwater infrastructure through the Sheepwash Creek area.

An issue that has repeatedly been raised throughout this correspondence has been that the approval process has not involved the Heritage Code (E13) of the *Northern Midlands Interim Planning Scheme 2013*. The reason the Heritage Code has not been applied is because the site is neither a Heritage Listed Place, nor is it within a Heritage Precinct. The Heritage Code (E13) therefore does not apply and can not apply retrospectively.

In order to apply the code to future development, a successful Planning Scheme amendment would be required. The approval of such an amendment would ultimately be decided by the Tasmanian Planning Commission. Currently, there does not appear to be sufficient strategic merit for Council to pursue an amendment under section 34 (1)(b) (former provisions) of the *Land use Planning and Approvals Act 1993*. If a private individual was of an alternative view, there is nothing to prohibit them from requesting the planning authority to amend a planning scheme under section 33 (former provision) of the *Land use Planning and Approvals Act 1993*.

Similarly, if Council were to continue with the sale of the land, a private party may wish to purchase the land and proceed with promotion of the well site as they see fit. Council have already put in place a range of measures through a part five agreement/covenants on the title to ensure the lot would be appropriately developed.

12 ATTACHMENTS

- 12.1 17 February 2020 Council Meeting Minute Ref 051/20 – Planning Application PLN-18-0296
- 12.2 17 February 2020 Council Meeting Agenda attachments
- 12.3 27 January 2021 Tasmanian Heritage Council correspondence addressed to Ms Rees
- 12.4 9 December 2020 Watton Report re 32 Norfolk Street Perth – Executive Summary
- 12.4 9 December 2020 Watton Report re 32 Norfolk Street Perth – Full Report

RECOMMENDATION

That Council does not implement the actions numbered 1-4 of the petition and continue with the sale of the land (lots 1 & 2 – house and vacant lot).



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[DECISION](#)

Cr

C&D 1 MONTHLY REPORT: DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

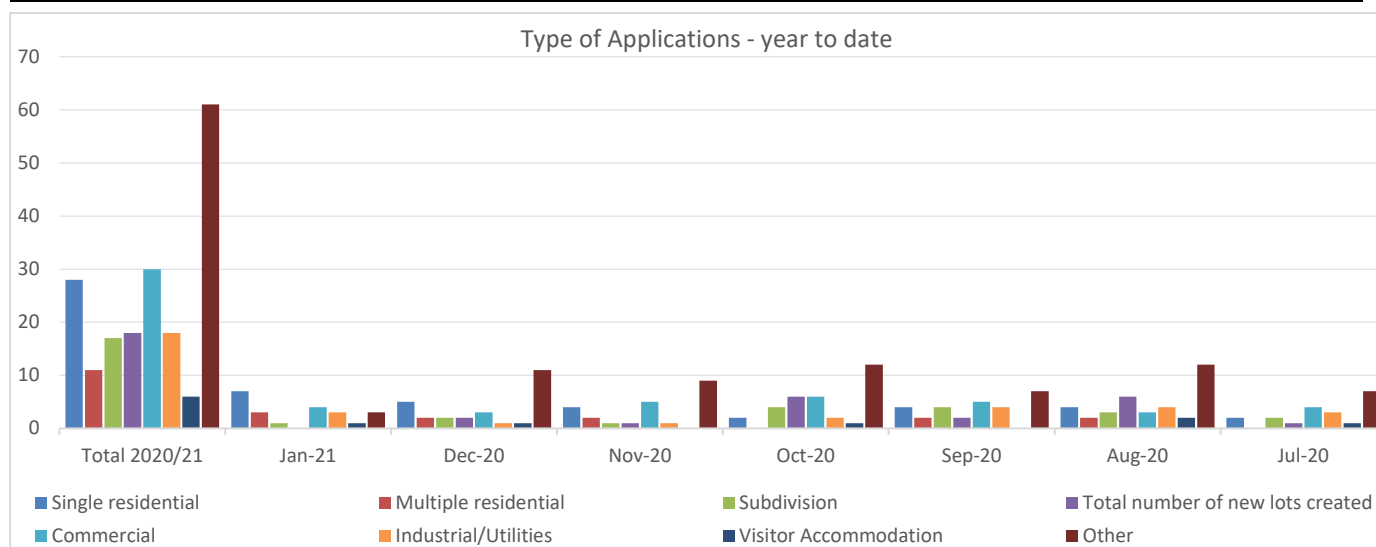
1 PURPOSE OF REPORT

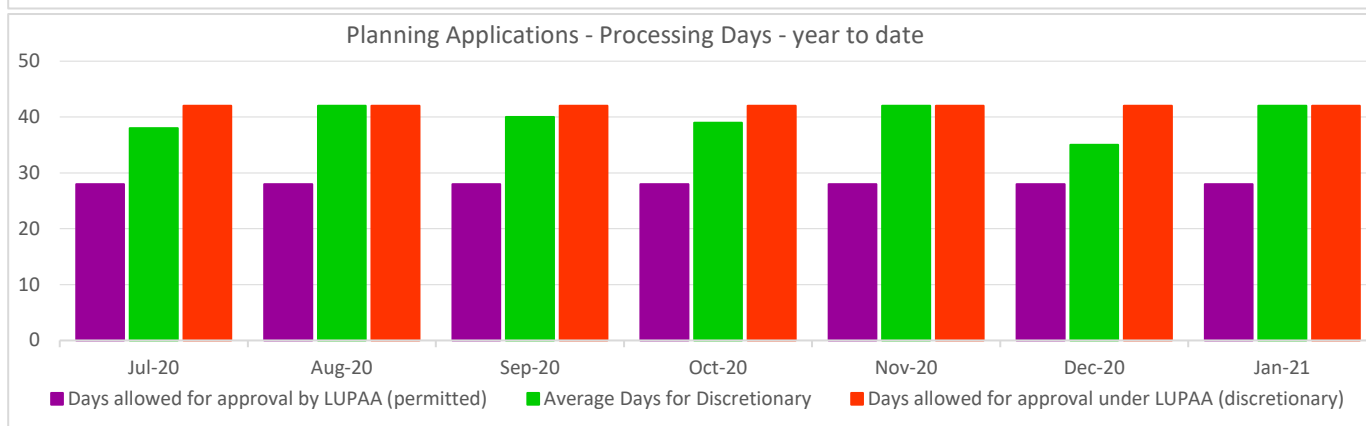
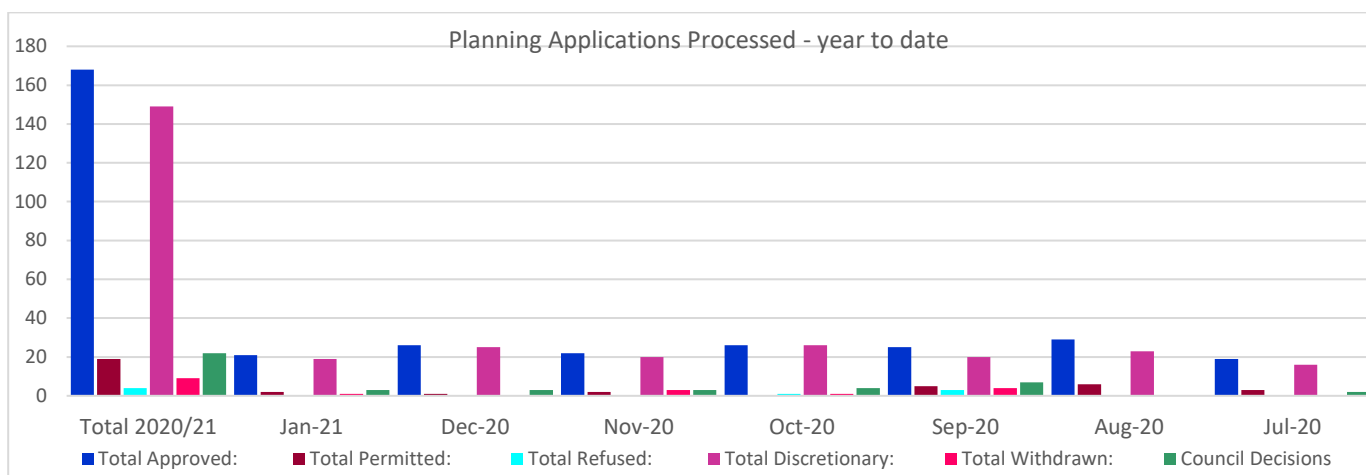
The purpose of this report is to present the Development Services activities as at the month end.

2 DEVELOPMENT SERVICES REPORTING

2.1 Planning Decisions

	Total YTD	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
Number of valid applications	121	21	11	19	18	7	18	27					
Single residential	28	2	4	4	2	4	5	7					
Multiple residential	11	0	2	2	0	2	2	3					
Subdivision	17	2	3	4	4	1	2	1					
Total number of new lots created	18	1	6	2	6	1	2	0					
Commercial	30	4	3	5	6	5	3	4					
Industrial/Utilities	18	3	4	4	2	1	1	3					
Visitor Accommodation	6	1	2	0	1	0	1	1					
Total permitted	0	0	0	0	0	0	0	0					
Total discretionary	6	1	2	0	1	0	1	1					
Other	61	7	12	7	12	9	11	3					
Total number of applications approved	168	19	29	25	26	22	26	21					
Total Permitted	19	3	6	5	0	2	1	2					
Average Days for Permitted		25	26	29	-	24	17	29					
Days allowed for approval by LUPAA		28	28	28	28	28	28	28	28	28	28	28	28
Total Exempt under IPS	59	8	5	4	8	17	13	4					
Total Refused	4	0	0	3	1	0	0	0					
Total Discretionary	149	16	23	20	26	20	25	19					
Average Days for Discretionary		38	42	40	39	42	35	42					
Days allowed for approval under LUPAA		42	42	42	42	42	42	42	42	42	42	42	42
Total Withdrawn	9	0	0	4	1	3	0	1					
Council Decisions	22	2	0	7	4	3	3	3					
Appeals lodged by the Applicant	4	0	0	0	1	1	1	1					
Appeals lodged by third party	0	0	0	0	0	0	0	0					





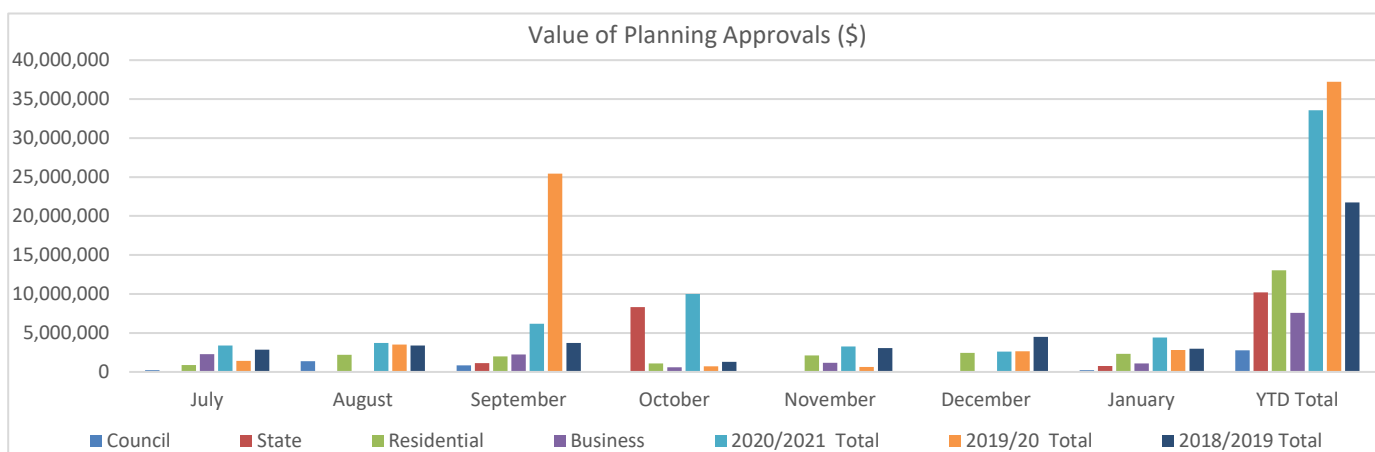
January 2021					
Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
PLN-19-0199	Engineering Workshop (vary rear setback)	3 Munro Street, Western Junction TAS 7212	Ms Narelle Lobdale	42	D
PLN-20-0241	Two warehouses with attached offices (vary side and rear setbacks)	2 Gatty Street, Western Junction TAS 7212	MV Consulting	46	D
PLN-20-0258	Dwelling additions and farm shed (vary setbacks in rural zone)	Huntlywood, 528 Cressy Road, Longford TAS 7301	Jamie Goss	46	D
PLN-20-0266	Shed (vary setbacks, within scenic corridor)	262 Leighlands Road, Evandale TAS 7212	Mr Neville McGee	33	D
PLN-20-0268	Dwelling (Heritage Precinct - vary garage setback)	130 Bridge Street, Campbell Town TAS 7210	Engineering Plus	50	D
PLN-20-0271	Dwelling & outbuilding (vary site coverage, building envelope and privacy provisions)	44 Seccombe St, PERTH TAS 7300	Richard Szekely	50	D
PLN-20-0279	Alterations & additions to existing residence, additional residence, 2 x garages (vary Sth setback) (Heritage Precinct)	105 High Street, Campbell Town TAS 7210	Philp Lighton Architects Pty Ltd	51	D
PLN-20-0282	Dwelling (vary rear setback)	15 Zircon Place, Perth TAS 7300	Urban Design Solutions	42	D
PLN-20-0283	Visitor Accommodation	4 St Pauls Place, Avoca TAS 7213	Jennifer Milne & Eli Jorgensen	29	D
PLN-20-0289	Recycling Shed	291 Marlborough Street, Longford TAS 7301	Northern Midlands Council	30	P
PLN-20-0292	Multiple Dwellings (2) (vary rear setback, separation to habitable room windows, front fence transparency, visitor parking & parking forward of building line)	Lot 10, 17 Youl Road, Perth TAS 7300	BVZ Designs	45	D
PLN-20-0294	Change of use to residential (Heritage listed property within heritage precinct)	6 Marlborough Street, Longford TAS 7301	Mr Wesley Wilcox	42	D
PLN-20-0300	Garage (Vary rear setback)	7 Arthur Street, Perth TAS 7300	Cyclad Buildings	48	D
PLN-20-0308	Dwelling	5B Collins Street, Perth TAS 7300	Abode Designer Homes	29	P
PLN-20-0313	Storage Shed (vary setbacks in Rural Zone; Scenic Corridor)	502 Hobart Road, Youngtown TAS 7250	TMK Design Solutions	38	D
PLN-20-0314	Vergola Roof Over Existing Deck	181 Fairtlough Street, Perth TAS 7300	Perth Primary School	41	D

January 2021

Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
DELEGATED DECISIONS					
PLN-20-0317	Re-subdivision between 2 lots (Minor Boundary Adjustment)	15960 and 15906 Midland Highway, Perth TAS 7300	Metier Planning and Development	41	D
PLN-20-0321	Dwelling, boundary fencing (max. 2.8m height) and retaining wall (vary [S] side setback)	92 Fairtlough Street, Perth TAS 7300	Leigh Adams	38	D
COUNCIL DECISIONS					
PLN-20-0260	Shed (heritage precinct)	39 Church Street, Ross TAS 7209	Brian & Candyce Hurren	42	C
PLN-20-0287	Creek widening, realignment works & vegetation removal	Sheepwash Creek between Phillip and Edward Sts, Properties bordering Phillip Street, Youl Road & Edward Street, Perth TAS 7300	Northern Midlands Council	42	C
PLN-20-0290	vegetation removal and new fence (Road & Railway Assets Code)	Mulgrave Street (CT45677/1 - park between Mulgrave St and Arthur St), Perth TAS 7300	Northern Midlands Council	42	C
COUNCIL DECISIONS - REFUSAL					
RMPAT DECISIONS					
TPC DECISIONS					

2.2 Value of Planning Approvals

	2020/2021			2019/20		2018/2019	
	Council	State	Residential	Business	Total	Total	Total
July	217,500	0	877,000	2,283,000	3,377,500	1,429,000	2,863,500
August	1,370,000	10,000	2,208,500	121,000	3,709,500	3,503,000	3,369,300
September	850,000	1,120,000	1,971,000	2,248,000	6,189,000	25,457,550	3,704,400
October	0	8,302,500	1,083,000	601,500	9,987,000	717,900	1,282,500
November	0	15,000	2,113,000	1,153,226	3,281,226	648,500	3,079,000
December	95,000	0	2,450,240	72,000	2,617,240	2,636,000	4,499,500
January	220,000	766,000	2,322,100	1,105,000	4,413,100	2,830,700	2,965,400
YTD Total	2,752,500	10,213,500	13,024,840	7,583,726	33,574,566	37,222,650	21,763,600
Annual Total						55,891,900	36,482,950



2.3 Matters Awaiting Decision by TPC & RMPAT

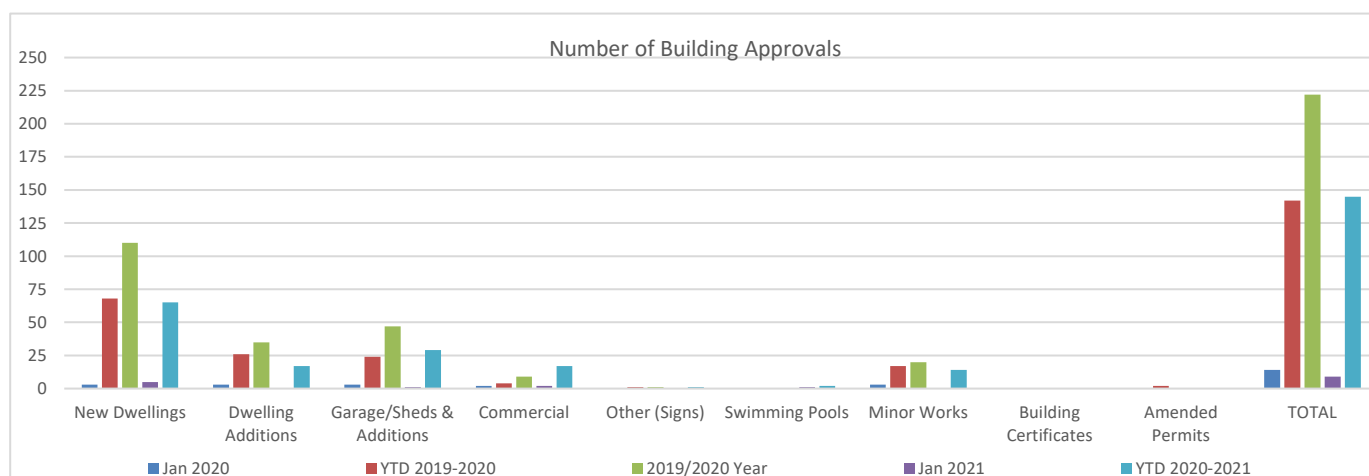
TPC	TASMANIAN PLANNING COMMISSION
TPS	Tasmanian Planning Scheme. The State Planning Provisions (SPPs) came into effect on 2/3/2017. They will have no practical effect until the Local Provisions Schedule (LPS) is in effect in a municipal area. Northern Midlands Council's Draft Local Provisions Schedule submitted to the Commission 19/12/2019. Post lodgement meeting held 5/5/2020. Matters raised by the Commission and recommended response tabled at the 29/6/2020 Council meeting. Remaining responses to post lodgement enquiries provided 28/08/2020. Submission of response to post lodgement enquiries made by TPC due 12/2/2021. Meeting held between Council and Commission staff to discuss these matters held 20/1/2021.
02/2019	PLN-19-0070, 86 Burghley St Longford, rezone to General Residential and s43A application for 7 Lot Subdivision. Hearing held 13/12/2019. Additional information provided to the Commission on 21/1/2020. The Commission had flood report reviewed. The Commission has advised that it considers it would be difficult to approve the amendment and permit in the absence of further site specific flood modelling being

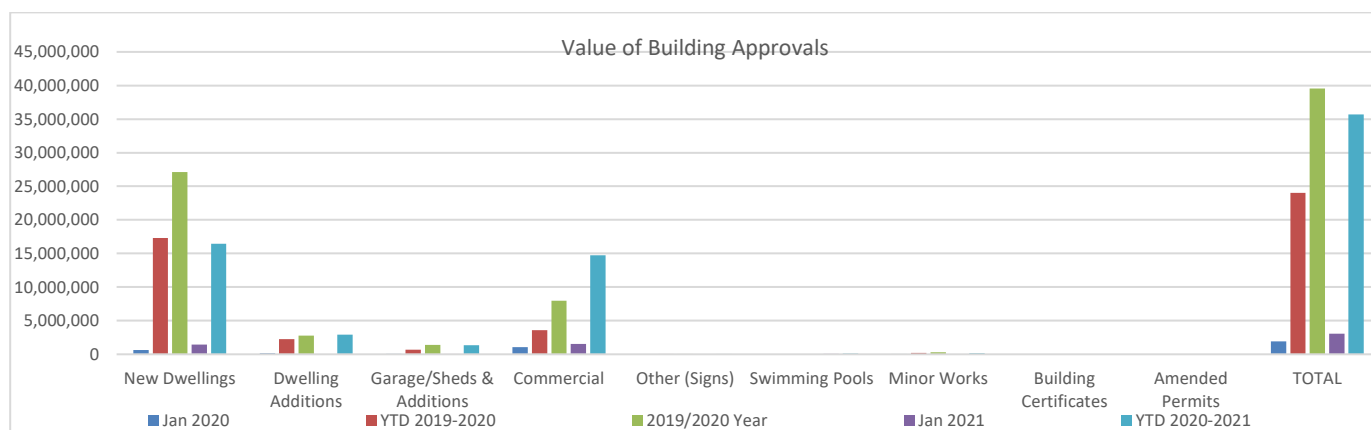
TPC TASMANIAN PLANNING COMMISSION	
	submitted and gave the proponent (Woolcott Surveys) until 4/8/2020 to provide further flood modelling, noting that the invitation to submit further flood modelling is not intended to indicate that the application will be approved if the modelling work is completed. The Commission gave Woolcott Surveys an extension to submit further flood modelling work which they did on 29/10/2020. The Commission provided a peer review of Woolcott Surveys submission on 9/12/2020. Reconvened hearing held for 9/2/2021.
01/2020	PLN-20-0001, 41-43 Wellington St Longford, rezone to General Residential and s43A application for 3 lot subdivision. S39 Report sent to the Commission 3/7/2020. Hearing held 14/10/2020. Reconvened hearing held 22/1/2021. Response to TPC's questions of 25/1/2021 provided 9/2/2021.
04/2020	PLN-20-0230 - Low Density Residential Land at the south of Longford. Report on representation to be considered at Council meeting of 27/1/2021. Section 39 report on representation sent to TPC.
RMPAT RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL	
92/20P	11 Gay Street Longford, appeal against Council's refusal of an application for storage units. Preliminary conference held 13/11/2020. Mediation being undertaken.
114/20P	12 Oakmount Street, Perth, appeal against Council's condition requiring a contribution for roadworks. Preliminary conference held 18/1/2021. Mediation being undertaken based on a more detailed assessment of infrastructure costs.
Decisions received	
TPC	
-	-
RMPAT	
-	-

2.4 Building Approvals

The following table provides a comparison of the number and total value of building works for 2019/2020 – 2020/2021 (figures do not include Building Approvals processed under Resource Sharing Agreements).

	YEAR: 2019-2020				YEAR		YEAR: 2020-2021			
	Jan 2020		YTD 2019-2020		July 2019 - June 2020		Jan 2021		YTD 2020-2021	
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$
New Dwellings	3	612,000	68	17,292,051	110	27,131,594	5	1,429,275	65	16,432,443
Dwelling Additions	3	150,000	26	2,234,001	35	2,757,001	0	0	17	2,928,970
Garage/Sheds & Additions	3	69,200	24	695,142	47	1,394,142	1	18,000	29	1,349,700
Commercial	2	1,050,000	4	3,570,000	9	7,952,000	2	1,550,000	17	14,715,650
Other (Signs)	0	0	1	5,000	1	5,000	0	0	1	12,000
Swimming Pools	0	0	0	0	0	0	1	55,000	2	104,000
Minor Works	3	21,952	17	212,657	20	287,983	0	0	14	156,058
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	2	0	0	0	0	0	0	0
TOTAL	14	1,903,152	142	24,008,851	222	39,527,720	9	3,052,275	145	35,698,821
Inspections										
Building	0		1		58		0		27	
Plumbing	37		215		282		5		166	





2.5 Planning and Building Compliance – Permit Review

There has been a spike in compliance issues this month. Generally, the response to complaints raised is positive with property owners working with Council to remedy the issue, whether it be by removing the works or applying for the appropriate permits.

Below are tables of inspections and action taken for the financial year.

Planning Permit Reviews	This Month	2020/2021	Total 2019/2020
Number of Inspections	1	17	43
Property owner not home or only recently started			1
Complying with all conditions / signed off		9	21
Not complying with all conditions			
Re-inspection required	1	3	17
Notice of Intention to Issue Enforcement Notice			
Enforcement Notices issued			
Enforcement Orders issued			
Infringement Notice			
No Further Action Required		5	4

Building Permit Reviews	This Month	2020/2021	Total 2019/2020
Number of Inspections		10	25
Property owner not home or only recently started			
Complying with all conditions / signed off		2	5
Not complying with all conditions			1
Re-inspection required		1	6
Building Notices issued			
Building Orders issued			
No Further Action Required		7	12

Illegal Works - Building	This Month	2020/21	Total 2019/2020
Number of Inspections		10	26
Commitment provided to submit required documentation		3	1
Re-inspection required		4	6
Building Notices issued		3	4
Building Orders issued		3	4
Emergency Order		2	
No Further Action Required		3	12

Illegal Works - Planning	This Month	2020/21	Total 2019/2020
Number of Inspections	1	44	77
Commitment provided to submit required documentation		3	7
Re-inspection required	1	31	42
Enforcement Notices issued		1	
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued		3	5
No Further Action Required		10	20



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3 STRATEGIC PLAN 2017-2027

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

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

4 STATUTORY REQUIREMENTS

4.1 *Land Use Planning & Approvals Act 1993*

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

4.2 *Building Act 2016*

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

5 RISK ISSUES

Lack of public awareness is a risk to Council. If people are not aware of requirements for planning, building and plumbing approvals, this may result in work without approval. Council continues to promote requirements to ensure the public is aware of its responsibility when conducting development.

6 COMMUNITY CONSULTATION

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

From time to time articles are placed in the Northern Midlands Courier and on Council's Facebook page, reminding the public of certain requirements.

7 OFFICER'S COMMENTS/CONCLUSION

There have been 17 commercial building approvals valued at \$14,715,650 for 2020/21 (year to date), compared to 4 commercial building approval valued at \$3,570,000 (year to date) for 2019/2020.

In total, there were 145 building approvals valued at \$35,698,821 (year to date) for 2020/2021, compared to 142 building approvals valued at \$24,008,851 (year to date) for 2019/20.



NORTHERN MIDLANDS COUNCIL
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RECOMMENDATION

That the report be noted.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

C&D 2 CONSULTATION ON PRIVATE PLANNING CONSULTANT – NO PLANNING APPROVAL REQUIRED CERTIFICATES

Attachments: Section 1 – Page 304

Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Development Supervisor

1 PURPOSE OF REPORT

This report advises Council of consultation being undertaken by the Department of Justice on the possible implementation of options to allow private planning consultants to provide statements or certificates that no planning approval is required, for compliant development (ie. 'no permit required' use status and acceptable solutions of all relevant provisions of the Planning Scheme).

2 INTRODUCTION/BACKGROUND

The Department of Justice has advised:

The proposed options have been identified after initial consultation with the Local Government Association of Tasmania (LGAT), which were commenced as a result of recommendation 26 of the Premier's Economic and Social Recovery Advisory Council (PESRAC) interim report. Consumer, Building and Occupational Services (CBOS) have developed an options paper to further explore the possible options to facilitate any potential change.

The Department invites submissions on the options paper until Friday, 26 February 2021.

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

In June and December 2020 respectively, the Tasmanian Government passed two Building and Construction (Regulatory Reform Amendments) Bills. The first Bill introduced a range of regulatory reforms to tighten up the permit and approval processes within local government, TasWater and TasNetworks. The second Bill introduced similar reforms focused on accountability of State Government agencies in the permit and approval processes.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

In addition to legislative change, some non-legislative reforms were identified that would tighten up permit and approval processes, that could be made by Determinations or policy changes, rather than by introducing new laws. One such non-legislative reform was for 'No Permit Required Certificates'.

6 FINANCIAL IMPLICATIONS

Council currently charges a \$67 review fee, to review the proposal plans and provide advice regarding the status of the development back to the applicant. In some cases, the plans are not compliant, in which case the cost of the review is deducted from the cost of a discretionary planning application.

Competition and consumer laws may impact on the fee Council charges for this service in the future, if private consultants were given the ability to issue 'No Planning Permit Required (NPR)' Certificates. Council Officers will still need to review plans at building approval stage to ensure they match NPR plans, but will no longer be able to recoup costs for this review if privately certified.

7 RISK ISSUES

There is a risk that private planning consultants may interpret the Planning Scheme differently to Council Officers (ie. one party interprets plans to be no permit required, the other interprets plans to require discretionary application), resulting in delays at building approval stage. There does not appear to be any appeal pathway to deal with this issue.

8 CONSULTATION WITH STATE GOVERNMENT

The State Government is undertaking the consultation on this matter.

9 COMMUNITY CONSULTATION

The options paper is provided on the Department of Justice Community Consultations website. All written submissions must be received by close of business on 26 February 2021.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can:

- Provide the submission as recommended;
- Provide an alternative submission; or
- Not provide a submission.

11 OFFICER'S COMMENTS/CONCLUSION

The Department of Justice note that currently, building surveyors, builders and permit authorities may request that an owner, or their agent, confirm that either planning approval has been granted, or that planning approval is not required. In order to provide the requested confirmation that no planning approval is required, the owner, or developer, is currently required to make a request to the planning authority at the relevant council.

To resolve the perceived blockages in the approval processes, the Department of Justice have proposed three options:

- Option 1.** Amend the Director's Determination – Certificates by Qualified Persons for an assessable item to include certificates of No Planning Approval Required issued by Private Planning Consultants
- Option 2.** Adopt Option 1 and require the Private Planning Consultants to hold a building services provider licence under the Occupational Licensing Act 2005.
- Option 3.** Status Quo

The attached Options Paper provides a detailed description of each option. The Department of Justice has provided ‘benefits’ and ‘considerations’ for each option, tabled below. Additional comments by Council Officers have also been provided.

Option	Benefits	Considerations	Officer Comments
<p>Option 1. Amend the Director’s Determination – Certificates by Qualified Persons for an assessable item to include certificates of No Planning Approval Required issued by Private Planning Consultants</p>	<ul style="list-style-type: none"> • Will result in Private Planning Consultants being able to issue a report or statement that no planning approval is required. • Will result in more efficient and timely confirmation that no planning approval is required, resulting in quicker building work commencements. • Reduces burden on council planning authorities to assess proposed works which do not require planning approval • Frees resources at local council to focus on assessing development applications which do require planning consent • Provides certainty for building approval providers, such as building surveyors and permit authorities, that no planning consent is required. • Can specify minimum insurance, qualifications and experience required of Private Planning Consultants who may provide certificate. 	<ul style="list-style-type: none"> • Lack of certainty that the planning consultant holds qualifications they purport to have, due to a lack of a requirement to hold a licence from CBOS • If a licence is not required, the State Government cannot revoke the licence of a private planning consultant if they have demonstrated lack of sufficient competency which may present a risk to consumers • Perception that Private Planning Consultants can undertake the duties of a local council planning authority 	<ul style="list-style-type: none"> • Will create double handling, as Council Officers will still need to review plans at building approval stage to ensure they match NPR plans – would no longer be able to recoup costs for this service. • Planning assessment reports provided with discretionary applications often contain inaccuracies. • No comment has been provided on the availability of private planning consultants to undertake such work or the cost they would charge. • No ‘dispute resolution process’ for inaccuracies in assessment. • Council Officers have significant corporate knowledge of their area/zoning/overlays and the nuances of their Planning Schemes which assists in the assessment process. This includes information held on private property files, such as ‘contaminated land.’ • Private certification has no ‘degree of separation’ between paying client and assessing officer.
<p>Option 2. Adopt Option 1 and require the Private Planning Consultants to hold a building services provider licence under the Occupational Licensing Act 2005.</p>	<ul style="list-style-type: none"> • Will result in Private Planning Consultants being able to issue a certificate stating No Planning Approval Required. • Can specify minimum insurance, qualifications and experience required of Private Planning Consultants who may provide the certificate. • Provides additional certainty to approval providers that planning consultant is suitably qualified and experienced. • Will result in more efficient and timely confirmation that No Planning Approval is Required, resulting in quicker building work commencements. • Reduces burden on council planning authorities to assess proposed works 	<ul style="list-style-type: none"> • Additional cost (licensing) to private planning consultants • Additional regulatory burden to private planning consultants • Without supporting documentation (Fact Sheet/Guidelines) intent may not be well understood. 	<ul style="list-style-type: none"> • Both options 1 and 2 require the involvement of an additional party if there are errors/plan amendments at building approval stage. This will no doubt create additional administration work for Council staff. No comment provided as to whether Council will be expected to follow up/check for changes to plans from ‘NPR assessment’ to ‘building approval’ stage, if both are privately certified. • At a minimum, licencing should be required for Private Certification to allow some recourse on inadequate assessments; however, Council Officers routinely require corrections to documents/plans prepared by

Option	Benefits	Considerations	Officer Comments
	<p>which do not require planning approval.</p> <ul style="list-style-type: none"> • Frees resources at local council to focus on assessing development applications which do require planning consent. • Provides certainty for building approval providers, such as building surveyors and permit authorities that no planning consent is required. • Provides the ability for the Administrator of Occupational Licensing to revoke, or refuse to renew, the licence of a private planning consultant if the person has demonstrated a lack of sufficient competency or professional conduct. 		<p>licenced practitioners through the building approval process. There is concern this process will become the same.</p>
<p>Option 3. Status Quo</p>	<ul style="list-style-type: none"> • No additional regulatory material for approval providers to comprehend. • No additional costs to owner/developer (other than costs resulting from delayed commencement of work) 	<ul style="list-style-type: none"> • Will not provide an alternative option for an owner/developer to obtain a No Planning Approval Required certificate to satisfy an approval provider, meaning owners remain bound to council timelines. • Does not result in the facilitation of recommendation 26 of the PESRAC Interim Report. • Does not implement preferred options as discussed with State Government and LGAT. • Does not free resources at council to commit to assessing and determining development applications which do require consideration for permit. • Does not alleviate potential regulatory blockages, as described in the PESRAC interim report. 	<ul style="list-style-type: none"> • Likely to be negligible impact on Council resources due to requirement to review/check practitioner assessment. Workload could potentially increase by adding additional party to assessment process. • Costs to consumer likely to be significantly increased if there becomes expectation that Council must match costs of private consultants due to consumer competition laws. • No guarantee of continuity between private consultants in terms of costs/timeframes/level of service.

12 ATTACHMENTS

Options Paper: No Planning Permit Required Certificates

RECOMMENDATION

That Council provides a submission to the Department of Justice that it supports Option 3: Status Quo, on the following grounds:

- The introduction of Private Certification for 'No permit required' development is likely to have negligible impact on Council resources due to requirement to review/check practitioner assessment anyway. If this is not expected from Council, the process has no quality assurance check points.



NORTHERN MIDLANDS COUNCIL

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- Some matters requiring assessment require review of Council's property file/are unmapped, such as contaminated land.
- Workload could potentially increase when amendments/changes to plans occur at building approval, by adding an additional party to assessment process and associated admin.
- Costs to consumer likely to be significantly increased if there becomes expectation that Council must match costs of private consultants due to consumer competition laws.
- No guarantee of continuity between private consultants in terms of costs/timeframes/level of service, which is expected across local government.
- No 'dispute resolution process' has been identified for inaccuracies in assessment.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL
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CORP 1 MONTHLY FINANCIAL STATEMENT

Attachments: Section 1 – Separate Attachment

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

Item to be circulated as a late item.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

WORKS 1 TRAFFIC CONCERNS: WELLINGTON & MARLBOROUGH STREETS INTERSECTION AT LONGFORD

Attachments: Section 1 – Page 315

Responsible Officer: Des Jennings, General Manager

Report prepared by: Leigh McCullagh, Works Manager and Jonathan Galbraith, Engineering Officer

1 PURPOSE OF REPORT

The purpose of this report is for Council to consider the report provided by JMG Engineers regarding traffic concerns at the intersection of Marlborough and Wellington Street, Longford.

2 INTRODUCTION/BACKGROUND

The intersection of Wellington and Marlborough Street is one of the busiest intersections in Longford. When upgrades were carried out in the Longford Main Street, approximately 16 years ago, works were done to improve the alignment of this intersection.

On 17 September 2019 a collision occurred at this intersection when a vehicle failed to give way. This accident caused some damage to the Sticky Beaks Café. There have also been anecdotal reports of other accidents at this intersection.

On 23 September 2019, a letter was received from the owner of the Sticky Beaks Café, Mr Gregory Howlett expressing his concerns about the risk to pedestrians or patrons of the café.

At the Council meeting on 20 July 2020 the following decision was made:

DECISION

Cr Goninon/Cr Lambert

That Council

- i) conduct a vehicle movement survey on the
 - Wellington/Marlborough street and
 - Wellington/Lyttleton Streetintersections to ascertain the data on vehicle movements through those intersections; and*
- ii) investigate current heavy vehicle movements and routes through Longford and identify possible solutions and alternate routes; and*
- iii) present the data and options for discussion at a Council Workshop prior to a report being tabled at a future Council meeting.*

A report was received from JMG Engineers on 3 November 2020, which reviewed traffic movements in the area and proposed possible improvements. In preparing the report, Engineers from JMG met with the owner of Stickybeaks Café and a number of other nearby businesses.

3 STRATEGIC PLAN 2017-2027

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

- Lifestyle – Strong, Vibrant, Safe and Connected Communities
- Core Strategies:
- ♦ Communicate – Communities speak & leaders listen
 - ♦ Caring, Healthy, Safe Communities – Awareness, education & service



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

4 POLICY IMPLICATIONS

N/A

5 STATUTORY REQUIREMENTS

The following Acts, legislation, and standards relevant to this matter:

- *Local Government Highways Act 1982*
- LGAT Tasmanian Municipal Standard drawings
- Standard drawings transport services

6 FINANCIAL IMPLICATIONS

JMG suggested three possible treatments for the intersection ranging in price from \$29,000 - \$42,000. JMG did not believe that the 50km impact rated bollards that had previously been investigated by Council Officers would be required at this location due to the low speed environment, they instead recommended mass concrete block bollards which could also possibly be used as planter boxes.

Council Officers recently submitted an application for blackspot funding works for this intersection. The application was made for 66% of the cost up to a maximum of \$30,000 for the recommended option 3. The successful outcome of this application was advised on 4th February 2021.

Two further accidents have happened at the intersection, one with a vehicle going through the trough island travelling in a southerly direction, and another when the give-way sign was removed by vandals and a car drove out without stopping from Wellington Street south into traffic coming from Wellington Street north pushing the vehicle into the Antique Shop building.

Bollard protection may also need to be also considered in front of Antique Shop building.

7 RISK ISSUES

There is a significant risk of further collision at this intersection, and the possibility that a pedestrian could be struck by a vehicle due to the high numbers of pedestrians that use this area.

8 CONSULTATION WITH STATE GOVERNMENT

In October 2019 Council's General Manager, Mr Jennings, and Garry Hills of the Department of State Growth (DSG) met on site; and there have been ongoing discussion between Council Officers and representatives of the Department of State Growth since that time.

The possibility of a raised intersection treatment or a roundabout has been discussed with DSG officers. Both these treatments would mainly involve works within the DSG maintained section of the road and they have advised that at the present time they have no plans to do any works at this intersection.

At Council's request, DSG officers have undertaken further investigation and advised that it would be difficult to design a roundabout capable of accommodating large trucks.

On 3 November a copy of the JMG report was forwarded to officers from DSG; however, the JMG report focusses mainly on works that can be done on within the Council maintained section of the road. Approval of the Vulnerable User Grant Program application for JMG's recommendation no. 3 has now been received with DSG's sign off.



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9 COMMUNITY CONSULTATION

On a number of occasions, Council staff and engineers from JMG have held discussions with the owner of Sticky Beaks Café, Mr Gregory Howlett, as well as other nearby business owners and operators.

10 OPTIONS FOR COUNCIL TO CONSIDER

- 1) JMG Option 1 – No right-turn out of Wellington Street
- 2) JMG Option 2 – No northbound entrance into Wellington Street at High Street
- 3) JMG Option 3 – Barrier protecting Stickybeaks Café building
- 4) Continue to discuss the possibility of raised intersection treatment or roundabout with the Department of State Growth.

11 OFFICER'S COMMENTS/CONCLUSION

The JMG report looks at three options and sets out the advantages and disadvantages of each. JMG recommend installing a barrier to protect the Stickybeaks building. This would also provide protection for pedestrians in the event of an accident, but does not address the concerns that have been raised by local business regarding the risk of a collision when turning right out of Wellington Street. In discussions with JMG engineers they have advised that; based on the official crash data, on-site investigations and discussions, they do not believe this to be the most serious issue and that main concerns that need to be addressed are:

- 1) providing a safer crossing point for pedestrians
- 2) protecting the Stickybeaks building
- 3) providing protect for pedestrians on the footpath if there is a collision.

The JMG report does not recommend closing Wellington Street in one or both directions due to the impact this would have on local businesses and as it would divert heavy vehicle traffic to High Street and other nearby streets and this is not likely to be supported by the residents of those streets.

The most effective solution may be to construct a roundabout at the intersection. This would require further discussions between Council and DSG to determine whether it is possible to design a roundabout suitable for large vehicles. It would also require both Council and DSG to be prepared to commit funds to these works.

11 ATTACHMENTS

11.1 JMG Traffic Study, Wellington Street and Marlborough Street Intersection, Longford

RECOMMENDATION

That Council

- i) approve the implementation of JMG Engineers & Planners' recommendation no. 3 with funding of 66 percent from the Vulnerable Road User Program;
- ii) continue to liaise with the Department of State Growth regarding other long term traffic management improvements for intersection.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

PUBLIC QUESTIONS & STATEMENTS

PUBLIC ATTENDANCE DURING THE COVID-19 DISEASE EMERGENCY DECLARATION

Public Attendance Meeting Guidelines during the COVID-19 Disease Emergency

The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This has necessarily meant that public attendance at meetings has been restricted. Under these arrangements Council meetings have been undertaken remotely via online platforms.

While COVID-19 restrictions remain in place, Council is mindful of the need to ensure community safety and compliance with regard to social distancing and limitations on the number of persons who may gather. This obligation is balanced with the need to minimise disruption to the business of Council.

Council determined that limited public access to Council meetings would be permitted from the Council Meeting scheduled for 14 December 2020.

Attendance of the public will be restricted to those who wish to make representation or present a statement in person at the meeting, preference is to be given to individuals

1. making representations to planning applications which are subject to statutory timeframes (limit of 4 persons per item),
- and
2. those making statements or representations on items listed in the Agenda for discussion (limited to 2 persons).

To ensure compliance with Council's COVID-19 Safety Plan, any person wishing to attend will be required to register their interest to attend, which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting by emailing council@nmc.tas.gov.au or phoning Council on 6397 7303.

On arrival attendees will:

- be required to complete the health declaration section of their registration form to support COVID-19 tracing (in the event that it is necessary); and
- receive direction from council officers (or Council's delegate) in relation to their access to the meeting room.

Access to the Municipal Building will only be permitted until 6.45pm, at which time Public Question Time will commence.

Members of the public who would prefer not to attend the meeting, but would like to ask a question or make a representation to the Council that would normally be heard during Public Question Time, may forward their question/representation to council@nmc.tas.gov.au which is to be received by Council before 12noon 4 days (i.e. usually the Friday) preceding the meeting.

Any questions/representations received will be circulated to Councillors prior to the meeting, tabled at the meeting and recorded in the minutes of the meeting.

These arrangements are subject to review based on any change in circumstance relating to the COVID-19 Disease Emergency.

Council will continue to ensure minutes and audio recordings of Council meetings are available on Council's website.

PUBLIC QUESTIONS AND STATEMENTS

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

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

- At each Council Meeting up to 20 minutes, or such longer period as Council may determine by resolution at that meeting, is to be provided for persons at the meeting to ask questions.
- A person seeking to ask a question must firstly identify himself or herself by stating their name and the town they reside in.



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- If more than one person wishes to ask a question, the Mayor is to determine the order in which those questions are asked.
- Questions must be directed to the Mayor who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is known otherwise taken on notice and responded to in writing within 10 working days.
- Questions should preferably be in writing and provided to the General Manager 7 days prior to the Council Meeting.
- A person is entitled to ask no more than 2 questions on any specific subject. If a person has up to two questions on several subjects, the Mayor may defer those questions until other questions have been asked and refer back to that person only if time permits.
- Each submission speaker is limited to a maximum of 3 minutes.

1 PUBLIC QUESTIONS



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

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

REPRESENTATIONS ON PLANNING ITEMS

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

Each speaker is limited to a maximum of 3 minutes.

PLAN 1 PLANNING APPLICATION PLN-20-0324: 34 DRUMMOND STREET, PERTH

PLAN 2 PLANNING APPLICATION PLN-21-0008: 20 ZIRCON PLACE, PERTH

PLAN 3 REQUEST FOR SUBMISSIONS – DRAFT AMENDMENT: 41-43 WELLINGTON STREET, LONGFORD

**PLAN 1 PLANNING APPLICATION PLN-20-0324: 34 DRUMMOND STREET,
PERTH**

Attachments: Section 1 – Page 343

File Number: PLN-20-0324
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report assesses an application for 34 Drummond Street, Perth to demolish part of a garage and construct a second access in the Heritage Precinct.

2 BACKGROUND

Applicant:

Jaffa International Pty Ltd

Zone:

General Residential

Classification under the Scheme:

Discretionary

Deemed Approval Date:

19 February 2021

Owner:

Kathlene Elizabeth Gardner

Codes:

Road and Railway Assets Code
Local Historic Heritage Code

Existing Use:

Residential (single dwelling)

Recommendation:

Approve

Discretionary Aspects of the Application

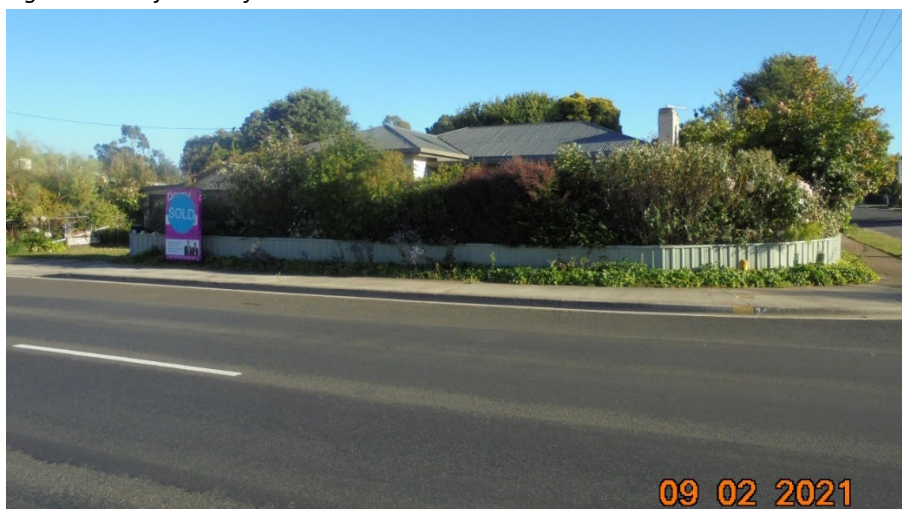
- Demolition in Heritage Precinct.
- Construction of second access.

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

Preliminary Discussion

Prior to submission of the application, the applicant held discussions with Council officers regarding the application.

Figure 1 – subject site from Drummond Street



3 STATUTORY REQUIREMENTS

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

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

4 ASSESSMENT

4.1 Proposal

It is proposed to:

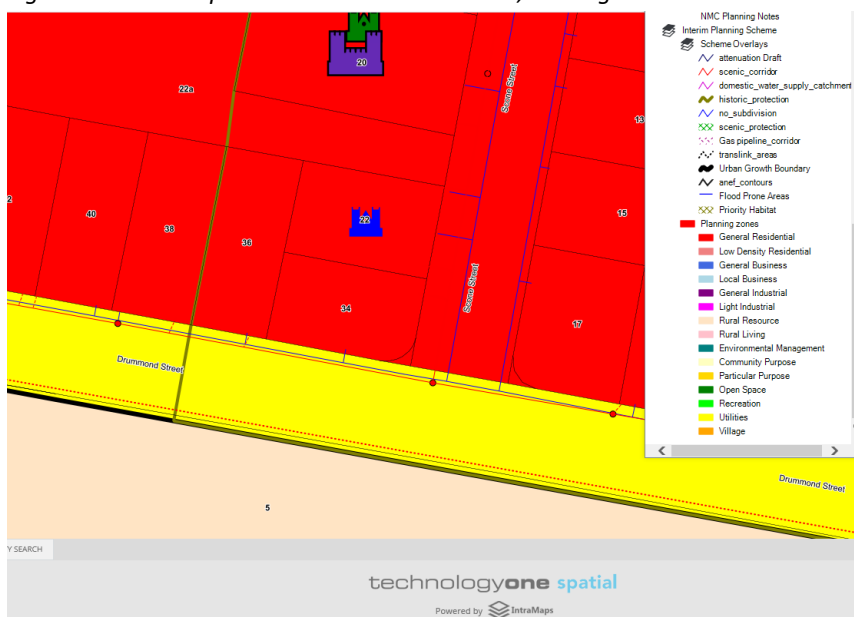
- Demolish part of a garage.
- Construct a second access.

Figure 2 – Proposed Site Plan



4.2 Zone and land use

Figure 3 - Zone Map – General Residential Zone, Heritage Precinct



The land is zoned General Residential and is within the Heritage Precinct.

The relevant Planning Scheme definitions are:

<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
<i>outbuilding</i>	<i>means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.</i>

4.3 Subject site and locality

The author of this report carried out a site visit on 9 February 2021. The site contains a dwelling, outbuilding and garden. Adjoining land is similarly developed. Over Drummond Street is a farm.

Figure 4 - Aerial photograph of area - 2019



Figure 5 – subject site from Drummond Street showing garage proposed to be partially demolished



Figure 6 – garage proposed to be partially demolished.



Figure 7 – subject site from Scone Street



Figure 8 – exposed concrete aggregate footpath in Scone Street and adjacent crossover



4.4 Permit/site history

There is no permit or site history relevant to this application.

4.5 Representations

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

- G & JM Brown, 22 Scone Street, Perth
- A & K Adams, 36 Drummond Street, Perth

Figure 9 - Map showing location of representors' properties (outlined in red) in relation to subject site (highlighted)





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

Issue 1

- Safety concerns with how close the new access will be to the intersection of Scone Street and Drummond Street.

Planner's comment:

The applicant has provided a traffic impact assessment that was reviewed and approved by Council's Engineering Officer. The applicant also provided advice from a traffic engineer stating that:

- *There is a wide verge between the property boundary and the street with no obstructions to sight distance.*
- *Regarding proximity to the intersection, Australian Standard AS2890.1 provides guidance for Category 1 access driveways. The requirement is 6 m from the tangent point of the curve – which I believe is met.*

Issue 2

- Concerns that a carport will not be in keeping with the heritage look and feel of the street.

Planner's comment:

Any application for a carport will be assessed against the planning scheme.

Issue 3

- Does not see why it would be necessary to halve the size of the garage. Concerns there is an underlying motive to subdivide the block and put a unit between the house and 36 Drummond St.

Planner's comment:

The application to demolish part of the garage is assessed against the planning scheme, not on the necessity of it. Any application to subdivide the block/construct a unit will be assessed against the planning scheme.

Issue 4

- The access off Scone Street will not fit in with the heritage status of the street.

Planner's comment:

Council's Heritage Adviser has provided the opinion that the new crossover will not have an impact on the streetscape. It is recommended that the new crossover be of exposed concrete aggregate to match the adjacent footpath and crossover.

4.6 Referrals

Council's Works Department

Summary: Council's Engineering Officer, Jonathan Galbraith, recommended the following condition:

A concrete driveway crossover and apron must be constructed from the edge of the Road to the property boundary in accordance with Council standard drawing TSD R09 and all other relevant Council standards.

Access works must not commence until an application for vehicular crossing has been approved by Council.

Heritage Adviser

Council's Heritage Adviser, David Denman, advised that he has no objection to the proposal and commented that the section of the garage to be demolished has no heritage value and will therefore not have an adverse impact on the streetscape. The new crossover will not have an impact on the streetscape.

4.7 Planning Scheme Assessment

ASSESSMENT AGAINST CLAUSE 9.4 - DEMOLITION

9.4.1 *Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:*

- (a)** *the purpose of the applicable zone.*



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Comment: Purpose of the General Residential zone is:

- *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.*

The proposal complies with the zone purpose.

(b) any relevant local area objective or desired future character statement of the applicable zone.

Comment: The local area objectives are:

- *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.*

To comply with the objectives, the new crossover will need to be in exposed concrete aggregate to match the footpath and adjacent crossover and the parking area of exposed concrete aggregate, pavers, or gravel, rather than bitumen, asphalt, or white concrete.

(c) the purpose of any applicable code.

Comment: The purpose of the Local Historic Heritage Code is:

- *protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; and*
- *encourage and facilitate the continued use of these items for beneficial purposes; and*
- *discourage the deterioration, demolition or removal of buildings and items of assessed heritage significance; and*
- *ensure that new use and development is undertaken in a manner that is sympathetic to, and does not detract from, the cultural significance of the land, buildings and items and their settings; and*
- *conserve specifically identified heritage places by allowing a use that otherwise may be prohibited if this will demonstratively assist in conserving that place.*

Council's Heritage Adviser has advised that the demolition satisfies the performance criteria for demolition in the Local Historic Heritage Code and that the new crossover will not have an impact on the streetscape. It is therefore considered that the demolition and second access comply with the purpose of the Local Historic Heritage Code.

The purpose of the Road and Railway Assets Code is:

- 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*
- maintain opportunities for future development of road and rail infrastructure; and*
- reduce amenity conflicts between roads and railways and other use or development.*

The applicant has provided a traffic impact assessment that was reviewed and approved by Council's Engineering Officer. The applicant also provided advice from a traffic engineer stating that:

- *There is a wide verge between the property boundary and the street with no obstructions to sight distance.*
- *Regarding proximity to the intersection, Australian Standard AS2890.1 provides guidance for Category 1 access driveways. The requirement is 6 m from the tangent point of the curve – which I believe is met.*

It is therefore considered that the new crossover complies with the purpose of the Road and Railway Assets Code.

(d) the purpose of any applicable specific area plan.

Comment: The purpose of the Heritage Precincts Specific Area Plan is as follows:

- *In addition to, and consistent with, the purpose of E13.0 Local Historic Heritage Code, the purpose of this Specific Area Plan is to ensure that development makes a positive contribution to the streetscape within the Heritage Precincts.*

Council's Heritage Adviser advises that the section of garage to be demolished has no heritage value and will therefore not have an adverse impact on the streetscape and the new crossover will not have an impact on the streetscape. It is therefore considered that the demolition and second access comply with the purpose of the Specific Area Plan.

ASSESSMENT AGAINST CODE E4 – ROAD AND RAILWAY ASSETS CODE

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a – the new access is to a road with a speed limit of 50km/h.	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. The new access will not generate more than 40 vehicle entry and exit 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 – the proposal does not involve the existing access.	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:	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:



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<ul style="list-style-type: none"> a) new road works, buildings, additions and extensions, earthworks and landscaping works; and b) building areas on new lots; and c) outdoor sitting, entertainment and children’s play areas 	<ul style="list-style-type: none"> a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant’s expense within three years or as otherwise agreed by the road or rail authority.
Complies.	N/a

E4.7.2 Management of Road Accesses and Junctions

Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies. Scone Street has a speed limit of 50km/h. Only one access, providing both entry and exit, is proposed to Scone Street.	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: <ul style="list-style-type: none"> 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.
Complies.	N/a

E4.7.3 Management of Rail Level Crossings

Objective To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.	
Acceptable Solutions	Performance Criteria
A1 Where land has access across a railway: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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

<p>Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>	
<p>Acceptable Solutions</p> <p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	
<p>Performance Criteria</p> <p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>	
<p>Tabled E4.7.4 requires 80m of site distance. This is achievable to the north but not to the south. Must be assessed against the performance criteria.</p>	<p>The applicant has provided a traffic impact assessment that was reviewed and approved by Council’s Engineering Officer. The applicant also provided advice from a traffic engineer stating that:</p> <ul style="list-style-type: none"> • <i>There is a wide verge between the property boundary and the street with no obstructions to sight distance.</i> • <i>Regarding proximity to the intersection, Australian Standard AS2890.1 provides guidance for Category 1 access driveways. The requirement is 6 m from the tangent point of the curve – which I believe is met.</i> <p>It is considered that the proposal complies with the performance criteria.</p>

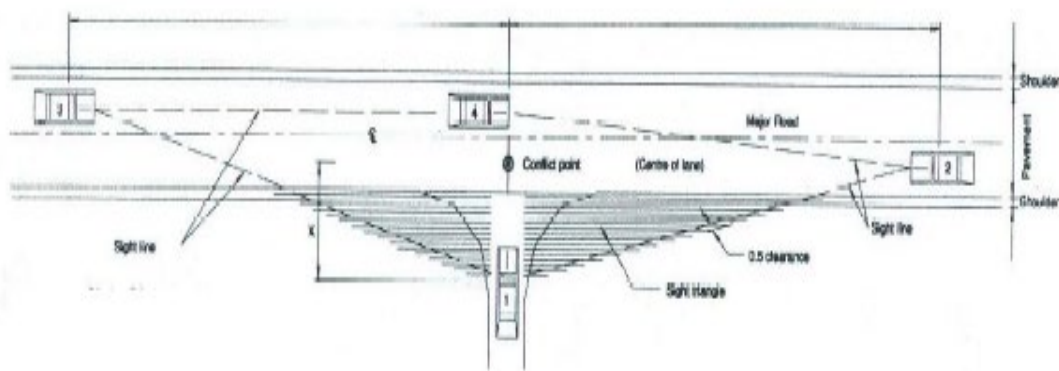


Figure E4.7.4 Sight Lines for Accesses and Junctions

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



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Notes:

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

ASSESSMENT AGAINST E13.0 LOCAL HISTORIC HERITAGE CODE

E13.6.1 Demolition

<i>Objective</i> To ensure that the demolition or removal of buildings and structures does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.	
Acceptable Solutions	Performance Criteria
A1 Removal of non-original cladding to expose original cladding.	<p>P1.1 Existing buildings, parts of buildings and structures must be retained except:</p> <ul style="list-style-type: none"> a) where the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or b) the demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or c) there are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or d) the building is identified as non-contributory within a precinct identified in Table E13.1: Heritage Precincts, if any; and <p>P1.2 Demolition must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
Does not comply. Must be considered against the performance criteria.	Comment: Council's Heritage Adviser advises that the proposal satisfies the performance criteria noting that the section of garage to be demolished has no heritage value and will therefore not have an adverse impact on the streetscape.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a
E4.0 ROAD AND RAILWAY ASSETS CODE	See code assessment.
E.5.0 FLOOD PRONE AREAS CODE	N/a
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies. The proposal results in no additional parking requirement and there will be no loss of parking - although one garage is proposed to be demolished, the parking space will remain available.
E7.0 SCENIC MANAGEMENT CODE	N/a
E8.0 BIODIVERSITY CODE	N/a
E9.0 WATER QUALITY CODE	N/a
E10.0 RECREATION AND OPEN SPACE CODE	N/a
E11.0 ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0 LOCAL HISTORIC HERITAGE CODE	Complies – See code assessment.
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a. The Heritage Precinct Specific Area Plan contains no provisions that apply to demolition or crossovers.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

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	See assessment above.

STATE POLICIES
The proposal is consistent with all State Policies.

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

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

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Demolition in heritage precinct.
- Construction of second access.

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

The advice of Council's Heritage Adviser is that the demolition satisfies the performance criteria of the Local Historic Heritage Code, commenting that the section of the garage to be demolished has no heritage value and will therefore not have an adverse impact on the streetscape and the new crossover will not have an impact on the streetscape.

The applicant has provided a traffic impact assessment that was reviewed and approved by Council's Engineering Officer. The applicant also provided advice from a traffic engineer stating that:

- There is a wide verge between the property boundary and the street with no obstructions to sight distance.*
- Regarding proximity to the intersection, Australian Standard AS2890.1 provides guidance for Category 1 access driveways. The requirement is 6 m from the tangent point of the curve – which I believe is met.*

It is recommended that the application be approved. To comply with the local area objectives of the zone it is recommended that the new crossover be of exposed concrete aggregate to match the footpath and adjacent crossover and the new parking area be of exposed concrete aggregate, pavers, or gravel, rather than bitumen, asphalt, or white concrete.

8 ATTACHMENTS

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



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

RECOMMENDATION

That land at 34 Drummond Street, Perth be approved to be developed and used to demolish part of garage and construct second access (Heritage Precinct) in accordance with application PLN-20-0324, and subject to the following conditions:

1 Layout not altered

The use and development must be in accordance with the endorsed document **P1** (Site Plan, Woolcott Surveys, 10/12/20, v1.0, sheet 1/1), **except as required by Condition 2.**

2 Modified plans required

Before the development starts, modified plans must be submitted to Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be substantially in accordance with the endorsed plans but modified to show:

- (a) *The new crossover in exposed concrete aggregate.*
- (b) *The new parking bay in exposed concrete aggregate, pavers, or gravel.*

3 Access

An exposed aggregate concrete driveway crossover and concrete apron must be constructed from the edge of Scone Street to the property boundary in accordance with Council standard drawing TSD R09 and all other relevant Council standards. Access works must not commence until an application for vehicular crossing has been approved by Council.

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

PLAN 2 PLANNING APPLICATION PLN-21-0008: 20 ZIRCON PLACE, PERTH

Attachments: Section 1 – Page 372

File Number: 117000.2; CT 179822/21
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Development Supervisor

1 INTRODUCTION

This report assesses an application for 20 Zircon Place, Perth to construct a dwelling (vary internal front setback to 1m).

2 BACKGROUND

Applicant: Engineering Plus	Owner: Robert Keith & Tegan Louise Knee
Zone: General Residential Zone	Codes: Car Parking and Sustainable Transport Code
Classification under the Scheme: Discretionary	Existing Use: Vacant
Deemed Approval Date: 2-Mar-2021	Recommendation: Approve

Discretionary Aspects of the Application

- Reliance on the performance criteria of the General Residential Zone (clause 10.4.2 P3 - Setbacks and building envelope for all dwellings) – internal front setback.
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code (clause E6.7.2 P2 - Design and Layout of Car Parking) – no passing bay at 30m.

Planning Instrument: *Northern Midlands Interim Planning Scheme 2013, Version 32, Effective from 19th October 2021.*

3 STATUTORY REQUIREMENTS

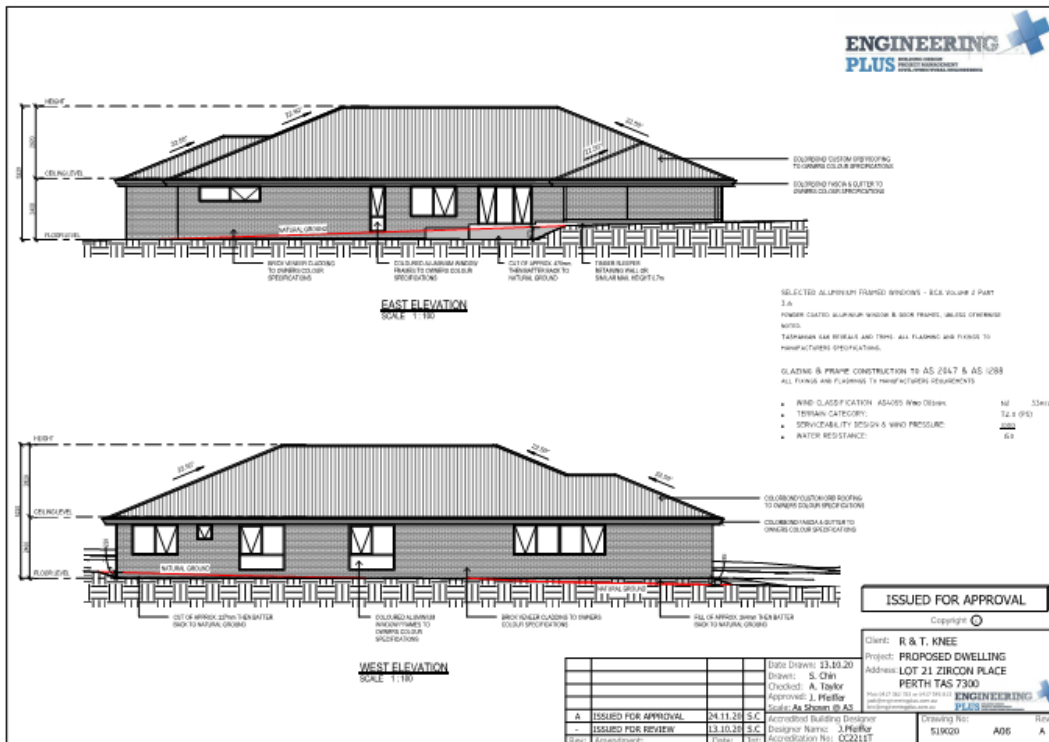
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e. a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51 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

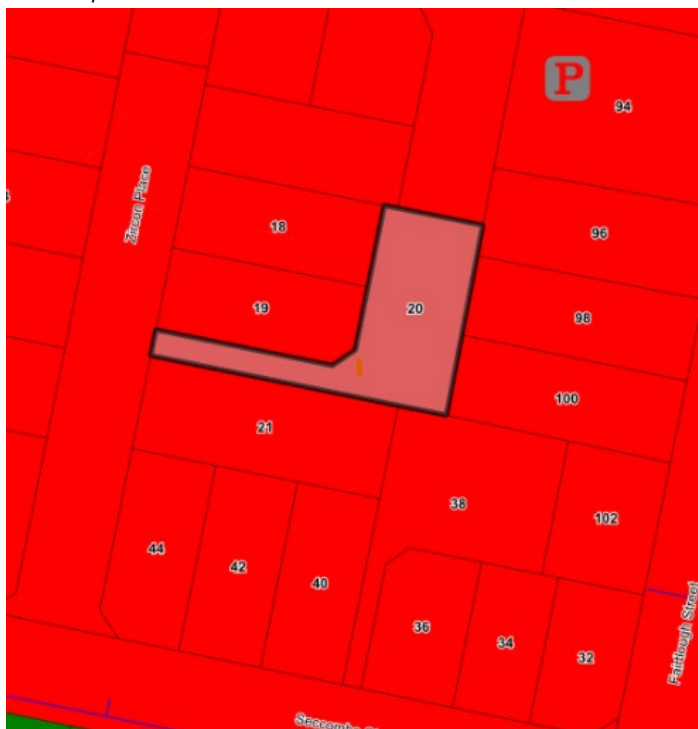
It is proposed to:

- Dwelling (vary internal front setback to 1m).



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>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
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Residential (single dwelling) is a 'no permit required' use in the zone.

4.3 Subject site and locality

The author of this report carried out a site visit on the 5th February 2021. The subject site is a 1108m² internal lot, that is constrained by easements to the southern and eastern sides of the lot.

Aerial photograph of area



Photographs of subject site





4.4 Permit/site history

Relevant permit history includes:

- N/a – vacant site.

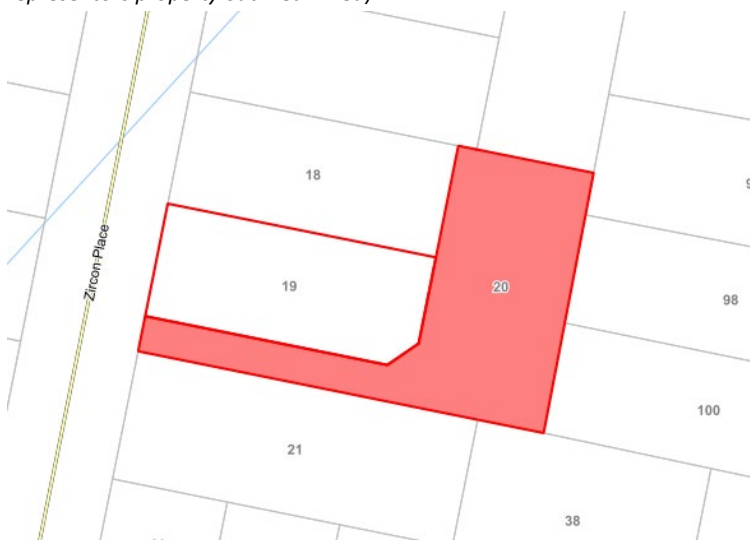
4.5 Representations

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 a representation (attached) was received from:

- E. Cartledge & T. Tiffin (property owners of 19 Zircon Place, Perth).

Zone Map – General Residential Zone

Map showing location of representor property in relation to subject site (subject site highlighted, representors property outlined in red)



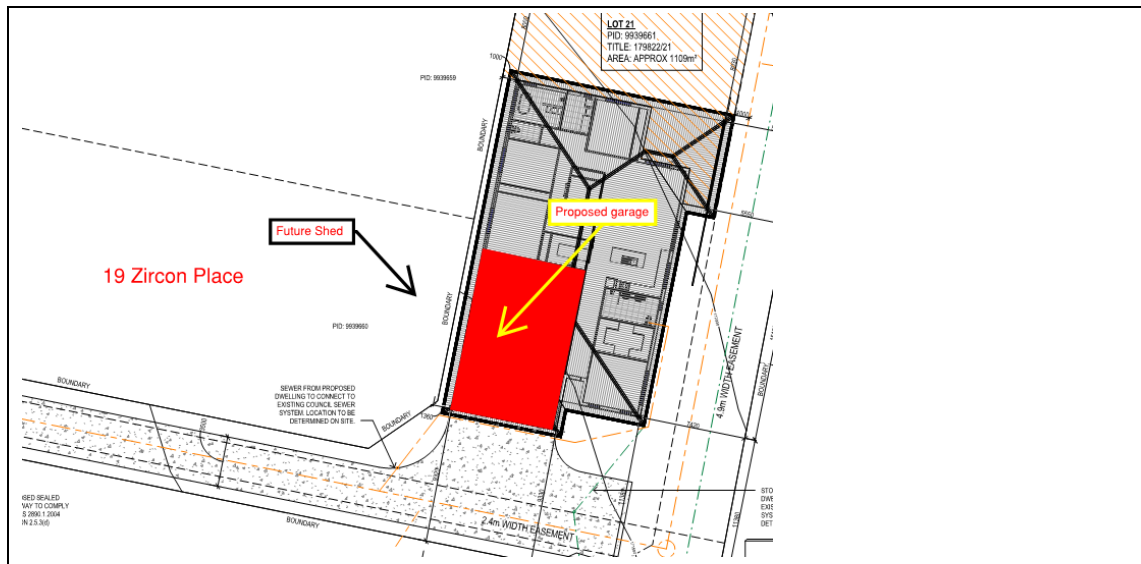
The matters raised in the representations are outlined below followed by the planner's comments.

Issue 1

- Consideration be given to future shed on eastern side of #19 Zircon Place.

Planner's comment:

The representor does not directly have any particular issues with regard to the proposed placement of the dwelling on #20 but does wish to raise early in the process their intention to construct an outbuilding on the eastern side of #19. This insight is helpful in assessing the impacts of any potential overshadowing caused by the setback variation of the dwelling on the adjoining vacant lot. Given the dwelling proposes a garage for almost the entire rear boundary of #19 (see image below), a future shed on this lot 1m from the rear boundary is unlikely to negatively impact on the proposed dwelling, but would be subject to a discretionary planning application.



4.6 Referrals

The application did not require any referrals.

4.7 Planning Scheme Assessment

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

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

PRECIS OF DEVELOPMENT STANDARDS FOR SINGLE DWELLINGS	
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
	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
	✓	(b) 1.5m side setback or built to the boundary (existing boundary wall within .2m of boundary or; 9m or 1/3 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)
	✓	(c) at least 25% free from impervious surfaces
	✓	A2 (a) POS of 24m ² in one location
	✓	(b) horizontal dimension of 4m; 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
	✓	(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		
	✓	A1 1 habitable room (other than bedroom) with window facing between 30 degrees west of north and 30 degrees east of north
10.4.5 Width of openings for garages and carports		
	N/a	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 A2 Window or glazed door to be offset 1.5m from neighbour's window, OR sill height 1.7m above floor level, OR obscure glazing to 1.7m OR external screen to 1.7m
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
Easements		
	✓	No construction over an easement

The application meets the acceptable solutions of the General Residential zone, except for the variation to the internal front setback. Accordingly, the development relies on the following performance criteria:

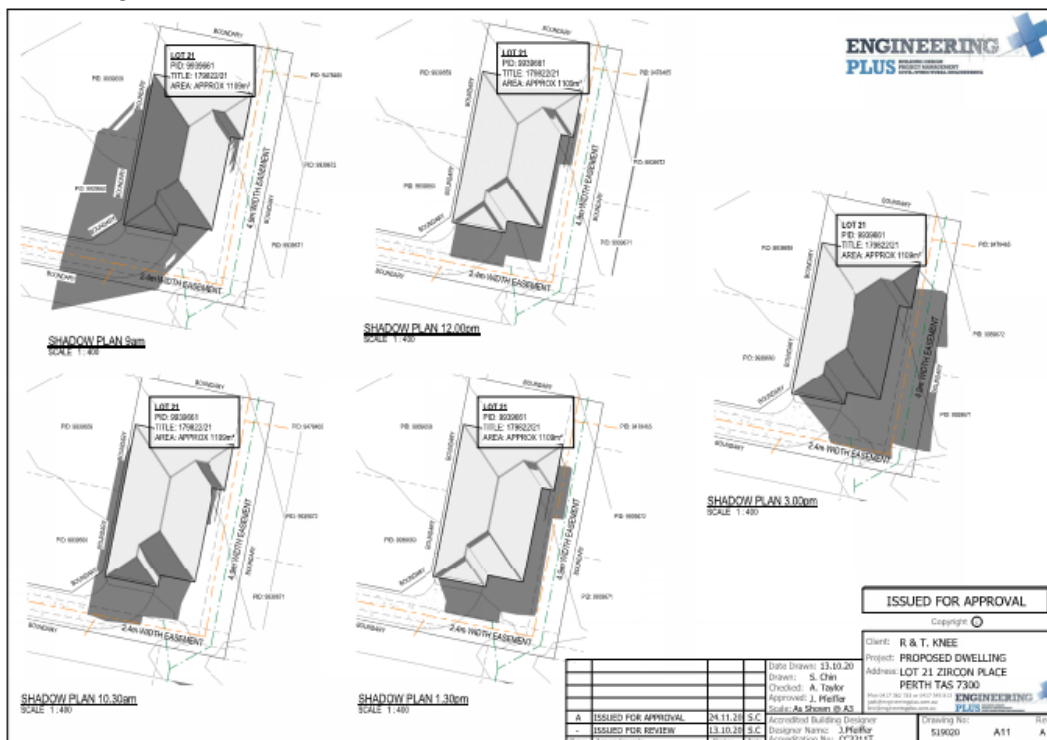
P3	The siting and scale of a dwelling must: (a) not cause unreasonable loss of amenity by: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling OR an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or
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- (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:

It is considered that the variation to the internal front setback meets the performance criteria, by not causing unreasonable loss of amenity by overshadowing of an adjoining vacant lot. The shadow diagrams provided indicate that from midday onward, the shadowing will be contained within the subject site. Further, the representation indicates that the adjoining property owners intend to build an outbuilding on #19, which would further counteract any impacts of overshadowing and visual impacts. The site is constrained by easements to the south and east, which has influenced the overall location of the dwelling. Although the adjoining lots are yet to be developed, the internal position of the lot, and orientation of adjoining lots will ensure separation between future dwellings on adjoining lots is compatible with that prevailing in the surrounding area.

Shadow diagrams



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
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	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



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E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

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>
<p>Comment:</p> <p>Complies 2 + spaces within garage.</p>	

Table E6.1: Parking Space Requirements

Use	Parking Requirement	
	Vehicle	Bicycle
Residential: <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>

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>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>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> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>Comment:</p>	



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Complies – available within garage.

E6.6.3 Taxi Drop-off and Pickup

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

E6.6.4 Motorbike Parking Provisions

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

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1 All car parking, access strips manoeuvring and circulation spaces must be: <ul style="list-style-type: none"> a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. 	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: Complies with A1 (a). (b) & (c) are not applicable.	

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: <ul style="list-style-type: none"> a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Comment: A1.1 – N/a – located within garage. A1.2 – Complies.	
A2.1 Car parking and manoeuvring space must: <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards</i>	P2 Car parking and manoeuvring space must: <ul style="list-style-type: none"> a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.



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AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.

Comment:

Relies on P2, due to lack of passing bay at 30m. The proposal complies with P2 (a) & (b) – the 3.5m driveway services a single dwelling only and will have clear visibility for the entire length. Sufficient room is available within Zircon Place for a waiting vehicle. Car parking and manoeuvring space is therefore convenient, safe and efficient to use. There is adequate space to turn within the site, from the garage parking spaces.

Table E6.2: Access Widths for Vehicles

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

E6.7.3 Car Parking Access, Safety and Security

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

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

Comment:

N/a

E6.7.4 Parking for Persons with a Disability

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

Acceptable Solutions		Performance Criteria	
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1	The location and design of parking spaces considers the needs of disabled persons, having regard to:
		a)	the topography of the site;
		b)	the location and type of relevant facilities on the site or in the vicinity;
		c)	the suitability of access pathways from parking spaces, and
		d)	applicable Australian Standards.
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:
		a)	characteristics of the populations to be served;
		b)	their means of transport to and from the site; and
		c)	applicable Australian Standards.

Comment:

N/a – no accessible parking proposed (private dwelling).

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:	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.
a)	at least one loading bay must be provided in accordance with Table E6.4; and		
b)	loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.		

Comment:

N/a – residential use



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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
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <p>a) be accessible from a road, footpath or cycle track; and</p> <p>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</p> <p>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</p> <p>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</p> <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>
<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>
<p>Comment: Complies with A1.2 and A2 – space available within garage.</p>	

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development	
Acceptable Solution	Performance Criteria
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>	<p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>
<p>Comment: Complies with A1 – no separate access required.</p>	

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



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9.4	Demolition	N/a
9.5	Access and Provision of Infrastructure Across Land in Another Zone	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 *Land Use Planning & Approvals Act 1993*.

STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

Strategic Plan 2017-2027

- *Statutory Planning*

5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

6 OPTIONS

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

7 DISCUSSION

Discretion to refuse the application is limited to:

- Reliance on the performance criteria of the General Residential Zone (clause 10.4.2 P3 - Setbacks and building envelope for all dwellings) – internal front setback.
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code (clause E6.7.2 P2 - Design and Layout of Car Parking) – no passing bay at 30m.

The proposal adequately meets all relevant acceptable solutions and performance criteria of the Planning Scheme. The representation lodged was helpful in explaining the intended future land use of adjoining property. The impact on this property is compliant with the requirements of the Planning Scheme.

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

8 ATTACHMENTS

- A. Application & plans
- B. Representation

RECOMMENDATION

That land at 20 Zircon Place, Perth be approved to be developed and used for a Dwelling (vary internal front setback to 1m) in accordance with application PLN-21-0008, and subject to the following conditions:

1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P12** (*Drawings prepared by Engineering Plus, Drawing No: 519020, Sheet No's: A00-A11, Dated: 24.11.20*).

DECISION

Cr



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

PLAN 3 REQUEST FOR SUBMISSIONS – DRAFT AMENDMENT: 41-43 WELLINGTON STREET, LONGFORD

Attachments: Section 1 – Page 388

File: 113600.15
Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner

1 PURPOSE OF REPORT

This report:

- advises Council of a request for submissions from the Tasmanian Planning Commission;
- provides Council with a recommended response from its planning and heritage consultant in this matter; and
- seeks to clarify to Commission delegate's statement that, "It is understood that the Heritage Precincts Specific Area Plan is not transitioning to the Northern Midlands Local Provisions Schedule...".

2 INTRODUCTION/BACKGROUND

The Northern Midlands Council advised the Tasmanian Planning Commission under Section 39 (2) (b) of the *Land Use Planning and Approvals Act 1993* that it withdraws its support for the proposal based on the issues raised in the representations relating to the heritage significance of the site and recommends that the draft amendment be refused.

Following a hearing into the draft amendment and permit, the Tasmanian Planning Commission requested submissions from Council on four matters (see attached letter).

Council engaged Danielle Gray of Gray Planning to support its refusal of the application. Ms Gray provides details (attached) on her reasons why it is her view that the conditions or amendments to the Planning Scheme as proposed by the Tasmanian Planning Commission may not address the heritage concerns outlined by the community in their representations to Council or the heritage concerns about the proposed development that she outlined in her statement of evidence.

The Planning Commission has granted an extension of time to allow the matter to be considered at the Council meeting of 15 February 2021.

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
- Progress –
 - Economic Development – Supporting Growth & Changes
 - ◆ Towns are enviable places to visit, live & work
- 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



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- Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ◆ Living well – Valued lifestyles in vibrant, eclectic towns
 - ◆ Communicate – Communities speak & leaders listen
 - ◆ Participate – Communities engage in future planning
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ◆ Cherish & sustain our landscapes
 - History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ◆ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

No policy implications are identified.

5 STATUTORY REQUIREMENTS

The *Tasmanian Planning Commission Act 1997* allows for the provision of additional information.

6 FINANCIAL IMPLICATIONS

There are no financial implications.

7 RISK ISSUES

There is a risk that if the Tasmanian Planning Commission the submission on this matter, the heritage values of the site will not be suitably protected.

8 CONSULTATION WITH STATE GOVERNMENT

The Tasmanian Planning Commission has requested submissions on this matter.

9 COMMUNITY CONSULTATION

The draft amendment and permit were placed on public notification and representations were received.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can decide to:

- a) provide the Commission with the submission from Gray Planning dated 8 February 2021; and/or
- b) provide an alternative or additional submission.

11 OFFICER'S COMMENTS/CONCLUSION

Submission in response to Tasmanian Planning Commission's letter dated 25 January 2021.

It is considered that the submission prepared by Gray Planning sufficiently details why the conditions or amendments to the Planning Scheme as proposed by the Tasmanian Planning Commission will not address the heritage concerns outlined by the community in their representations to Council or the heritage concerns about the proposed development outlined by Ms Gray in her statement of evidence to the Commission.



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 15 FEBRUARY 2021

Clarification of statement in Tasmanian Planning Commission's letter dated 25 January 2021.

The Commission delegate wrote on 25 January 2021:

It is understood that the Heritage Precincts Specific Area Plan is not transitioning to the Northern Midlands Local Provisions Schedule, with the exception of Table F2.1 and that any site-specific provisions added to this specific area plan in the interim planning scheme will therefore also not transition.

Attached are the maps showing the heritage precincts for Campbell Town, Evandale, Longford, Perth, and Ross that will transition to the Local Provisions Schedule under the Tasmanian Planning Scheme. The precincts cover the same area as they do in the current interim scheme.

Attached are the written provisions of the Heritage Precincts Specific Area Plan in the current interim scheme. The written provisions are not transitioning to the Local Provisions Schedule in the Tasmanian Planning Scheme. The Minister's draft declaration states that these provisions are provided for by the State Planning Provisions Local Historic Heritage Code.

Attached is the Heritage Code in the Tasmanian Planning Scheme. This will apply to the heritage precincts shown in the attached maps. It will also apply to locally listed heritage places, which are also transitioning from the current interim scheme. The Heritage Code will not apply to any place listed on the Tasmanian Heritage Register.

In addition, Council has submitted to the Tasmanian Planning Commission specific area plans for the whole of Evandale and Ross providing additional provisions for Roof Form and Materials, Wall Materials and Walls.

12 ATTACHMENTS

- Letter from Tasmanian Planning Commission dated 25 January 2021.
- Advice from Gray Planning dated 8 February 2021.
- Heritage Precincts transitioning from current interim scheme and submitted to Tasmanian Planning Commission.
- Heritage Precincts Specific Area Plan, current interim scheme.
- Heritage Code, Tasmanian Planning Scheme.

RECOMMENDATION

That Council provide the Commission with the submission from Gray Planning dated 8 February 2021.

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
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CON ITEMS FOR THE CLOSED MEETING

DECISION

Cr

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Development Supervisor, 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*.
Table of Contents

CON 2 CONFIRMATION OF CLOSED COUNCIL MINUTES: ORDINARY & SPECIAL COUNCIL MEETINGS

Confirmation of the Closed Council Minutes of Ordinary and Special Council Meetings, as per the provisions of Section 34(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

CON 3 APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE

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

CON 4(1) PERSONNEL MATTERS

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

CON 4(2) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

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

CON 4(3) MATTERS RELATING TO ACTUAL OR POSSIBLE LITIGATION TAKEN, OR TO BE TAKEN, BY OR INVOLVING THE COUNCIL OR AN EMPLOYEE OF THE COUNCIL

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

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

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

CON 4(5) INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL

As per provisions of Section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*.
Perth Park Naming Survey – personal information

CON 5 CONTRACTS, AND TENDERS, FOR THE SUPPLY OF GOODS AND SERVICES AND THEIR TERMS, CONDITIONS, APPROVAL AND RENEWAL

As per provisions of Section 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*.
Cressy Recreation Ground Development



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**CON 6 CONTRACTS, AND TENDERS, FOR THE SUPPLY OF GOODS AND SERVICES AND
THEIR TERMS, CONDITIONS, APPROVAL AND RENEWAL**

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

Cressy Swimming Pool

**CON 7 PROPOSALS FOR THE COUNCIL TO ACQUIRE LAND OR AN INTEREST IN LAND OR
FOR THE DISPOSAL OF LAND**

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

Property Matter

**CON 8 INFORMATION OF A PERSONAL AND CONFIDENTIAL NATURE OR INFORMATION
PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL**

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

Legal Advice

**CON 9 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.

Committee membership

**CON 10 LATE ITEM: 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.

Mediation

DECISION

Cr

That Council move out of the closed meeting.

Mayor Knowles closed the meeting at ...