



**NORTHERN  
MIDLANDS  
COUNCIL**

# **AGENDA**

**ORDINARY MEETING OF COUNCIL**

**MONDAY, 20 SEPTEMBER 2021**

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

Des Jennings  
GENERAL MANAGER



### QUALIFIED PERSONS ADVICE

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

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

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

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

### 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; and
  - 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;
- Notices advising that:

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](mailto: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 prior to 5.00pm and between 6.30pm to 6.40pm. Public Question Time commences at 6.45pm.

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](mailto: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.



NOTICE IS HEREBY GIVEN THAT THE NEXT MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON MONDAY, 20 SEPTEMBER 2021 AT 5.00 PM AT THE COUNCIL CHAMBERS, 13 SMITH STREET, LONGFORD 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  
15 SEPTEMBER 2021

4.00pm	Councillor Workshop – closed to the public
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## 1 ATTENDANCE

### PRESENT

In Attendance:

### APOLOGIES

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### 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.

### 4 DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

As per the *Local Government Act 1993, Part 5 - Pecuniary Interests, section 48*:

- (1) *A councillor must not participate at any meeting of a council, council committee, special committee, controlling authority, single authority or joint authority in any discussion, nor vote on any matter, in respect of which the councillor–*
  - (a) *has an interest; or*
  - (b) *is aware or ought to be aware that a close associate has an interest.*
- (2) *A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.*



## 5 PROCEDURAL

### 5.1 CONFIRMATION OF MINUTES

#### 5.1.1 Confirmation Of Minutes: Ordinary Council Meeting

##### RECOMMENDATION

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 16 August 2021, be confirmed as a true record of proceedings.

#### 5.1.2 Confirmation Of Minutes: Special Council Meeting

##### RECOMMENDATION

That the Open Council Minutes of the Special Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 6 September 2021, be confirmed as a true record of proceedings.

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## 5.2 MOTIONS ON NOTICE

### 5.2.1 Notice Of Motion

*Responsible Officer:* Des Jennings, General Manager

No Notices of Motion were received.

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## 5.3 COMMITTEE MINUTES

### 5.3.1 Confirmation Of Minutes Of Committees

Minutes of meetings of the following Committees are attached:

	Date	Committee	Meeting
i)	03/08/2021	Evandale Advisory Committee	Ordinary
ii)	03/08/2021	Perth Local District Committee	Ordinary
iii)	06/04/2021	Perth Community Centre Management Committee	Ordinary
iv)	01/06/2021	Perth Community Centre Management Committee	Ordinary
v)	23/03/2021	Avoca Museum & Information Centre	AGM
vi)	23/03/2021	Avoca Museum & Information Centre	Ordinary
vii)	10/08/2021	Evandale Community Centre and Memorial Hall Management Committee	Ordinary
viii)	10/08/2021	Liffey Hall Management Committee	Ordinary
ix)	10/08/2021	Liffey Hall Management Committee	AGM
x)	03/08/2021	Perth Local District Committee	Ordinary



	Date	Committee	Meeting
xi)	07/09/2021	Ross Local District Committee	Ordinary
xii)	07/09/2021	Campbell Town District Forum	Ordinary
xiii)	01/09/2021	Longford Local District Committee	Ordinary

### 5.3.2 Recommendations Of Sub Committees

**NOTE:** *Matters already considered by Council at previous meetings have been incorporated into Item 8.11: Officer's Action Items.*

#### Evandale Advisory Committee

At the ordinary meeting of the Evandale Advisory Committee held on 3 August 2021 the following motion/s were recorded for Council's consideration:

**8(ii) Dump Point:** *That the Committee recommend to Council that the dump point not be moved and be retained in its current location.*

**Officer Comment:**

That the recommendation of the Committee be noted when this matter is considered by Council at a future meeting.

**Officer Recommendation:**

That Council note the recommendation of the Committee.

#### Perth Local District Committee

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

**4.3 2021/2022 Budget Priorities:** *Request Council provide PLDC with a proposed works schedule to align with the 2021/22 budget priorities for Perth. Council to note projects that have been bought forward from 2020/21 budget.*

**Officer Comment:**

Council officers will determine the allocation of resources depending upon weather, design, approval process and availability of contractors, and staff and equipment at that time.

**Officer Recommendation:**

That the committee be advised that when works are programmed the advice will be provided.

**4.5 Line Marking in Perth:** *Request Council undertake an audit of Perth streets to ensure line-marking is compliant with the relevant standards.*

**Officer Comment:**

Council does not have the budget to undertake such an audit, the matter could be referred to the 2022/2023 budget process, however, this matter is not considered to be a high priority as Council's works crew and other officer's in the course of their day to day activities take note of such matters. Where the need is considered a priority the matter is referred to the State Government for funding, which comes available in October. If the Committee considers any line-marking to be considered as a priority, such a request should be forwarded to Council as a Customer Request.

**Officer Recommendation:**

That Council take no action and suggest to the Committee that they provide details of specific needs via customer request.

**4.6 Seccombe Street Speed Limit Signage:** *That Council consider installation of speed limitation signage at the entrance to Seccombe Street from the roundabout and/ or road calming measures.*



**Officer Comment:**

At the 6 July 2021 meeting, the Committee raised the issue that motorists are entering Seccombe Street from the roundabout at speeds in excess of the 50kph speed limit which is in place on urban roads (in built-up areas) across Tasmania, at which time the following recommendation was made to Council:

*That Council consider installation of speed limitation signage at the entrance to Seccombe Street from the roundabout.*

The recommendation was considered by Council at the 16 August 2021 Council meeting, at which time Council made the following decision

Officer's advised that a 50km/h speed sign is to be erected.

*That Council note the request and the action to be taken.*

A 50km/h speed sign has been erected.

The Committee has since noted that signage has not deterred speeding, and has requested further traffic calming measures.

Council Officers note that speeding is a police matter and Tasmania Police has been notified of the concerns raised.

**Officer Recommendation:**

That Council note the recommendation and the action taken.

**5.2 Perth Bicentenary Sub-Committee:** *Request Council provide an update on the planning and design for a Bicentenary commemorative plaque to be installed alongside the existing plaque and then relocated to a suitable location as part of the Perth Main Street Plan works.*

**Officer's Comments:**

Council officers have sought further information from the Perth Local District Committee.

**Officer's Recommendation:**

That Council note the recommendation and relist the matter when the information requested has been received.

**7.2 Electric Charging Station:** *Request Council explore the opportunity for an Electric Charging Station to be installed in Perth*

**Officer's Comments:**

The provision of EV charging stations is considered to be a function of private enterprise, Council could assist in providing contact details of EV service providers. Should opportunities arise, Council will assist in the identification of appropriate sites across the Northern Midlands.

**Officer's Recommendation:**

That Council note the request of the Committee and action if the opportunity arises.

**7.3 Environmental Project for Perth:** *Request Council identify a project for Perth which can align with Council's Strategic Plan priority: PLACE – Meet Environmental Challenges - examples suggested install FOGO bins in the Main Street; eliminate single use plastics*

**Officer's Comments:**

Council has a Local Recycling Committee and this recommendation is within the ambit of that committee, and should be referred to that Committee for their consideration. Council's recycling trailer came about at the initiative of that Sub Committee. The trailer can be sited in different locations across the Northern Midlands. Any initiatives would need to be considered in the 2022/2023 budget deliberations.

**Officer's Recommendation:**

That Council recommend to the Committee that they identify suitable locations to site the recycling trailer in Perth and that the other matters be referred to the Local Recycling Committee for consideration.

**7.4 Development Applications:** *Request council review Local Area Plans for Perth as well as other Northern Midlands townships and consider implementing a process for this review which will result in amendments to satisfy and provide such outcomes as (but not limited to):*

*- Development and design clarity; improved definition of developments; preservation of local area characteristics.*



**Officer's Comments:**

That the Committee be advised that the community will have the opportunity for representation to the draft Local Provisions Schedule when it is on public notification, expected to be before end of 2021.

**Officer's Recommendation:**

That Council note the recommendation and officer's comments.

**Campbell Town District Forum**

At the ordinary meeting of the Campbell Town District Forum held on 7 September 2021 the following motion/s were recorded for Council's consideration:

**6.1 Underpass:** *The Campbell Town District Forum request that Council indicate their position in support of the committee's opposition to the underpass.*

**Officer Comment:**

The Campbell Town Underpass was a State Election commitment made by both parties in 2018.  
A design and construct contract has been let by the Department of State Growth.

**Officer Recommendation:**

That Council note the request and that a contract has be let by the Department of State Growth for the design and construction of the pedestrian underpass.

**Longford Local District Committee**

At the ordinary meeting of the Longford Local District Committee held on 1 September 2021 the following motion/s were recorded for Council's consideration:

**7.4 Tas Planning Commission Planning Amendment 04/2020:** *That Council respect the Tasmanian Planning Commission's recommendations as detailed in Sections 38,41,42 and 43 of their correspondence Dated August 01, 2021 prior to any planning decisions being made.*

**Officer Comment:**

The Longford Local District Committee has noted the above Sections 38, 41, 42 and 43 and request that Council note the information.

**Officer Recommendation:**

That Council note the information provided by the Longford Local District Committee.



#### **5.4 DATE OF NEXT COUNCIL MEETING**

Mayor Knowles advised that the next Ordinary Council Meeting of the Northern Midlands Council would be held at 5.00pm on Monday, 18 October 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).



## 6 INFORMATION ITEMS

### 6.1 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:

<b>2021-09-06</b>	<b>Special Council Meeting</b>
<b>2021-09-06</b>	<p><b>Council Workshop</b></p> <p>Presentations:</p> <ul style="list-style-type: none"> <li>Longford Main Street: Engineering &amp; Pavement Finishes</li> <li>Sustainable Timbers Tasmania</li> </ul> <p>Discussion included:</p> <ul style="list-style-type: none"> <li>Traffic Concerns: Proposed Roundabout at the Intersection of Wellington and Marlborough Streets, Longford</li> <li>Overnight Parking for Self-Contained Vehicles</li> <li>Policy: Restricting the Number of Dogs Permitted in an Urban Area</li> <li>Crown Land Purchase Application</li> <li>Trees: Clarence Street, Perth</li> <li>Policy: Whistleblower (draft)</li> <li>Hedge Removal: 12 Macquarie Street, Evandale</li> <li>Policy: Headworks Charges</li> <li>Cressy-Longford Main Road</li> <li>Longford Library Book Chute</li> <li>Road Rules Park</li> <li>Functions/Events</li> </ul>
<b>2021-09-20</b>	<p><b>Council Workshop</b></p> <p>Discussion:</p> <ul style="list-style-type: none"> <li>Council Meeting Agenda items</li> </ul>
<b>2021-09-20</b>	<b>Council Meeting</b>

### 6.2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 16 August 2021 to 20 September 2021 are as follows:

Date	Activity
18 August 2021	Attended Cressy District High School Charter signing, Cressy
18 August 2021	Attended tour of new Longford Police Station, Longford
21 August 2021	Attended Longford Art Exhibition Official Opening, Longford
23 August 2021	Attended Helping Hand AGM, Longford
24 August 2021	Attended Avoca Museum and Information Centre meeting, Avoca
25 August 2021	Attended Regional Recovery Committee meeting, Westbury
26 August 2021	Attended meeting with Our Watch representative, Longford
26 August 2021	Attended Heart FM meeting, Longford
26 August 2021	Attended White Ribbon Webinar, Gipps Creek
27 August 2021	Attended Tasmania Talks radio interview, Gipps Creek
29 August 2021	Attended NTJFA Grand Finals, Longford
30 August 2021	Attended meeting with Tania Rattray MLC, Longford
31 August 2021	Attended Northern Midlands Recycling Committee meeting, Longford
31 August 2021	Attended Family Violence Action Plan Pre-Brief via ZOOM, Longford
1 September 2021	Attended Fire Brigade meeting, Rossarden



2 September 2021	Attended meeting with Campbell Town residents, Campbell Town
2 September 2021	Attended Order of Australia Investiture event, Hobart
3 September 2021	Attended Women's Safety Summit Roundtable via ZOOM, Gipps Creek
6 September 2021	Attended Women's Safety Summit Networking Function and Conference via ZOOM, Gipps Creek
7 September 2021	Attended Northern Tasmanian Development Corporation Quarterly Mayors meeting, Launceston
8 September 2021	Attended Longford Probus luncheon, Longford
9 September 2021	Attended meeting with Launceston Gastronomy representative, Longford
9 September 2021	Attended Heritage Highway AGM, Ross
9 September 2021	Attended Northern Midlands Business Association meeting, Longford
10 September 2021	Attended Australian Local Government Women's Association AGM and meeting, Campbell Town
11 September 2021	Attended NTFA Grand Final President's Luncheon, Launceston
15 September 2021	Attended WasteNot Awards, Launceston
15 September 2021	Officiated at Australian Citizenship Ceremony, Longford
16 September 2021	Attended Avoca Museum and Information Centre Volunteer Induction training, Avoca
16 September 2021	Attended Regional Recovery Committee pre-meeting brief via zoom, Longford
17 September 2021	Attended meeting with Minister Jaensch, Longford
17 September 2021	Attended Regional Recovery Committee meeting, Longford
17 September 2021	Attended 100 <sup>th</sup> Anniversary Royal Australian Air Force, Evandale
20 September 2021	Attended Workshop and Council Meeting, Longford

### 6.3 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):

- Met with Di Barnett, Longford Rotary
- Attended Campbell Town District Forum
- Attended Longford Racecourse Master Plan meeting
- Attended the Local Government Association Tasmania's Annual Conference
- Met with proponents re TRANSlink development
- Met with proponent re development
- Met with representatives of Sustainable Timbers Tasmania
- Met with business proprietor re compliance matter
- Met with Minister Guy Barnett
- Attended Regional General Manager's meeting
- Met with Chris Griffin, Tourism Northern Tasmania re Ben Lomond Complex
- Met with representatives of Campbell Town Football Club
- Met with business proprietor re traffic management matter
- Met with Tasmania Police and State Emergency Services
- Attended Northern Tasmania Development Corporation Director's meeting
- Met with Reverend Gannon, Christ Church
- Met with proponent re development proposal
- Met with Susie Bower, Liberal Candidate
- Met with The Hon. Tania Rattray MLC, Independent Member for McIntyre



## 6.4 PETITIONS

### PURPOSE OF REPORT

In accordance with the Vision, Mission and Values of Council as identified in the *Council's Strategic Plan 2021-2027* and the *Local Government Act 1993, S57-S60*, provision is made for Council to receive petitions tabled at the Council Meeting.

### 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.

#### 58. Tabling petition

(1) A councillor who has been presented with a petition is to –

(a) . . . . .

(b) forward it to the general manager within 7 days after receiving it.

(2) A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.

(3) A petition is not to be tabled if –

(a) it does not comply with section 57; or

(b) it is defamatory; or

(c) any action it proposes is unlawful.

(4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgement.

### PETITIONS

No petitions received.

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

No reports relating to attendance at Conferences and Seminars have been received.



## 6.6 132 & 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.
- (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 2021/2022 year												Total 2021/2022 YTD	Total 2020/2021	
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June			
<b>132</b>	95	74												<b>169</b>	<b>1,004</b>
<b>337</b>	34	54												<b>88</b>	<b>499</b>

## 6.7 ANIMAL CONTROL

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

Item	Income/Issues 2020/2021		Income/Issues for August		Income/Issues 2021/2022	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,240	100,776	1,945	44,253	2,797	60,823
Dogs Impounded	27	2,212	3	-	4	65
Euthanised	-	-	1	-	1	-
Re-claimed	24	-	3	-	4	-
Re-homed/Dogs Home *	2	-	-	-	-	-
New Kennel Licences	16	1,152	2	144	3	216
Renewed Kennel Licences	72	3,168	-	-	87	3,828
Infringement Notices (paid in full)	36	6,785	5	991	7	1,309
Legal Action	-	-	-	-	-	-
Livestock Impounded	1	65	-	-	-	-
<b>TOTAL</b>		<b>114,159</b>		<b>45,388</b>		<b>66,241</b>

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



## 6.8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: Mick Gray, 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	2018/2019	2019/2020	2020/2021	2021/2022	Number -- this month	Current No. of Premises Registered
Notifiable Diseases	5	1	0			
Inspection of Food Premises	127	111	69	10	3	196
Place of Assembly Licences					-	

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.

The Tasmanian Department of Health has produced a legal framework, the Food Business Risk-Classification System (RCS), to classify food premises for registration and notification purposes under the *Food Act 2003*.

Food premises are categorised based on their potential risk to the health of the consumer. Higher risk premises are inspected at least once each financial year.

Actions, including follow-up inspections, are taken according to the outcome of inspections, the RCS can be used to prioritise the inspection of food businesses, with inspection frequency being increased for high risk classified food premises. In addition, poorly performing food premises would be inspected more frequently.

The following is applicable regarding food business registrations:

- A Food Business Application is to be completed and lodged with Council each year (Financial) Sections 84 or 87 or 89 of the *Food Act*
- Council conducts a desk top assessment of the application in accordance with the Food Business Risk Classification System issued by Tasmanian Department of Health. The assessment is based on the information provided by the applicant.
- Based on the Risk assessed an invoice is issued to the applicant.
- Upon receipt of payment Council issues a Certificate of Registration.
- Council conducts an inspection of the premises during their operation to ensure compliance with the *Food Act* and Regulations and the Food Standards Code. The business is also assessed in line with their Risk Classification.
- All premises receive one inspection annually.
- Further inspections may be required to ensure any non-compliance issued have been addressed.

## 6.9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Animal Control	7	-										
Building & Planning	16	17										
Community Services	4	7										
Corporate Services	28	4										



Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Governance	9	-										
Waste	-	3										
Works	38	39										

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

Date	Recipient	Purpose	Amount \$
21 July 2021	Reptile Rescue	Donation to service	1,000.00
28 July 2021	Campbell Town District High School	Inspiring Positive Futures Program	7,272.73
28 July 2021	Campbell Town District High School	Contribution to Chaplaincy Service	1,363.64
28 July 2021	Evandale Primary School	Contribution to Chaplaincy Service	800.00
		<b>TOTAL</b>	<b>10,436.37</b>

## 6.11 ACTION ITEMS: COUNCIL MINUTES

### CURRENT ACTIONS

Date	Min. Ref.	Details	Action Required	Officer	Current Status
17/05/2021	180/21	Restrictions on Keeping of Roosters	That Council consider restricting the keeping of roosters in urban areas, and consider the need for a by-law with penalties for offences and non-compliance.	Animal Control Officer	Report to future Council meeting.
19/07/2021	284/21	Proposal to Sell Land: 75-77 High Street, Campbell Town – Campbell Town Hall	That Council determines to sell the Town Hall situated at 75-77 High Street, Campbell Town and directs the General Manager to commence the sale process in accordance with Part 12, Division 1 of the Local Government Act 1993.	Exec. Officer	Decision advertised, report to October Council meeting.
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. Discussion held with property owner, formal advice requested. Correspondence to be forwarded to property owner.
17/09/2021	289/21	LGAT Motions	That Council A) submit two motions to the next LGAT General Meeting on the lack of response provided by the following government agencies: Environment Protection Agency, and Department of State Growth	General Manager	Motions to be prepared and workshopped.
16/08/2021	328/21	Ross Swimming Pool	That Council procure a health and safety report (existing or newly commissioned report) to ascertain whether the Ross pool is safe to be used.	General Manager	Report to be presented to October Council meeting.
17/05/2021	190/21	Bridge Across Liffey River to Former Baptist Church Grounds	That a decision be deferred to the next meeting to establish Council's responsibilities and alternative solutions (including timber).	Works Manager	Discussed at Workshop. Report to future Council meeting.
15/02/2021	059/21	Traffic Concerns: Wellington & Marlborough Streets Intersection at Longford	That Council vigorously pursue Option 4 and the possibility of raised intersection treatment or roundabout with the Department of State Growth; and that barrier protection be installed as required to protect pedestrians and the adjacent heritage properties (on both sides of the road).	Works Manager	Discussed at Workshop. Further options to be investigated.
16/08/2021	309/21	Further Education Bursary Program 2021	That Council approve the proposed process for the selection of the 2021 recipients of Council's Further Education Bursaries.	Project Officer	Bursaries program open for 2021 - applications close 15 September 2021.



Date	Min. Ref.	Details	Action Required	Officer	Current Status
16/08/2021	308/21	Longford Urban Design Project	That Council submit a Deed Variation to the Community Development Grants Program with relation to the Longford Urban Design Project, requesting the removal of the walkway and viewing platform component of the project, and the reallocation of the funding for this component to the Main Street Streetscape project component.	Project Officer	Deed variation submitted, outcome awaited.
16/08/2021	319/21	Policy Review: Customer Service Charter	That Council: -...- consider the introduction of a customer survey to go out to customers on a random basis.	Corporate Services Manager	
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	Consultant is validating the modelling.
16/08/2021	317/21	Road Widening: King Street, Perth	That Council, A) pursuant to sections 85 and 108 of the Local Government (Buildings and Miscellaneous Provisions) Act 1993 require the plan of subdivision for 50 King Street, Perth be altered to include: - A 1m wide strip of land along King Street to be dedicated for road widening; and - A 3m (Main Road) x 3.5m (King Street) splay of land to be dedicated for road widening; AND B) receive a further report in this regard.	Senior Planner	Report to Council.
19/07/2021	267/21	Perth Streetscape Redevelopment Concept Plan: Survey Responses	That Council: a) note the survey responses and community feedback received regarding the Perth Streetscape Redevelopment Concept Plan; and b) make the following changes to the Perth Streetscape Redevelopment Concept Plan; a. incorporation of upgrades to the train park subject to additional costs being approved; c) adopt the Perth Streetscape Redevelopment Plan and progress the project in accordance with budget allocations; and d) continue to pursue external funding streams to complete the project.	Projects Manager	Lange Design notified and costing for park requested. Costing received, officers to review.

**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	Historic photos to be catalogued and collated.
18/05/2020	146/20	Northern Midlands Youth Voice Forum	That Council endorse the progression of the Northern Midlands Youth Voice Forum	Youth Officer	To be investigated and progressed.

**COMPLETED ACTION ITEMS FOR DELETION**

Date	Min. Ref.	Details	Action Required	Officer	Current Status
16/08/2021	314/21	Local Government Code of Conduct Framework Review	That Council respond to the request for comments on the proposed changes to the Code of Conduct Framework, as follows: - Clarity around the inclusion of the public interest test - The public interest test should	General Manager	Letter sent and acknowledgement received.



Date	Min. Ref.	Details	Action Required	Officer	Current Status
16/08/2021	328/21	Ross Swimming Pool	include at the very least, the full panel. 1. That the Ross Recreation Ground and Swimming Pool Management Committee (Ross Community) be authorised to fund continued operation together with Council (as per the current funding model) of the Ross pool for as long as the pool is structurally/operationally safe to do so; and 2. That the Council allocate \$25,000 from the Local Roads and Community Infrastructure (LRCI) Program 2022-23 (total unallocated funds \$1.921m) for a new membrane so the pool is usable for the next 5 years.	General Manager	Ross swimming pool lining replacement to be programmed.
16/08/2021	328/21	Ross Swimming Pool	That Council and the community note that Council's previous decision to continue to support the Ross Swimming Pool Management Committee and replace the Ross pool lining are interim measures, and that Council does not have the capacity, nor intent, to bring the pool and infrastructure up to standard.	General Manager	No further action to be taken at this time.
16/08/2021	315/21	Workplace Safety and Proposed Review	That Council, A) liaise with the Local Government Association of Tasmania with regard to the coordinated response to the Director of Local Government. and B) in principle i) support the proposal to develop a workplace equality and respect Statement of Intent to be signed by all councillors; ii) support the proposal that the Local Government sector (Local Government Association of Tasmania and councils) sponsor the review; iii) support the development of appropriate training modules and participating in sessions relating to Councillors responsibilities under the Anti-Discrimination Act 1998 and the Work Health and Safety Act 2012.	General Manager	Letter sent to LGAT.
16/08/2021	303/21	Confirmation Of Minutes: Open Council Ordinary Council Meeting Minutes	That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 19 July 2021, be confirmed as a true record of proceedings subject to the amendments to minute 284/21	Executive Assistant	Complete.
16/08/2021	311/21	Policy Review: Council's CCTV Program and Code of Practice	That Council endorses the amended CCTV Program and Code of Practice Policy.	Executive Assistant	Policy updates completed.
16/08/2021	319/21	Policy Review: Customer Service Charter	That Council: - endorse the minor amendments to the Northern Midlands Council Customer Service Charter as indicated in the attachment 12.1 to this report; and -...	Executive Assistant	Policy updates completed.
16/08/2021	312/21	Policy Review: Reporting	That Council endorses the minor amendments to the Reporting Policy as indicated in the attachment 12.1 to this report.	Executive Assistant	Policy updates completed.
16/08/2021	310/21	Review of the Northern Midlands Strategic Plan 2017-2027	That Council adopts the revised Northern Midlands Strategic Plan 2021-2027 along with the Strategic Projects Plan Schedule. The Project Plan Schedule to include the following amendment: Longford Community House to be known as the Northern Midlands Community House.	Executive Assistant	Complete.
16/08/2021	306/21	Special Council Meeting - 6 September	That Council hold a Special Meeting on Monday, 6 September 2021 at 5.00pm to	Executive Assistant	Advertised and meeting held.



Date	Min. Ref.	Details	Action Required	Officer	Current Status
		2021	consider the following planning matters: 1 Arthur Street Evandale; and Illawarra Road upgrade.		
16/08/2021	313/21	Nomination as Local Government Association of Tasmania (LGAT) Representative to the Tasmanian Heritage Council	That Council endorse the nomination of Mayor Knowles as the Local Government of Tasmania's (LGAT) representative to the Tasmanian Heritage Council.	Exec. & Communications Officer	Not progressed at request of Mayor Knowles.
19/11/2018	323/18	Tom Roberts Interpretation at Longford	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. Contact made with video producer, extension provided to end August. No response received from proposed video producer. No further action.

**LOCAL DISTRICT COMMITTEE ACTIONS**

Council Minute Origin Date	Min. Ref.	Details	Committee Recommendation	Council Decision	Officer	Council Meeting dated	Current Status
16/08/2021	305/21	Main Street Upgrades Consultation	That the CTFD form a group to facilitate further consultation of the Main Street upgrades. The Committee has requested that further consultation occurs for the community to have their say on the proposed upgrades to the Main Street. The project may have 3 stages. Stage 1 from Commonwealth Place to the Campbell Town Hall has been fully designed. The additional areas have not yet been designed and are only in concept form. When funding is available this design may be progressed and at that time community input would be important.	The initial cost of the concept plan was substantial and the design of Stage 1 has been finalised after input from engineers and the community, any further changes to be made would be considered a redesign and would be an extra expense to Council. That Council consider this request prior to finalisation of future stages of the design work.	Executive & Comms Officer		
<b>CRESSY</b>							
17/02/2020	039/20	Bartholomew Park Sign	That the Bartholomew Park sign be removed from the top of the history board and a new sign (redesign) be installed at the corner of the park facing Main and Church Streets.	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.	Executive Officer	17/05/2021	Design received to be reviewed by CLDC at September meeting.
16/08/2021	305/21	Cressy Recreation Ground Development & Swimming Pool	Committee members request a timeline for the completion of Stage 2 and Stage 3.	That Council note the request and advice be provided to the Committee regarding the Pool & Rec Ground.	Projects Manager		Information to be provided to September CLDC Meeting.
<b>LONGFORD</b>							
15/03/2021	088/21	Planter - Herb Boxes	7.2 Herb Boxes (similar to the ones outside the Cressy Bakery, be considered by Council to plant pots in the town -That Council be asked to place flower boxes outside JJ's and/or Sticky Beaks with their permission.)	That the matter be referred to the 2021/2022 Budget process.	Works Manager	17/5/2021	Garden bed in Victoria Square space to be allocated, Committee to contact Works Manager.
17/05/2021	172/21	Horse Trough	10.2 Horse Trough Interpretation	That Council note the	Executive &		Committee



Council Minute Origin Date	Min. Ref.	Details	Committee Recommendation	Council Decision	Officer	Council Meeting dated	Current Status
		Interpretation Panel	Panel: That the committee investigate developing an appropriate plaque with full interpretation of its history and that it be attached to the statue. That Len Langan be asked to investigate. -	information	Comms Officer		progressing. <b>No further information received.</b>
17/05/2021	172/21	Longford Entrance Improvements	7.1 Longford Entrance Improvements: That this committee refer the entrance question be incorporated into the planning for the roundabout upgrade. -	That Council note the information.	Executive & Comms Officer		To be considered together with Illawarra Road upgrade.
26/04/2021	135/21	Planter Boxes	Planter Boxes: That the Committee seeks permission to replant some of the planters in Longford with herbs and that they seek volunteers in the garden community to tend them.”	That Council note the recommendation	Executive & Comms Officer	17/05/2021	Garden bed in Victoria Square - space to be allocated, Committee to contact Works Manager.
16/08/2021	305/21	Longford Entrance Improvements (priority for a pedestrian/cycle path to continue from Perth bike path into Longford after witnessing 3 children aged around 6-14 years, riding over the bridge).:	That completion of the pedestrian/cycle link is preferred priority before constructing the four lanes from the roundabout to Bishopsbourne Rd intersection.	That Council officers refer this request to the Department of State Growth	Executive & Comms Officer		
16/08/2021	305/21	Safety Issues Woolmers Lane/Panshangar Road intersection	That Council approach State Growth to arrange signage to be placed advising of trucks entering and put in place an 80kph speed limit. The Committee has previously requested a review into the speed limit reduction along this road, Council Officers have been liaising with the Department of State Growth, application submitted to the Transport Commissioner for the speed limit to be changed.	That Council note the actions taken	Executive & Comms Officer		Awaiting DSG approval to erect signage.
16/08/2021	305/21	Memorial Hall – Village Green Development	That Solar panels be included in the planning process and be fitted on the roof. The installation of solar panels on Council owned facilities has been identified as a priority to be considered when upgrading or renewing facilities.	That Council note the recommendation of the Committee	Projects Manager		
16/08/2021	305/21	Concerns regarding the danger of crossing Wellington Street (particularly children, suggested a proper pedestrian crossing be installed)	That a pedestrian crossing be installed on Wellington Street from the Anglican Church grounds to the library. The road in question is owned is a State Road, it has been identified within the Main Street upgrades which already include several traffic calming measures aimed at providing further safe crossings for pedestrians.	That Council note the recommendation of the Committee.	Executive & Comms Officer		Committee advised that road is Dept of State Growth responsibility. Pedestrian crossings are not installed on DSG roads.
<b>PERTH</b>							
16/08/2021	305/21	Seccombe Street Speed Limit	That Council consider installation of speed limitation signage at the	That Council note the request and the action to	Exec. Assistant		<b>A 50km/h speed sign erected</b>



Council Minute Origin Date	Min. Ref.	Details	Committee Recommendation	Council Decision	Officer	Council Meeting dated	Current Status
		Signage	entrance to Seccombe Street from the roundabout.	be taken			
16/08/2021	305/21	Talisker and Seccombe Street amenities	Cr Davis noted that the Perth Local District Committee had sought a timeline on the provision of the Talisker and Seccombe Street amenities.	That Council note the request.	Exec. Assistant		Timeline provided.
<b>ROSS</b>							
21/10/2019	313/19	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	15/03/2021	Information provided to DPIPW, awaiting decision.
28/06/2021	207/21	Clearing the Macquarie River	The Ross Local District Committee request that the NMC contact the relevant Tasmanian Government Minister, requesting clarification as to which Government Department is responsible for maintaining the Macquarie River. -	That Council Officers contact the Department of State Growth and pass on the request	Executive & Comms Officer		To be investigated.
28/06/2021	207/21	Rail Crossing	The Ross Local District Committee requests that NMC contact Tas Rail to determine the extent of Tas Rail ownership of the Badajos Street rail crossing, for the purpose of future widening of the road to ensure the safety of road users. -	That Council note the information and request Council Officers action the request	Executive & Comms Officer		9/8/21 email sent to Tas Rail.

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

## 6.12 RESOURCE SHARING SUMMARY: 01 JULY 2021 TO 30 JUNE 2022

Resource Sharing Summary 1/7/21 to 30/6/22 As at 31/08/21	Units Billed	Amount Billed GST Exclusive \$
<b>Meander Valley Council</b>		
<b>Service Provided by NMC to MVC</b>		
Street Sweeping Plant Operator Wages and Oncosts	24.50	1,326.33
Street Sweeper - Plant Hire Hours	24.50	2,221.29
<b>Total Services Provided by NMC to Meander Valley Council</b>		<b>3,547.62</b>
<b>Service Provided by Meander Valley Council to NMC</b>		
<b>Wages and Oncosts</b>		
Plumbing Inspector Services	85.90	6,494.26
Engineering Services	-	-
<b>Total Service Provided by MVC to NMC</b>		<b>6,494.26</b>
<b>Net Income Flow</b>		<b>- 2,946.64</b>
<b>Total Net</b>		<b>- 2,946.64</b>
<b>Private Works and Council Funded Works for External Organisations</b>		
	<b>Hours</b>	
<b>Works Department Private Works Carried Out</b>	38	
	<b>38</b>	

## 6.13 VANDALISM



Prepared by: Jonathan Galbraith, Engineering Officer

Incident	Location	Estimated Cost of Damages			
		August 2021	Total 2021/22	August 2020	Total 2020/21
Damage at Victoria Square toilets	Longford	\$300			
<b>TOTAL COST VANDALISM</b>		<b>\$300</b>	<b>\$3,100</b>	<b>\$450</b>	<b>\$10,200</b>

## 6.14 YOUTH PROGRAM UPDATE

Prepared by: Holly Preece, Youth Officer

### PCYC Program

Council fund PCYC activities in the Northern Midlands. The program is currently being facilitated in Perth on Thursdays during school terms. Attendance numbers for the Perth program in August as follows:

Session Venue	Date of Session	Attendance
Perth		
	5/8	11
	12/8	12
	19/8	12
	26/8	10

### Free2B Girls Program

The Free2B Girls program is funded by Tasmania Community Fund and has commenced in Longford and Campbell Town. Attendance for the month of August as follows:

Session Venue	Date of Session	Attendance
Campbell Town		
	4/8	10
	11/8	6
	18/8	6
Longford		
	5/8	10
	12/8	8
	19/8	11
	26/8	7

### Northern Midlands Active Youth Program

The program is funded by Healthy Tasmania and has commenced in Campbell Town and Cressy. The program is conducted during school lunch time and is meeting with great success. Attendance for the month of August as follows:

Session Venue	Date of Session	Attendance
Campbell Town		
	3/8	31
	10/8	25
	17/8	24
	24/8	26
	31/8	0
Cressy		
	5/8	50
	12/8	49
	17/8	47
	26/8	28



Meetings

Holly Preece represents Council on the Northern Youth Coordinating Committee and the Northern Midlands Interagency Group.

**6.15 STRATEGIC PLANS UPDATE**

Prepared by: Lorraine Green, Project Officer

**CURRENT AS OF 6 SEPTEMBER 2021**

Progress Report:

Not Started (obstacles)
  On Hold
  On Track
  Completed

Strategic Plans	Dept.	Start Date	Implementation Date	Status	Current Status
<b>Lead:</b> <i>Serve with honesty, integrity, innovation and pride</i>					
Annual Budget and Quarterly Reviews	Corp				Long Term Financial Plan updated, and annual budget adopted at 28 June 2021 Council meeting.
Asset Management Plan – Annual Review	Corp				Review of Asset Management Plans currently in progress.
Best Business Practice, Governance & Compliance	Gov				Legislative Audit, Delegations Review and Policy Manual update ongoing.
Customer Service Standards/ Charter	Corp				Review ongoing.
Elected Members Development & Annual Plans	Gov				Policy and Annual Plan to be prepared.
Emergency Management Plan (includes Social Recovery Plan)	Corp				Municipal emergency meetings held and regularly attend regional meetings.
Information Technology Upgrade Program	Corp				Council decided to upgrade Open Office Enterprise Suite during 2021/22 and keep a watching brief on northern shared services project.
Local Government Reform	Gov				Workshops on 5 priority Council functions: IT, Regulatory Services (Planning/Building Compliance), Payroll/Rates, Risk Management/WH&S. Completed, report reviewed by GMs. Legal Services shared services project commenced. Joint IT platform under review.
People & Culture Plan	Gov				Framework utilised for recruitment is best practice. General human resource matters; Performance management and disciplinary matters; Employee learning and development; Development and implementation of Human Resources Policies and Procedures; Employee Survey 2021 initiated.
Workplace Health & Safety Action Plan – Annual Review	Corp				WHS audit assessment review ongoing. Policy review/updates ongoing.
<b>Progress:</b> <i>Economic health and wealth – grow and prosper</i>					
<i>Ben Lomond – Ski Field Redevelopment &amp; 12-month Tourism Development</i>	Gov	June 2015			Study being driven by external stakeholders, Council support provided when requested. Included in NMC Priority Projects 2021 document. Government has committed to infrastructure expenditure and development of a master plan.
<i>Campbell Town CBD Urban Design &amp; Traffic Management Strategy</i>	Gov	May 2016			November 2017: Lange Design and Rare Innovations Design contracted to prepare the design and construction tenders. Stage 1 concept plan received April 2018. Funding allocation included in Council's 2021-22 Budget.
Campbell Town (King Street)	Gov	July 2021			Project brief signed – project underway.



Strategic Plans	Dept.	Start Date	Implementation Date	Status	Current Status
Short Term Accommodation Master Plan & Business Case					
<a href="#">Campbell Town – Town Hall Sale/Lease</a>	Gov				Sale/lease to be advertised.
Economic Development Framework/Master Plan (including Tourism)	Gov	May 2020			Economic development framework adopted by Council at May 2020 council meeting. Implementation underway. Second report to Council's August 2021 meeting. Next report due December 2021 Tourism: Augmented Reality Project – Draft version of Ross Augmented Reality released for review.
Lake Leake Amenities Upgrade Project		April 2021			Recreational Fishing and Camping Facilities Program grant of \$72,628 secured towards the upgrading of the toilet and shower facilities at the Lake Leake campground.
<a href="#">Longford Motor Sport Museum</a>					Proposal discussed at Council workshop.
Longford Racecourse Master Plan & Area Review		April 2021			April 2021: Consultancy Agreement signed. September 2021: Draft master plan being progressed.
<a href="#">Longford Urban Design Strategy (incorporating Heritage Corner Intersection Redevelopment, Main Streetscape Redevelopment, Memorial Hall Redevelopment, Village Green Infrastructure Upgrade)</a>	Gov	May 2016			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. User group consultation completed. Tender awarded to Loop Architecture for supply of consultancy services. September 2021: Planning application for Memorial Hall, BBQ & toilet facilities advertised, closes 17 September 2021.
Municipal Stormwater Management Plans	Works				Model build for all Towns in progress, nearing completion. Completion by 31 December 2021.
<a href="#">Municipal Subdivisions Infrastructure Upgrade Program (including Ridgeside Lane)</a>					
Nile Road Upgrade	Works				Included in Roads 5-year Capital Works program. Included in NMC Priority Projects document
Northern Midlands Rural Processing Centre	C&D				Combined with Launceston Gateway Precinct component of the Municipal Land Use & Development Strategy.
Perth Community & Recreation Centre and Primary School Integrated Master Plan	Gov				
Perth Early Learning/Child Care Centre Redevelopment	Gov	October 2015			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 Development approved at April 2021 Council meeting. June 2021: Tenders being assessed: to go to September 2021 Council Meeting.
<a href="#">Perth Main Street Upgrade</a>					April 2021 Consultancy Agreement signed. Community survey responses tabled at July 2021 Council Meeting. Decision to incorporate Train Park upgrade in the Master Plan.
<a href="#">Perth Sports Precinct &amp; Community Centre Concept</a>					Draft master plan developed October 2020 included in NMC Priority Projects document.



Strategic Plans	Dept.	Start Date	Implementation Date	Status	Current Status
<i>Master Plan</i>					
Perth Structure Plan	C&D				Council has endorsed the plan and draft amendments to planning scheme to be prepared.
Re-Assign Project					Project management team established. Potential project contractors identified, quotes to be sought September/October 2021.
<i>TRANSLink Precinct</i>	Gov				Seeking grant assistance to fund planned works. Included in NMC Priority Projects document. March 2021: Local Roads and Community Infrastructure grant of \$126,270 secured towards Gatty Street stormwater detention basin. Preferred tender accepted at June 2021 Council Meeting.
<i>Underground Power – Evandale, Longford &amp; Perth</i>					
<b>People: Cultural and society – a vibrant future that respects the past</b>					
Cohesive Communities & Communities at Risk Plan	Gov				Not yet commenced.
Discrimination Strategy	Gov				Officers investigating development of strategy
Family Violence Strategy	Gov				Council continues to support <i>End Men's Violence Against Women</i> campaign. Officers investigating development of strategy
Longford Road Safety Park					Funding agreement being finalised.
<i>Municipal Shared Pathways Program (including pathways within &amp; between towns)</i>					
Northern Midlands Community House					
Positive Ageing Strategy	Gov				Not yet commenced.
Ross Recreation Ground Master Plan		July 2021			July 2021: Lange Design contracted to prepare master plan. September 2021: Work underway
Supporting Employment Programs	Gov				Participate in LGAT special interest groups on a quarterly basis. Support Inspiring Futures program. Participate in work experience and University placements.
Supporting Health & Education Programs	Gov				Participating in the Northern Health Providers Networks meetings. Further Education Bursary Program underway for 2021.
Supporting Sport & Recreation Programs	Gov				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.
<i>Swimming Pool Strategy – Covering of Campbell Town &amp; Cressy Swimming Pools</i>					Included in NMC Priority Projects document. <i>Ross Swimming Pool</i> : Council resolved at August 2021 meeting to continue to fund operation of the pool as long as the pool is structurally/operationally safe to do so; and requested a health & safety report (existing or newly commissioned) to ascertain whether the pool is safe to be used.
Youth Strategy	Gov				Youth programs and services being pursued. Grant funding received for 2020 programs. On hold due to pandemic. Recommended October 2020
<i>Implementation of Final Stages</i>					
• <i>Campbell Town War Memorial Oval Precinct</i>	Gov				March 2021: Local Roads and Community Infrastructure grant of \$160,000 secured for installation of stage one of the oval



Strategic Plans	Dept.	Start Date	Implementation Date	Status	Current Status
<i>Development Plan</i>					irrigation system. Work commenced July 2021 June 2021: new toilet facility design completed, engineering and certification underway. September 2021: Tennis Courts and Shade Structure/Pavilion completed. TCF acquittal report being prepared. Hit-up wall project commenced.
• <i>Cressy Recreation Ground Master Plan</i>	Gov	February 2017			Council accepted Cressy Recreation Ground 2030 Master Plan at April 2018 Council meeting. Levelling the Playing Field funding received. Tender awarded December 2020. Work underway. Final report due 31 October 2021.
• <i>Cressy Swimming Pool Master Plan</i>	Gov	December 2015			State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to federal election. Funding agreements signed. March 2021: Local Roads and Community Infrastructure grant of \$200,000 secured towards the upgrade. Sep 2021: onsite works 70% completed.
• <i>Evandale Morven Park Master Plan</i>	Gov	November 2016			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 and acquittal being prepared.
• <i>Longford Recreation Ground Master Plan</i>	Gov				Stages 1 & 2 completed. Launch being planned.
<b>Place:</b> <i>Nurture our heritage environment</i>					
Climate Change Emergency Strategy & Action Plan					
<i>Conara Park Upgrade</i>					
<i>Cressy Park Redevelopment</i>					
Honeysuckle Banks, Evandale, Master Plan	Works				Masterplan complete. Only minor works being undertaken. Included in NMC Priority Projects document.
Land Use & Development Strategy (including Launceston Gateway Precinct Master Planning)	C&D				Endorsed 21 October 2019. To be released for public consultation (awaiting timelines for LPS to consolidate the release). 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. June 2021: Roadworks underway
Longford Expansion Strategy					
Longford Levee Walkway & Viewing Platform					
<i>Municipal Tree Planting Program</i>					Annual program being implemented.
Natural Resource Management Program Collaboration	Gov				Collaborating with NRM North on the WSUD Master Plan for Sheepwash Creek.
North Perth Low Density Land Strategy					
Sense of Place Planning – All Villages & Towns	Gov	June 2016			Master planning for townships underway. Ross Village Green – work due for completion mid-2021.
<i>Sheepwash Creek WSUD Open Space Corridor &amp; Associated Open Space Plan</i>	Gov				July 2018: WSUD space corridor concept plan and concepts – Phillip to Drummond streets – received from consultants. Land acquired. Stormwater works underway.



Strategic Plans	Dept.	Start Date	Implementation Date	Status	Current Status
					Stage 2 in progress
<i>South Esk River Parklands Master Plan</i>		November 2018			March 2021: Application submitted to Building Better Regions Fund for grant to extend the walkway and installation of footbridge. Outcome anticipated second quarter 2021-2022
Tasmanian Planning Scheme Integration	C&D				Endorsed 21 October 2019 with some amendments required. Submitted to Tasmanian Planning Commission December 2019. Awaiting contact for post-lodgement meeting.
Waste Management Plan Review	Works				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.
Weed Managements Strategy & Action Plan – Council Assets					

*\*Items included in Integrated Priority Projects Plan*

**Completed:**

Strategic Plans	Dept.	Start Date	Implementation Date	Status	Current Status
<b>Lead:</b> <i>Serve with honesty, integrity, innovation and pride</i>					
<i>Integrated Priority Projects Plan</i>		April 2020	June 2021		Consultancy Agreement signed June 2020. Plan accepted at June 2021 Council Meeting.
Media & Marketing	Gov				Communications Strategy and Framework developed. Expanding Council's communications through social media and other publications. Marketing Plan prepared.
<b>Progress:</b> <i>Economic health and wealth – grow and prosper</i>					
<b>People:</b> <i>Cultural and society – a vibrant future that respects the past</i>					
Disability Action Plan	Gov				Review complete
<b>Place:</b> <i>Nurture our heritage environment</i>					

## 6.16 TOURISM & EVENTS AND HERITAGE HIGHWAY TOURISM REGION ASSOCIATION (HHTRA) UPDATE

Prepared by: *Fiona Dewar, Tourism Officer*

**Tourism update:**

- Assisted local event organisers to fulfil Council compliance requirements.
- Keep event list updated and distribute. Update NMC website calendar.
- Working with Brand Tasmania on the Town Video project to put together a comprehensive brief and seek further quotes.
- Sought estimate for replacing 46 Campbell Town heritage plaques.
- Work with volunteers and council officer from Recycling Committee to provide recycling at local events. Pilot planned for 3 October and 2 other opportunities to showcase Council's Recycling Trailer in the wider community. Working with Council's Work Health Safe Officer to creating safety procedures for the Recycling Team.
- Attended Tourism Visitor Information Network (TVIN) annual conference online on 2/9/21.

**HHTRA update:**

- Current marketing activities continue and include website blog posts and social media.
- The HHTRA website project status: a temporary 'watch this space' landing page has been set up and is located on Hobart and Beyond website. DST site rebuild is expected to be complete soon, on which HHTRA will have a comprehensive landing page with links to Heritage Highway images, articles, blogs, tourism product.



- Skulduggery initiative to supply to local school. Meetings with board member and local teacher to progress.
  - AGM to be held on 9 September 2021.
- 

## 6.17 BICENTENARY PLANNING UPDATES

Prepared by: *Fiona Dewar, Tourism Officer*

### Ross

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

- Completed: 21 Feb: Bike Ride with Picnic Lunch
- Completed: 13 March: If These Halls Could Talk – Ten Days on the Island.
- Completed: 18 April: Bicentenary Ramble
- Completed: 8 May: Bush Feast
- Completed: 27 May – 10 June: Dressing the Trees Installation
- Completed: 2 June: formal ceremony at the Town Hall. Quilt unveiling. Visitors Book.
- Completed: 3 June: Ross Bridge presentation by Dr Jennie Jackson.
- Completed: 4 June: Bicentenary Quilt exhibition open to public.
- Completed: 17 July: Bicentenary Dinner at the Ross Sports Club
- Current: Education exhibition at the Tasmanian Wool Centre Museum called: It Takes a Village.
- 3 – 26 Sept: Ross Tin Can Sculpture Show at the Thistle Inn.
- 26 Sept: Ross Running Festival.
- Sept. Ross Village Green Official Opening.
- 10 Oct: Bicentenary Concert Camerata Obscura, at the Ross Town Hall.
- 17 Oct: Ross Remembered at the Ross Community Sports Club.
- 29 – 31 Oct: Set In Stone | David Bleakley Art Exhibition and Auction / Arts Festival.
- 13 Nov: Remembrance Day Dance. 50s Swing Band and Period Dress.
- 27 Nov: Open Houses and Gardens
- 4 – 5 Dec: Bicentenary Gala Day of Cricket.
- 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.
- Completed: February. Senior Citizens lunch at bowling Club.
- Completed: March. Lake Leake trout fishing competition.
- Completed: April. Historical guided walking tours.
- Completed: 31 May. Official naming day at Town Hall.
- Completed: 13 June. Bicentenary golf day.
- Completed: July. St Luke's organ recital.
- Completed: 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:

- Completed: 25 Feb: Primary School Bicentenary Picnic
- Completed: 18 April: History Scavenger Hunt (postponed)
- Completed: 29 May: Bonfire and music celebration.
- Completed: 30 May: Perth Bicentenary history presentation and official commemoration.
- 21 Sept: Seniors High Tea
- 23 Oct: Perth Bicentenary Memorial Celebration.



### **6.18 EPPING FOREST HALL MANAGEMENT UPDATE**

Council has been contacted by the Epping Forest Hall Management Committee to advise that due to external commitments the Committee has decided to discontinue the Epping Forest Hall Market and the management of the Epping Forest Hall.

Council will assume management of the Hall and officers have requested all keys, paperwork and Management Committee funds be returned to Council as soon as possible.

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## 7 GOVERNANCE REPORTS

### 7.1 COMMUNITY ACTION PLAN

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Amanda Bond, Executive Officer

#### 1 PURPOSE OF REPORT

The purpose of this report is to present to Council the opportunity to develop a Community Action Plan for Suicide Prevention for the Northern Midlands.

#### 2 INTRODUCTION/BACKGROUND

The Local Government Association of Tasmania in conjunction with Relationships Australia, Tasmania are currently offering local government areas \$5,000 grants to develop and implement a Community Action Plan on Suicide Prevention.

The Action Plan must be commenced by December 2021 to be eligible to receive the funding. Funding will not be released until the plan has been implemented.

The Action Plan is developed by a committee of interested parties and representatives from Relationships Australia, Tasmania.

Attached to this report are two information sheets about the process.

#### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.1 Council is connected to the community

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

3.4 Towns are enviable places to visit, live and work

#### 4 POLICY IMPLICATIONS

Not applicable.

#### 5 STATUTORY REQUIREMENTS

Not applicable.

#### 6 FINANCIAL IMPLICATIONS

Council is eligible to received \$5,000 toward the development and implementation of the Community Action Plan.



**7 RISK ISSUES**

The plan must be commenced prior to December 2021 to be eligible to receive the funding.

**8 CONSULTATION WITH STATE GOVERNMENT**

Not applicable.

**9 COMMUNITY CONSULTATION**

Community consultation will be an essential part of development the Community Action Plan.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

To progress the development of a Community Action Plan on Suicide Prevention, or not.

**11 OFFICER'S COMMENTS/CONCLUSION**

This opportunity could have significant benefit to the Northern Midlands community.

**12 ATTACHMENTS**

1. Information Sheet Community Action Plan [7.1.1 - 1 page]
2. Community Action Plan Council Process [7.1.2 - 1 page]

**RECOMMENDATION**

That Council accepts / does not accept the opportunity to receive a \$5,000 grant and develop a Community Action Plan on Suicide Prevention for the Northern Midlands.



## 7.2 AUTHORITY TO SIGN UNDER COMMON SEAL

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Amanda Bond, Executive Officer

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to specifically authorise the Mayor and General Manager to execute a document sealed by a council.

### 2 INTRODUCTION/BACKGROUND

Council has a common seal.

The common seal is to be kept and used as authorised by the Council (section 19(3) *Local Government Act 1993*).

The execution of a document sealed by a council is to be attested by such persons as the Council determines (section 19(5) *Local Government Act 1993*).

The purpose of this report is for Council to set a determination that all documents signed under Council seal are to be signed by the Mayor, Acting Mayor and General Manager or Acting General Manager.

### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty

### 4 POLICY IMPLICATIONS

Council does not have a policy regarding the use of the Council seal.

### 5 STATUTORY REQUIREMENTS

Section 19 of the *Local Government Act 1993*.

### 6 FINANCIAL IMPLICATIONS

Nil.

### 7 RISK ISSUES

It is a legislative requirement for Council to determine who is to sign documents under Council seal.

### 8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.



**9 COMMUNITY CONSULTATION**

Not applicable.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

To determine the Mayor or Acting Mayor and General Manager or Acting General Manager are to execute documents sealed by Council.

**11 OFFICER'S COMMENTS/CONCLUSION**

Nil.

**12 ATTACHMENTS**

Nil

**RECOMMENDATION**

1. That Council determines the execution of a document sealed by Council is to be attested by the Mayor and General Manager; or
2. If the Mayor is absent, the Acting Mayor; or
3. If the General Manager is absent, the Acting General Manager.



### 7.3 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT): NOMINATIONS FOR TASMANIAN LIBRARY ADVISORY BOARD

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

#### 1 PURPOSE OF REPORT

This report considers correspondence received from the Local Government Association of Tasmania (LGAT), in relation to the nomination of a representative to be appointed to the Tasmanian Library Advisory Board (TLAB).

#### 2 INTRODUCTION/BACKGROUND

The Local Government Association of Tasmania has advised that nominations are sought from the north of Tasmania to fill a position on the Tasmanian Library Advisory Board (TLAB). LGAT advice provided is as follows:

*LGAT is seeking your assistance for the nomination of representatives for the Tasmanian Library Advisory Board (TLAB) (four positions).*

*The term of office of current TLAB members expires on 31 December 2021. Libraries Tasmania has begun the process to appoint new members for the next term that runs from 1 January 2022 to 31 December 2024.*

*LGAT is to put forward four nominees, representing a mix of urban and rural interests, with at least:*

- \* One from the northern area*
- \* One from the north-western area*
- \* One from the southern area.*

*The Terms of Reference and Libraries Tasmania Strategic Plan (combined document) are attached for your reference.*

*The current LGAT-nominated representatives on the TLAB are:*

- \* Dr Mary Duniam – north-western*
- \* Ald. Simon Fraser - southern*
- \* Ms Yolanda Sam - southern*
- \* Cr. Dick Adams. - northern*

*The LGAT will write to current representatives noting the process for nominating representatives for 2022 to 2024 is underway.*

*The TLAB Chair is keen to get people on board who can act as strong advocates and networkers in general, as well as anyone who would be interested in supporting the Board's push for a much-needed redevelopment of the Hobart building as our 'flagship', being the home of the State Library and Archives. A general interest in libraries, literacy or lifelong learning is welcome attribute.*

*To nominate, please provide:*

- \* the nominee's Curriculum Vitae*
- \* two current referees for the nominee*
- \* a brief statement from nominee outlining their reasons for nominating and merits of their nomination.*

*Please note that the Tasmanian Government has a commitment to ensure gender equality and balance on its Boards and Councils. Ideally can you please ensure that suitable female candidates are included in the list of nominees provided.*

*Please provide nominations to [ben.morris@lgat.tas.gov.au](mailto:ben.morris@lgat.tas.gov.au) by COB Thursday 16 September.*

Council Officer's have corresponded with LGAT to advise that Cr Adams wishes to renominate as a LGAT representative to TLAB; and notes that nominations close on 16 September 2021.



LGAT has requested that Council provide advice regarding the resolution of Council in this matter on 21 September 2021.

**3 STRATEGIC PLAN 2021-2027**

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.1 Council is connected to the community

**4 POLICY IMPLICATIONS**

N/a.

**5 STATUTORY REQUIREMENTS**

N/a.

**6 FINANCIAL IMPLICATIONS**

N/a.

**7 RISK ISSUES**

N/a.

**8 CONSULTATION WITH STATE GOVERNMENT**

N/a.

**9 COMMUNITY CONSULTATION**

N/a.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can endorse or not endorse Cr Adams' renomination as LGAT's Northern Tasmanian representative on the Tasmanian Library Advisory Board (TLAB).

**11 OFFICER'S COMMENTS/CONCLUSION**

Cr Adams is currently LGAT's Northern Tasmanian representative on the Tasmanian Library Advisory Board (TLAB) and seeks Council's endorsement to renominate.

**12 ATTACHMENTS**

1. Tasmanian Library Advisory Board Terms of Reference ( Updated July 2021) [7.3.1 - 33 pages]

**RECOMMENDATION**

That Council support and endorse the renomination of Cr Dick Adams as LGAT's Northern Tasmanian representative on the Tasmanian Library Advisory Board (TLAB).



## 7.4 JUNIOR ACTION GROUP ESTABLISHMENT AS SPECIAL COMMITTEE OF COUNCIL

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Amanda Bond, Executive Officer

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to establish the Junior Action Group as a special committee of Council.

### 2 INTRODUCTION/BACKGROUND

Council has been approached by Ms Annie Harvey who established JAG with a request for support from Council to administer funds received by the group, as well as the provision of some administrative support.

Attached to this report is a copy of the letter from Ms Harvey as well as an information sheet detailing the objective and functions of JAG.

The primary purpose for JAG becoming a special committee of Council is to provide an avenue for funds received by JAG to be held and administered.

The Terms of Reference for the group has been drafted (as attached).

### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.1 Council is connected to the community

### 4 POLICY IMPLICATIONS

Nil.

### 5 STATUTORY REQUIREMENTS

Special committees of Council are established pursuant to the *Local Government Act 1993*.

### 6 FINANCIAL IMPLICATIONS

No financial implications have been identified for establishing JAG.

Council officer support will be provided through the existing part time Youth Officer role.

### 7 RISK ISSUES

There is a risk Council will be left to manage the group if the volunteer/s who founded the committee no longer wish to participate.

### 8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.



**9 COMMUNITY CONSULTATION**

Not applicable.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

To endorse the Junior Action Group as a special committee of Council or not.

**11 OFFICER'S COMMENTS/CONCLUSION**

Endorsing JAG as a special committee of Council ensures security for the group and provides an avenue for the administration of funds raised by the group.

**12 ATTACHMENTS**

1. Request to Council to administer funds on behalf of JAG [7.4.1 - 2 pages]
2. Junior Action Group Terms of Reference [7.4.2 - 3 pages]

**RECOMMENDATION**

- A) That Council endorses the Junior Action Group as a special committee of Council in accordance with section 24 of the *Local Government Act 1993* and adopts the attached Terms of Reference; and
- B) Council appoints Councillor ..... as the Council representative to JAG.



## 8 COMMUNITY & DEVELOPMENT REPORTS

### 8.1 MONTHLY REPORT DEVELOPMENT SERVICES

Responsible Officer: Des Jennings, General Manager

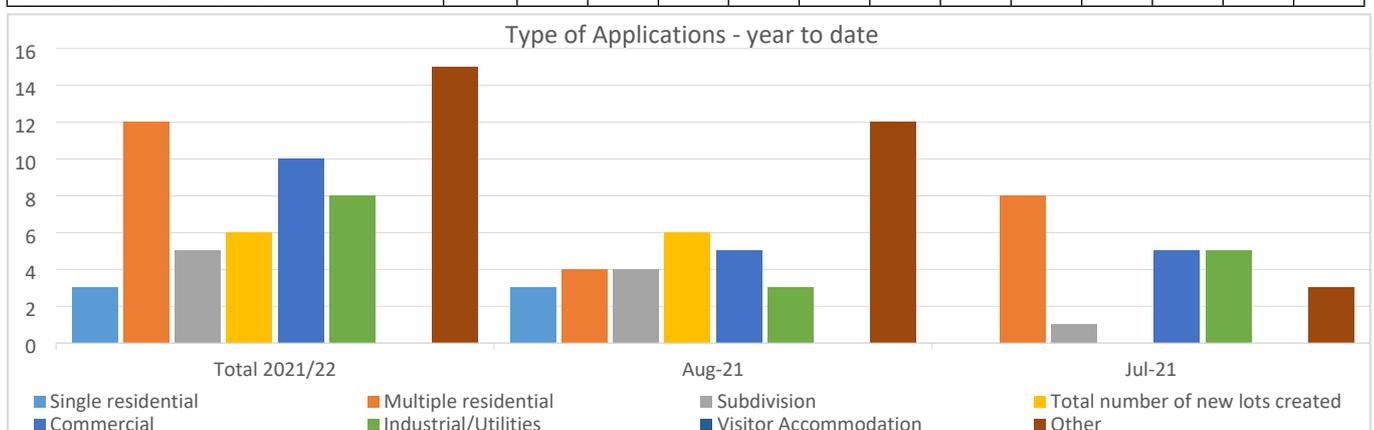
#### 1 PURPOSE OF REPORT

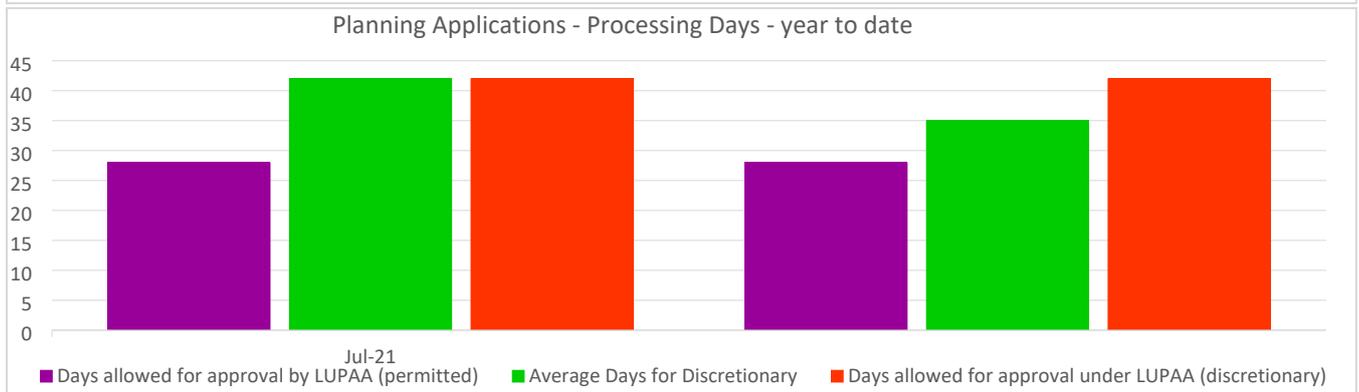
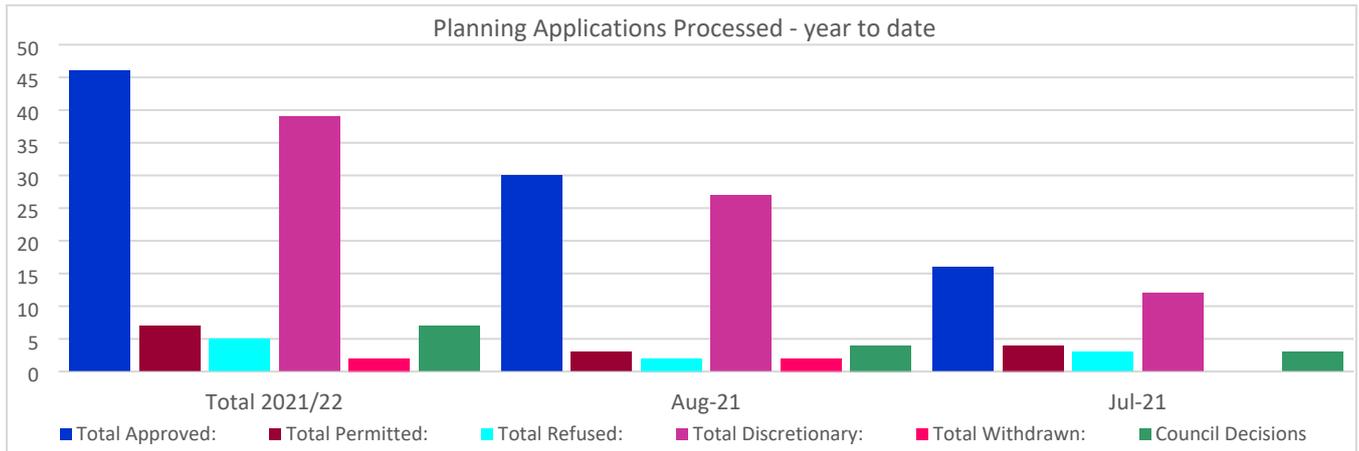
The purpose of this report is to present the Development Services activities as at the month end.

#### 2 DEVELOPMENT SERVICES REPORTING

##### 2.1 Planning Decisions

	Total YTD	July	Aug1	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Number of valid applications	48	14	34										
Single residential	3	0	3										
Multiple residential	12	8	4										
Subdivision	5	1	4										
Total number of new lots created	6	0	6										
Commercial	10	5	5										
Industrial/Utilities	8	5	3										
Visitor Accommodation	0	0	0										
Total permitted	0	0	0										
Total discretionary	0	0	0										
Other (includes all residential development on existing dwellings [alterations/additions, sheds, solar, fences, pools etc.])	15	3	12										
Total No. Applications Approved:	46	16	30										
Total Permitted:	7	4	3										
Average Days for Permitted	18.5	23	14										
Days allowed for approval by LUPAA	28	28	28										
Total Exempt under IPS:	17	8	9										
Total Refused:	5	3	2										
Total Discretionary:	39	12	27										
Average Days for Discretionary:	38.5	42	35										
Days allowed for approval under LUPAA:	42	42	42										
Total Withdrawn:	2	0	2										
Council Decisions	7	3	4										
Appeals lodged by the Applicant	2	1	1										
Appeals lodged by third party	0	0	0										





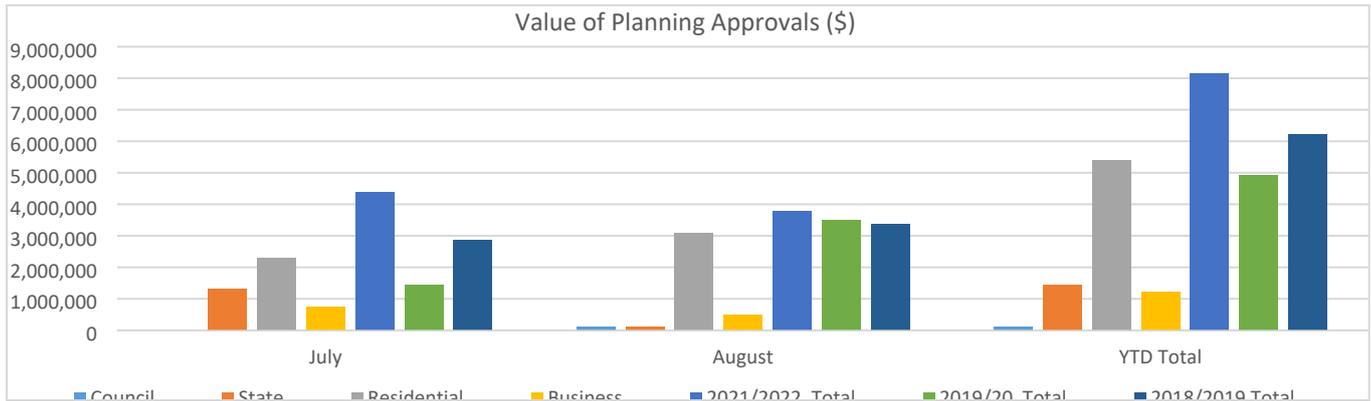
Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-21-0082	Multiple Dwellings x 2 & shed demolition (vary private open space location & driveway separation to habitable rooms)	114 Wellington Street, Longford TAS 7301	Phillip Cuthbertson	40	D
PLN-21-0108	New Shed (12m x 6m) (Heritage Precinct)	30 Church Street, Ross TAS 7209	Design to Live	42	D
PLN-21-0112	2-lot subdivision & sewer upgrade (vary setback to existing buildings, Bushfire Prone Area, Water Quality Code; Flood Prone Areas Code)	17 Phillip Street & 32 Youl Road, Perth TAS 7300	A.J. Phillips	28	D
PLN-21-0138	2-lot subdivision (vary low density lot size, onsite stormwater)	17 Church Street, Campbell Town TAS 7210	PDA Surveyors	7	D
PLN-21-0140	Ancillary dwelling & shed addition (vary setbacks; irrigation district; attenuation area)	567 Relbia Road, Relbia TAS 7258	Design to Live	39	D
PLN-21-0143	Shed (12.5m x 7m) (Vary rear setback)	9A Norfolk Street, Perth TAS 7300	Michael Tonkin	30	D
PLN-21-0150	Multiple Dwellings (2) (vary visitor parking)	7 Paton St, LONGFORD TAS 7301	Abode Designer Homes	40	D
PLN-21-0156	Solar Panel Installation (Heritage Precinct)	Evandale Memorial Hall, 8 High Street, Evandale TAS 7212	Evandale Community & Info Centre	42	D
PLN-21-0157	Re-subdivision between two lots (Bushfire Prone Area)	755 Nile Road & 631 Nile Road, Nile TAS 7212	Cohen & Associates	38	D
PLN-21-0159	Visual Screening Wall (vary setback; Airport Impacts Management Code)	81 Evandale Road, Western Junction TAS 7212	Pitt & Sherry C/O Department of State Growth	39	D
PLN-21-0160	Upgrade existing telecommunications infrastructure (vary height)	7 Spencers Lane, Cressy TAS 7302	Telstra Corporation Ltd	43	D
PLN-21-0162	Shed extension (vary side setback, attenuation distance, scenic corridor)	832 Hobart Road, Breadalbane TAS 7258	Heath Clayton	43	D
PLN-21-0165	Upgrade existing telecommunications infrastructure (vary height)	Tunbridge Tier Road (CT208112/1), Tunbridge TAS 7120	Telstra Corporation Ltd	41	D
PLN-21-0166	Dwelling & Shed (vary internal front setback & side [w] building envelope)	4 Macquarie Street, Cressy TAS 7302	Wilkin Design & Drafting	36	D
PLN-21-0173	Shed (9m x 14m) & two shipping containers (over 80m2 outbuildings)	28 Minerva Drive, Perth TAS 7300	Engineering Plus	42	D



Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-21-0180	Alterations & additions to existing dwelling, new pool & relocation of shed	201 Pateena Road, Longford TAS 7301	MJ Architecture	22	P
PLN-21-0182	Electronic scoreboard, goal post netting & carpark lighting (vary height & setbacks)	163 Fairtlough Street, Perth TAS 7300	Northern Midlands Council	29	D
PLN-21-0186	New Dwelling (Flood Prone Area Code)	35 Badajos Street, Ross TAS 7209	Systembuilt Homes	27	D
PLN-21-0190	farm shed (vary setback)	19 Eastfield Road, Cressy TAS 7302	6ty° Pty Ltd	35	D
PLN-21-0198	12x9m Shed & 18x6m Shed	31 Norwich Drive, Longford TAS 7301	Brett & Jacqueline Steele	15	P
PLN-21-0200	Garden shed (Heritage Precinct)	35 Goderich Street, Longford TAS 7301	Rev. James Gannon	23	D
PLN-21-0203	Change of Use to Business and Professional Services - Signage and internal works (Heritage Listed, Heritage Precinct, Signs Code)	2 Russell Street, Evandale TAS 7212	Spark Property Management	6	P
PLN-21-0205	Carport (vary side setbacks; irrigation district)	236 Leighlands Road, Evandale TAS 7212	The Shed Company	23	D
PLN-21-0174	Ancillary dwelling and shed (vary side setbacks)	840 White Hills Road, Evandale TAS 7212	Philip Ludbey	37	D
PLN-21-0187	Extension to existing dwelling (vary side setbacks between CTs145307/1 & 2)	5 Macquarie Street, Cressy TAS 7302	Engineering Plus	39	D
PLN-21-0179	3 Lot subdivision	5 Munro Street, Western Junction TAS 7212	Woolcott Surveys	29	D
PLN-21-0188	Dwelling (vary side [E] setback)	15 Paton Street, Longford TAS 7301	Wilson Homes	32	D
PLN-20-0309	Shed - 7m x 4m (within 50m of rail corridor)	6 Rose Gold Court, Perth TAS 7300	Design to Live	44	D
<b>COUNCIL DECISIONS</b>					
PLN-21-0151	3 Lot Subdivision	2 Gibbet Hill Rise, Perth TAS 7300	Jaffa International	33	C
PLN-21-0152	Change of use to Food Services (vary car parking provision)	80 Main Road, Perth TAS 7300	Southern Sky Cheese	42	C
<b>COUNCIL DECISIONS - REFUSAL</b>					
PLN-20-0296	Multiple dwellings (1 existing, 1 proposed) (vary King Street setback, heritage listed property)	50 Main Road, Perth TAS 7300	Abode Designer Homes	42	C
PLN-20-0297	2 lot subdivision (vary lot size, heritage listed property)	50 Main Road, Perth TAS 7300	Abode Designer Homes	42	C
<b>DELEGATED DECISIONS - REFUSAL</b>					
<b>RMPAT DECISIONS</b>					
<b>TPC DECISIONS</b>					

## 2.2 Value of Planning Approvals

	2021/2022					2020/21	2019/20	2018/2019
	Council	State	Residential	Business	Total	Total	Total	Total
July	0	1,327,500	2,310,000	743,247	4,380,747	3,377,500	1,429,000	2,863,500
August	106,000	120,000	3,070,274	485,000	3,781,274	3,709,500	3,503,000	3,369,300
<b>YTD Total</b>	<b>106,000</b>	<b>1,447,500</b>	<b>5,380,274</b>	<b>1,228,247</b>	<b>8,162,021</b>	<b>7,087,000</b>	<b>4,932,000</b>	<b>6,232,800</b>
<b>Annual Total</b>						<b>59,101,247</b>	<b>55,891,900</b>	<b>36,482,950</b>



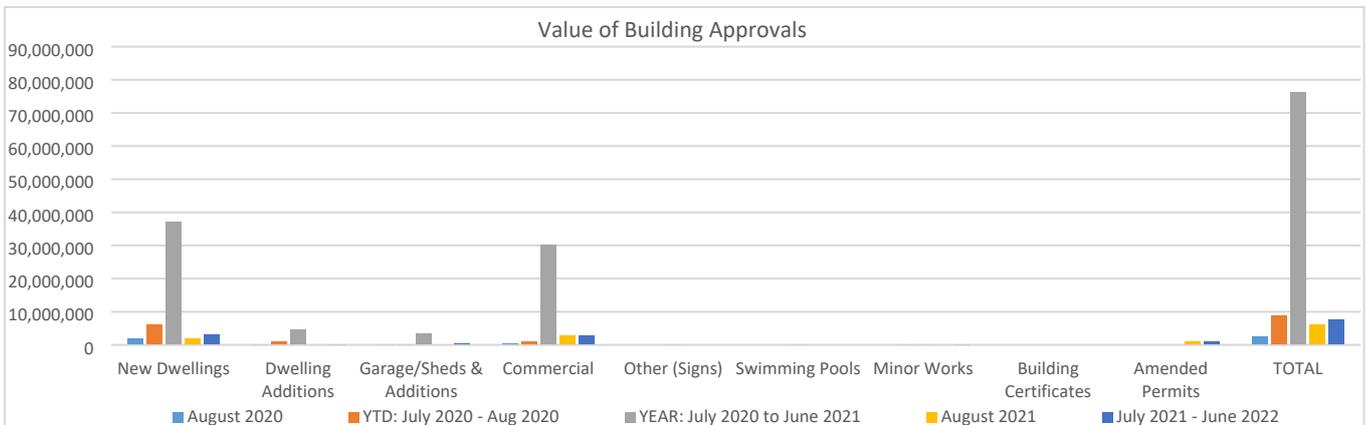
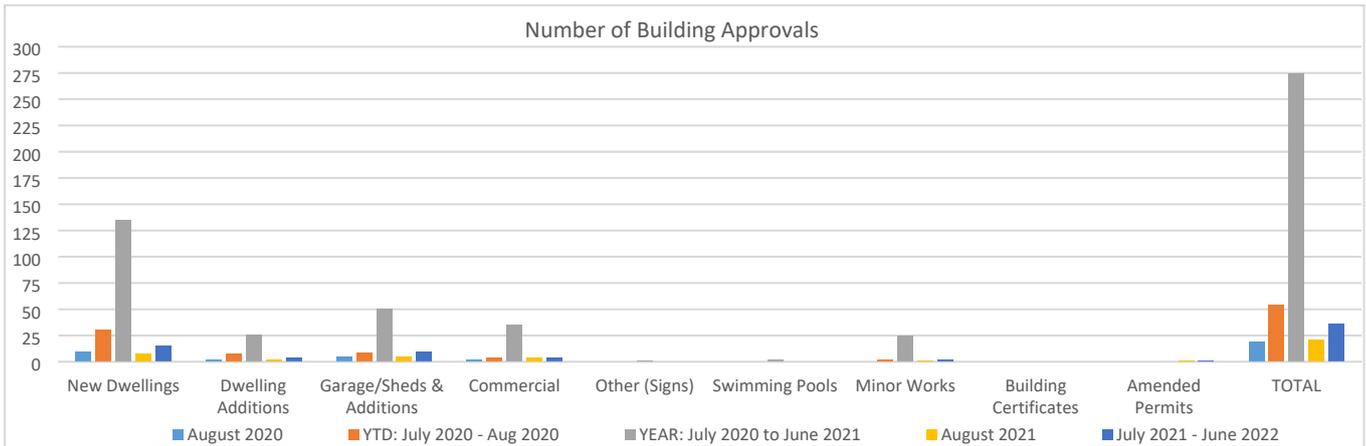
### 2.3 Matters Awaiting Decision by TPC & RMPAT

TPC	TASMANIAN PLANNING COMMISSION
LPS-NOR-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 5/2/2021. Meeting held between Council and Commission staff to discuss these matters held 20/1/2021. Response provided to TPC 12/2/2021. TPC requested further clarifications 16/3/2021. Response provided 8/4/2021. Section 32(4) responses to final TPC queries provided 6/5/2021. Minister's declarations issued 31 May 2021 – included in 28 June Council agenda. GIS consultant made map changes required by the Minister. Provided to TPC 19/7/2021. TPC advised 13/8/2021 of final mapping changes needed for exhibition. GIS consultant undertaking required mapping changes.
PLN-21-0029	Draft Amendment 01/2021. Site specific amendment to allow Resource Processing as a permitted use on at 13 Richard Street, in conjunction with a s43 development application for a food freeze drying enterprise. Advertised until 26/4/2021. Commission noted that the advertisement referred to a permitted development rather than a discretionary development. Re-advertised until 7 June 2021. Section 39 report, advising of no representations, sent to the Commission.
<b>Decisions received</b>	
PLN-20-0230	Draft Amendment 04/2020. Low Density Residential Land at the south of Longford. Commission decision received 11/8/2021 – draft amendment rejected.
RMPAT	RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL
PLN21-0085	Appeal 95-21P. 24 Main Road, Perth. Appeal against refusal under delegation of 5 multiple dwellings. RMPAT held a preliminary conference 11/8/2021. Mediation is being undertaken.
<b>Decisions received</b>	
PLN20-0269	Appeal 86/21P. 49 George Street, Perth. Appeal against Council's refusal of 15 multiple dwellings. RMPAT held a preliminary conference 23/7/2021. Mediation undertaken. RMPAT decision received 8/9/2021 in accordance with consent agreement, setting aside the Council's decision to refuse the application and replacing it with an approval subject to conditions.

### 2.4 Building Approvals

The following table provides a comparison of the number and total value of building works for 2020/2021 – 2021/2022 (figures do not include Building Approvals processed under Resource Sharing Agreements).

	YEAR: 2019-2020				YEAR		YEAR: 2020-2021			
	Aug 2020		YTD 2020-2021		July 2020 - June 2021		Aug-2021		YTD 2021-2022	
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$
New Dwellings	10	1,950,527	31	6,321,487	135	37,308,797	8	1,957,670	15	3,113,171
Dwelling Additions	2	143,000	8	1,189,650	26	4,678,970	2	105,000	4	230,000
Garage/Sheds & Additions	5	121,000	9	222,700	51	3,494,830	5	281,000	10	469,000
Commercial	2	456,150	4	1,086,150	35	30,391,057	4	2,930,000	4	2,930,000
Other (Signs)	0	0	0	0	1	12,000	0	0	0	0
Swimming Pools	0	0	0	0	2	104,000	0	0	0	0
Minor Works	0	0	2	35,000	25	266,844	1	2,360	2	22,360
Building Certificates	0	0	0	0	0	0	0	0	0	0
Amended Permits	0	0	0	0	0	0	1	975,000	1	975,000
<b>TOTAL</b>	<b>19</b>	<b>2,670,677</b>	<b>54</b>	<b>8,854,987</b>	<b>275</b>	<b>76,256,498</b>	<b>21</b>	<b>6,251,030</b>	<b>36</b>	<b>7,739,531</b>
<b>Inspections</b>										
Building	0		0		30		0		1	
Plumbing	21		41		299		40		83	



## 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	2021/2022	Total 2020/2021
Number of Inspections	2	12	31
Property owner not home or only recently started			
Complying with all conditions / signed off		2	11
Not complying with all conditions			1
Re-inspection required	2	10	9
Notice of Intention to Issue Enforcement Notice			
Enforcement Notices issued			
Enforcement Orders issued			
Infringement Notice			
No Further Action Required			10
Building Permit Reviews	This Month	2021/2022	Total 2020/2021
Number of Inspections			14
Property owner not home or only recently started			
Complying with all conditions / signed off			2
Not complying with all conditions			
Re-inspection required			2
Building Notices issued			
Building Orders issued			
No Further Action Required			10



Illegal Works - Building	This Month	2021/2022	Total 2020/2021
Number of Inspections	3	10	35
Commitment provided to submit required documentation			11
Re-inspection required	1	8	11
Building Notices issued			5
Building Orders issued			5
Emergency Order			3
No Further Action Required	2	2	13

Illegal Works - Planning	This Month	2021/2022	Total 2020/2021
Number of Inspections	10	28	81
Commitment provided to submit required documentation	1	3	9
Re-inspection required	7	20	48
Enforcement Notices issued			1
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			6
No Further Action Required	2	5	24

### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 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**

##### **Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

#### **People: Culture and society - a vibrant future that respects the past**

##### **Sense of Place - Sustain, Protect, Progress**

##### **Strategic outcomes:**

3.1 Sympathetic design respects historical architecture

3.2 Developments enhance existing cultural amenity

3.4 Towns are enviable places to visit, live and work

#### **Place: Nurture our heritage environment**

##### **Environment - Cherish, Sustain our Landscapes and Preserve, Protect Our Built Heritage for Tomorrow**

##### **Strategic outcomes:**

4.1 Cherish and sustain our landscape

4.2 Meet environmental challenges

4.4 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 4 commercial building approvals valued at \$2,930,000 for 2021/22 (year to date), compared to 4 commercial building approval valued at \$1,086,150 (year to date) for 2020/2021.

In total, there were 36 building approvals valued at \$7,739,531 (year to date) for 2021/2022, compared to 54 building approvals valued at \$8,854,987 (year to date) for 2020/21.

## **RECOMMENDATION**

That the report be noted.



## 9 CORPORATE SERVICES REPORTS

### 9.1 MONTHLY REPORT: FINANCIAL STATEMENT

Responsible Officer: Maree Bricknell, Corporate Services Manager  
Report prepared by: {author-name}, {position}

#### 1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 31 August 2021.

#### 2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 31 August 2021 is circulated for information.

#### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 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**

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

#### 4 ALTERATIONS TO 2021-22 BUDGET

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

##### SUMMARY FINANCIAL REPORT

For Month Ending:	31-Jul-21	2				
<b>A. Operating Income and Expenditure</b>						
	Budget	Year to Date		Target		
	Budget	Budget	Actual	(\$,000)	100%	Comments
Rate Revenue	-\$12,271,834	-\$12,271,834	-\$12,230,659	-\$41	99.7%	
Recurrent Grant Revenue	-\$4,723,956	-\$787,326	-\$988,056	\$201	125.5%	* Advanced Grants
Fees and Charges Revenue	-\$2,387,167	-\$397,861	-\$579,965	\$182	145.8%	
Interest Revenue	-\$741,548	-\$123,592	-\$90,090	-\$34	72.9%	
Reimbursements Revenue	-\$53,978	-\$8,996	-\$9,556	\$1	106.2%	
Other Revenue	-\$1,786,968	-\$297,828	-\$71,489	-\$226	24.0%	
	-\$21,965,451	-\$13,887,438	-\$13,969,815	\$82	100.6%	
Employee costs	\$6,028,712	\$1,004,785	\$840,001	\$165	83.6%	
Material & Services Expenditure	\$5,612,165	\$935,361	\$954,812	-\$19	102.1%	
Depreciation Expenditure	\$6,519,158	\$1,086,526	\$1,086,458	\$0	100.0%	
Government Levies & Charges	\$961,484	\$160,247	\$12,470	\$148	7.8%	
Councillors Expenditure	\$205,180	\$34,197	\$16,257	\$18	47.5%	
Interest on Borrowings	\$272,007	\$45,335	\$87,216	-\$42	192.4%	
Other Expenditure	\$1,315,204	\$219,201	\$636,346	-\$417	290.3%	Pension rebates for full year
Plant Expenditure Paid	\$538,650	\$89,775	\$134,832	-\$45	150.2%	
	\$21,452,560	\$3,575,427	\$3,768,392	-\$193	105.4%	
	-\$512,891	-\$10,312,011	-\$10,201,423			
Gain on sale of Fixed Assets	\$0	\$0	\$0	\$0	0.0%	
Loss on Sale of Fixed Assets	\$505,860	\$84,310	\$0	\$84	0.0%	
Underlying (Surplus) / Deficit	-\$7,031	-\$10,227,701	-\$10,201,423		1*	
	\$0					
Capital Grant Revenue	-\$8,697,948	-\$1,449,658	-\$70,610	-\$1,379	4.9%	
Subdivider Contributions	-\$330,765	-\$55,128	0	-\$55	0.0%	



Capital Revenue	-	-\$9,028,713	-\$1,504,786	-\$70,610	
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<b>Budget Alteration Requests</b>					
- For Council authorisation by absolute majority			<i>Budget Operating</i>	<i>Budget Capital</i>	<i>Actuals</i>

Capital works budget variances above 10% or \$10,000 are highlighted

<b>August</b>					
Footpath - Main Street Cressy	750796.6			-\$67,000	Tfr allocation to different location in Cressy
Footpath - Church Street (Main to Charles) at Cressy				\$67,000	Completed 2020/21 reallocate
Footpath - Park St (High to Bridge) Ross	750986.6			-\$30,000	
Footpath & ramp - to old Lfd Gym access	707752.96			\$30,000	

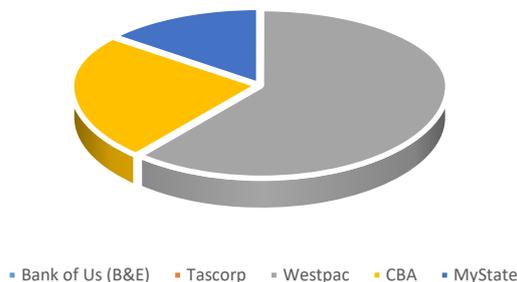
**July**  
No adjustments for July.

**B. Balance Sheet Items**

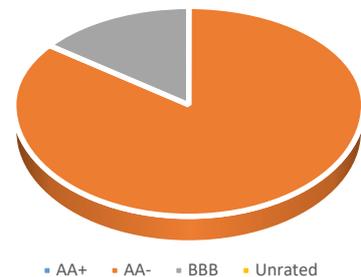
	Year to Date Actual	Monthly Change	Same time last year	Comments
<b>Cash &amp; Cash Equivalents Balance</b>				
- Opening Cash balance	\$19,432,295	\$19,016,137		
- Cash Inflow	\$8,236,507	\$6,197,605		
- Cash Payments	-\$4,077,585	-\$1,622,525		
- Closing Cash balance	\$23,591,217	\$23,591,217		
<b>Account Breakdown</b>				
- Trading Accounts	\$2,207,041			
- Investments	\$21,384,176			
	\$23,591,217			

<b>Summary of Investments</b>	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value
Tasmanian Public Finance Corporation Call Account	1/08/2021	31/08/2021	0.10	\$5,396	\$5,397
CBA Call Account	1/08/2021	31/08/2021	0.15	\$1,574	\$1,574
CBA Business Online Saver	27/08/2021	31/08/2021	0.21	\$4,916,107	\$4,916,218
Westpac Corporate Regulated Interest Account	31/08/2021	31/08/2021	0.35	\$4,568,089	\$4,568,089
Westpac - Green Deposit	25/11/2020	28/09/2021	0.45	\$2,000,000	\$2,007,570
My State Financial	25/05/2021	25/05/2022	0.85	\$3,343,010	\$3,371,425
Westpac	5/07/2021	4/07/2022	3.37	\$5,500,000	\$5,684,842
Westpac	29/06/2021	29/06/2023	3.30	\$1,050,000	\$1,119,300
<b>Total Investments</b>				\$21,384,176	\$21,674,415

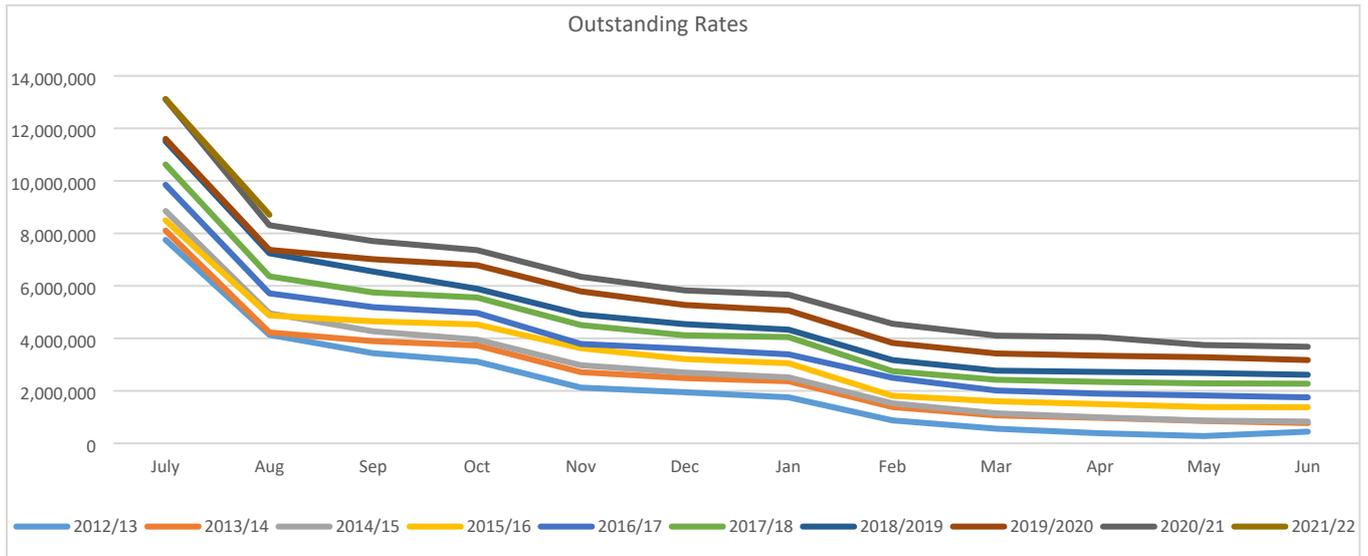
Investments by Institution



Total Investments by Rating (Standard & Poor's)



<b>Rate Debtors</b>	2020/21	% to Raised	Same Time Last Year	% to Raised
Balance b/fwd	\$3,205,341		\$2,275,315	
Rates Raised	\$12,239,129		\$11,566,732	
	\$15,444,470		\$13,842,047	
Rates collected	\$6,221,295	15.0%	\$10,386,813	89.8%
Pension Rebates	\$489,688	3.9%	\$457,514	4.0%
Discount & Remissions	\$24,830	0.1%	\$40,930	0.4%
	\$6,735,812		\$10,885,256	
Rates Outstanding	\$8,708,658	107.2%	\$3,282,398	28.4%
Advance Payments received	-\$166,831	1.1%	-\$325,606	2.8%



Trade Debtors		
Current balance	\$472,350	
- 30 Days	\$85,925	
- 60 Days	\$220,476	
- 90 Days	\$136,413	
- More than 90 days	\$29,536	
Summary of Accounts more than 90 days:		
- Norfolk Plains Book sales	171	Paid by outlet as sold
- Hire/lease of facilities	409	
- Removal of fire hazards	6,042	
- Dog Registrations & Fines	16,978	Send to Fines Enforcement
- Private Works	5,632	
- Regulatory Fees	304	
- Govt Reimbursements	-	

C. Capital Program				
	Budget	Actual (\$,000)	Target 17%	Comments
Renewal	\$10,972,585	\$618,694	6%	
New assets	\$9,505,961	\$262,065	3%	
Total	\$20,478,546	\$880,758	4%	
Major projects:				
- Longford Sports Centre lift & level 1	\$217,000	\$61,993	29%	
- Cressy Rec Ground Amenities	\$930,426	\$201,040	22%	
- Cressy Pool Improvements	\$800,000	\$145,503	18%	
- Ross Village Green	\$158,000	\$40,946	26%	
- Longford Victoria Square Hall	\$1,501,141	\$5,366	0%	
- Longrod Victoria Square Amenities	\$333,236	\$0	0%	
- Perth Childcare Centre	\$2,648,190	\$9,224	0%	
- Lake Leake Amenities	\$145,256	\$0	0%	
- Translink Detention Basin	\$252,540	\$0	0%	
- Footpath Program	\$713,000	\$43,922	6%	
- Bryants Lane Bridge	201,777	\$0	0%	
- William Street Footbridge	270,000	\$0	0%	
- Glen Esk Road Reconstruction	411,400	\$0	0%	

\* Full year to date capital expenditure for 2021/22 provided as an attachment.

D. Financial Health Indicators				
	Target	Actual	Variance	Trend
Financial Ratios				
- Rate Revenue / Total Revenue	55.9%	87.6%	-31.7%	⬇
- Own Source Revenue / Total Revenue	78%	93%	-14.4%	⬇
Sustainability Ratio				
- Operating Surplus / Operating Revenue	0.0%	73.0%	-73.0%	⬇
- Debt / Own Source Revenue	43.0%	57.2%	-14.1%	↔
Efficiency Ratios				
- Receivables / Own Source Revenue	53.2%	25.3%	28.0%	⬇
- Employee costs / Revenue	27.4%	6.0%	21.4%	⬆
- Renewal / Depreciation	168.3%	56.9%	111.4%	⬆
Unit Costs				
- Waste Collection per bin	\$10.53	\$23.23		↔



- Employee costs per hour	\$50.24	\$39.26	<input type="checkbox"/>	
- Rate Revenue per property	\$1,727.45	\$1,721.66	↔	
- IT per employee hour	\$3.30	\$12.06	<input type="checkbox"/>	

**E. Employee & WHS scorecard**

	YTD	This Month	
Number of Employees	90	90	
New Employees	8	3	
Resignations	2	1	
Total hours worked	21,398	10,504	
Lost Time Injuries	0	0	
Lost Time Days	1	1	
Safety Incidents Reported	3	1	
Hazards Reported	13	7	
Risk Incidents Reported	4	2	
Insurance claims - Public Liability	0	0	
Insurance claims - Industrial	0	0	
Insurance claims - Motor Vehicle	3	1	
IT - Unplanned lost time	0	0	
Open W/Comp claims	2	1	

**5 OFFICER COMMENTS**

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

**6 ATTACHMENTS**

1. Monthly Financials August 2021 [9.1.1 - 1 page]
2. Monthly Capital Works Status August 2021 [9.1.2 - 3 pages]

**RECOMMENDATION**

That Council:

- i) receive and note the Monthly Financial Report for the period ending 31 August 2021, and
- ii) authorise Budget 2021/22 alterations as listed in Item 3.



## 9.2 ASSET MANAGEMENT PLANS

Responsible Officer: Des Jennings, General Manager  
Report prepared by: Maree Bricknell, Corporate Services Manager

### 1 PURPOSE OF REPORT

The purpose of this report is to consider the adoption of the revised Transport Asset Management Plan and the Building Asset Management Plan.

### 2 INTRODUCTION/BACKGROUND

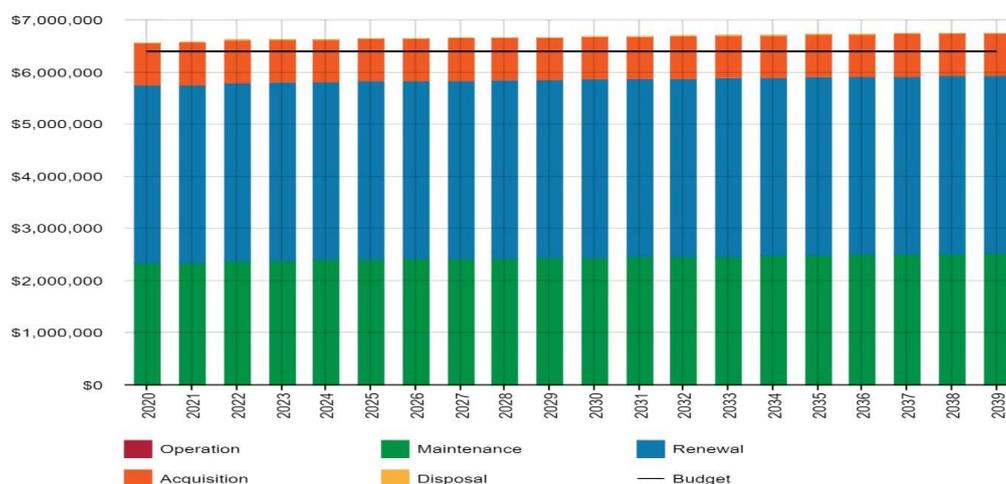
Council last reviewed these Asset Management Plans in May 2017. Council is required to review its financial and asset management plans at least every 4 years to comply with section 70 of the Local Government Act 1993. Further work is currently being undertaken and will be tabled with Council at a future meeting for the Stormwater Asset Management Plan and a Strategic Overall Asset Management Plan.

This review has been undertaken by a consultant engineer Mr Vince Butler from Hydrodynamica in consultation with council staff.

The Asset Management Plans tabled with this report details information on how Council manages its transport and building assets. It lists actions required to provide an agreed level of service in the most cost-effective manner, while outlining associated risks. The plans defines the services to be provided, how the services are provided, and what funds are required over a 20 year planning period. The Asset Management Plans links to the Long Term Financial Plan which typically considers a 10 year planning period. Council endeavors for continuous improvement in its asset management practices and a pathway forward is included in the plans for each asset class.

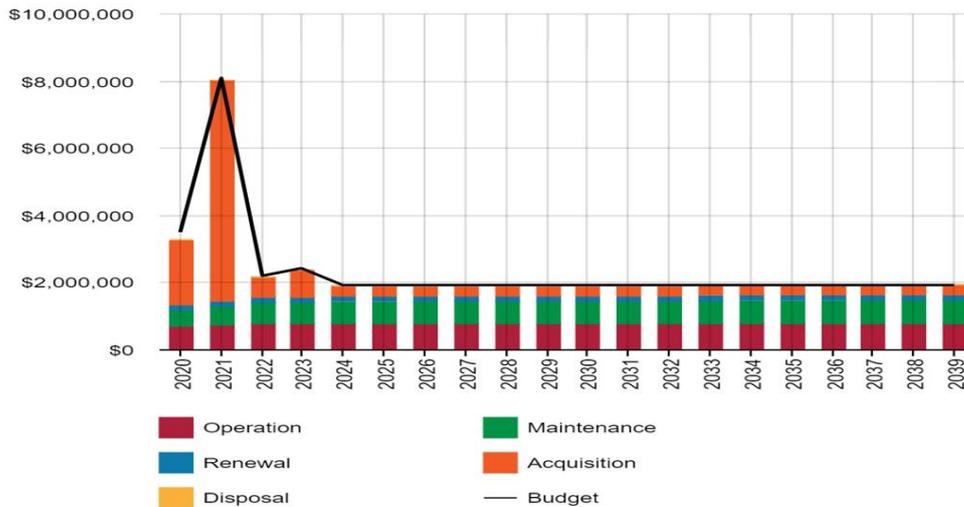
The following graphs are a snapshot of the Asset Management Plan Forecasted Lifecycle Costs and Planned Budgets for:

#### TRANSPORT ASSETS





## STORMWATER



### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 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**

**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

### 4 POLICY IMPLICATIONS

Council adopted a reviewed asset management policy on 19 July 2021 which is in accordance with the Local Government Act 1993 section 70C.

### 5 STATUTORY REQUIREMENTS

Council to follow the provisions of the Local Government Act 1993 regarding Asset Management.

### 6 FINANCIAL IMPLICATIONS

Asset management is intrinsically linked to Council's financial management.

The Financial Management Strategy and Long Term Financial Plan are largely built around the future sustainable management of Council's asset base.

Financial sustainability for Council, where services are mainly provided from infrastructure, is being able to manage likely developments and unexpected shocks in future periods without having to introduce substantial and economically significant or socially destabilising income or expenditure adjustments.

### 7 RISK ISSUES

Council is obligated to consider the promotion of sustainability and community resilience in the way in which it manages the community's assets.



Equally the Council in the future is required to plan for impacts of climate change adaptation and mitigation measures in relation to the management of its assets.

There is a risk management section incorporated into each Asset Management Plan.

The financial projections in the long term plans are based on current knowledge and will be effected by future changes to operating conditions and future council decisions, therefore the plan will be reviewed regularly.

## **8 CONSULTATION WITH STATE GOVERNMENT**

Not required for this matter.

## **9 COMMUNITY CONSULTATION**

There is no community consultation in relation to the development of the Asset Management Plans as these documents are essentially internally focused to provide direction to Council.

The Asset Management Plans will be publicly available on Council's website once adopted for general public access.

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

Council may agree to

- Accept the revised Asset Management Transport and/or Building Plans
- Require further revision of the Asset Management Transport and/or Building Plans
- Not accept the revised Asset Management Transport and/or Building Plans

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

The Transport Asset Management Plan reflects substantial forecasted investment in renewal of road assets.

The Building Asset Management Plan reflects the substantial current acceleration of works due to the State Government Stimulus Programs but this leveling off in the next 2 year period.

## **12 ATTACHMENTS**

1. Asset Management Plan: Transport (August 2021) [9.2.1 - 86 pages]
2. Asset Management Plan: Buildings (September 2021) [9.2.2 - 63 pages]

## **RECOMMENDATION**

That Council adopt the revised Transport Asset Management Plan and the Building Asset Management Plan.



### 9.3 DOG REGISTRATION FEE FOR LABRADOODLES

*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Maree Bricknell, Corporate Services Manager

#### 1 PURPOSE OF REPORT

The purpose of this report is to seek Council's direction regarding a rebate on the registration for 200 dogs owned by Tasmanian Labradoodles at Epping Forest.

#### 2 INTRODUCTION/BACKGROUND

In 2009 the owners of Tasmanian Labradoodles were provided authority to register dogs at the purebred breeding dog rate (now \$26.00) compared to the Unsterilised dog rate (now \$54.00) and have registered at that rate each year since that time. The general consensus then was they must be prepared to pay the breeding registration price, as do other breeders in the municipal area, for all dogs on site.

However, this breed is not purebred, they are classed as a mixed breed, and cannot be recognised as a breed that can be purebred or pedigree. They are not supported by the Australian National Kennel Clubs in any state.

The discounted rate this year was reviewed by the Animal Control Officer again, and it has been recommended that the dogs are:

- Not pure breed breeding dogs, and
- Not registered with TCA Inc., and
- No discounted registration should apply.

The owners of Tasmanian Labradoodles advised that they believe a precedent has been established by Council over the last 12 years to charge at a discounted rate to register their approximate 200 dogs at the purebred breeding dog rate (today's equivalent of \$26.00), and it appears an error has been made determining the rate at \$54.00 in 2021/22.

The owners request Council to reconsider and reinstate the discounted rate for all their dog registrations.

#### 3 STRATEGIC PLAN 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

1.3 Management is efficient, proactive and responsible

#### 4 POLICY IMPLICATIONS

No policy implications are identified as dogs are normally registered according to the facts of their determined breed or use.

#### 5 STATUTORY REQUIREMENTS

Council follows the Dog Control Act 2000 in relation to provisions for dog registration procedures.

#### 6 FINANCIAL IMPLICATIONS

Council adopts its dog registration fees as part of its annual budget process each year.

The cost for 200 dog registrations at the 'Purebred breeding dog' rate is \$5,200 and at the 'Unsterilised dog' rate is \$10,800.



**7 RISK ISSUES**

There is a risk that Council sets a precedent with dogs registrations being not in accordance with its schedule of dog registration charges for all residents of the municipal area.

**8 CONSULTATION WITH STATE GOVERNMENT**

Not required for this matter.

**9 COMMUNITY CONSULTATION**

Not required for this matter.

**10 OPTIONS FOR COUNCIL TO CONSIDER**

Council may agree to apply one of the following dog registration rates to Tasmanian Labradoodles

- Purebreed breeding dog rate of \$26.00
- Unsterilised dog rate of \$54.00
- Another special rate.

**11 OFFICER'S COMMENTS/CONCLUSION**

The registration rate is dependent on Council's determination of whether Labradoodles sufficiently fit the category of purebred breeding dogs.

**12 ATTACHMENTS**

1. Email dated 2009 [9.3.1 - 2 pages]
2. Email dated 2021 [9.3.2 - 3 pages]

**RECOMMENDATION**

That Council determine the dog registration fee applicable to Tasmanian Labradoodles to be \$26.

or

That Council determine the dog registration fee applicable to Tasmanian Labradoodles to be \$54.



**10 WORKS REPORTS**

Nil reports.



## 11 PUBLIC QUESTIONS AND 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](mailto: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 prior to 5.00pm and between 6.30pm to 6.40pm. Public Question Time commences at 6.45pm.

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](mailto: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.

**PUBLIC QUESTIONS**



## 12 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.

### 12.1 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.

13.1 *PLN21-0153: 20 Longford Close and 123A Wellington Street, Longford*

13.2 *PLN21-0194: 2A Elizabeth Street, Perth*

13.3 *PLN 21-0172: 20 Hartnoll Place, Evandale*

13.4 *PLN21-0199: 7 Bedford Street, Campbell Town*

13.5 *PLN19-0221: 74 Marlborough Street, Longford*

13.6 *PLN21-0125: 2 Sinclair Street, Perth*



## 13 PLANNING REPORTS

### 13.1 PLN21-0153: 20 LONGFORD CLOSE AND 123A WELLINGTON STREET, LONGFORD

*File:* 108301.1, 113600.568  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Danielle Gray, Consultant Planner (& Paul Godier, Senior Planner)

#### 1 INTRODUCTION

This report assesses an application for a re-subdivision of two lots and change of use from ancillary dwelling to single dwelling at 20 Longford Close and 123A Wellington Street, Longford.

#### 2 BACKGROUND

**Applicant:**

Commercial Project Delivery

**Zone:**

General Residential zone (20 Longford Close) and Rural Resource zone (123A Wellington Street)

**Classification under the Scheme:**

Subdivision

**Deemed Approval Date:**

25 September 2021

**Owner:**

Brian John Oliver and Rebecca Louise Oliver

**Codes:**

Bushfire Prone Areas Code

Flood Prone Areas Code

Car Parking and Sustainable Transport Code

**Existing Use:**

Residential and Resource Development

**Recommendation:**

Refuse

**Discretionary Aspects of the Application:**

- Reliance on the performance criteria of the Rural Resource Zone.
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code.
- Reliance on the performance criteria of the Bushfire Prone Areas Code.

**Planning Instrument:**

- *Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26 April 2021.*

**Preliminary Discussion**

- There is no record of the applicant holding preliminary discussions with council staff, prior to the lodgment of the planning application.

#### 3 STATUTORY REQUIREMENTS

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



## 4 ASSESSMENT

### 4.1 Proposal

The proposed development involves two properties. These are 20 Longford Close (CT 152943/18) and 123A Wellington Street (CT 148509/1).

The proposed subdivision seeks to amend a title boundary between 20 Longford Close (zoned wholly General Residential) and 123A Wellington Street (zoned wholly Rural Resource with the exception of the access strip that provides access and frontage to Wellington Street).

The proposal is treated as a subdivision under the Planning Scheme as while the proposal does not involve the creation of any new titles per se, there are no development standards to facilitate boundary adjustments in the Rural Resource zone use and development standards in the Planning Scheme.

On that basis, all proposed boundary adjustments must be assessed under relevant subdivision standards for the Rural Resource zone.

The proposal seeks to amend the boundary between 20 Longford Close and 123A Wellington Street to result in a re-subdivision of 2 lots. The proposal seeks to subdivide approximately 1.41ha of land from 123A Wellington Street and adhere this land to 20 Longford Close to form an enlarged lot with an area of approximately 1.51ha (Lot 1 on the proposal plan) with the balance land comprising an area of 26.21ha (balance lot on the proposal plan).

The proposed lot 1 will contain an existing dwelling which has been previously approved by Council as an ancillary dwelling (Council reference P06-250 – Granny Flat & Swimming Pool at 123A Wellington St) while the Balance lot will contain the existing residence at 123A Wellington Street and all outbuildings.

As a result of the proposed separation of the existing dwelling and ancillary dwelling by proposing to locate these on their own separate and individual titles, the proposal also seeks approval for a change of use for the existing ancillary dwelling to become a single dwelling.

In addition to the proposal plan prepared by PDA Surveyors (dated 11 November 2019), the planning application accompanying the proposed development includes the following consultant reports submitted to Council:

Planning report prepared by Ms Chloe Lyne of Commercial Project Delivery and dated: 7 June 2021;

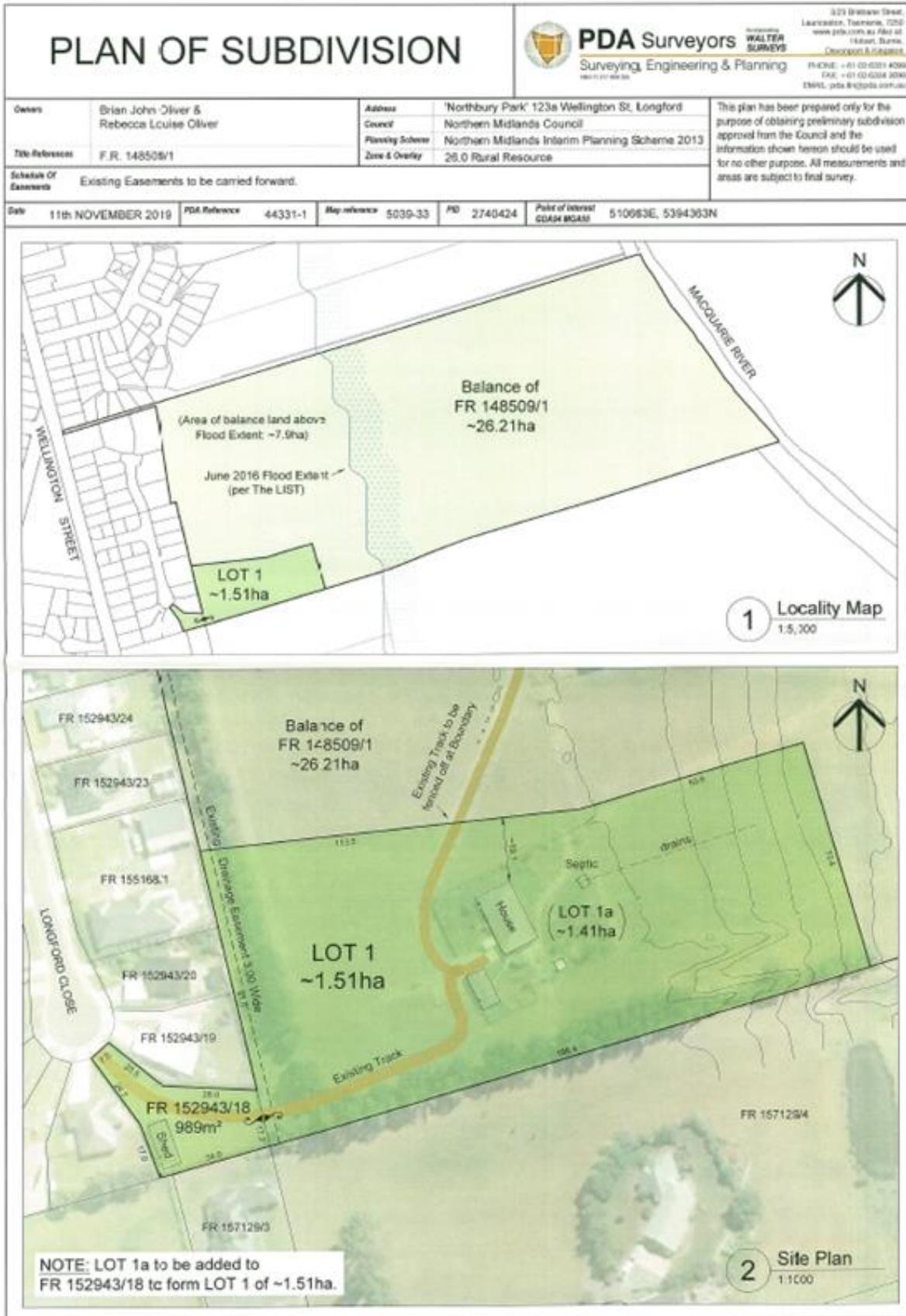
Bushfire assessment prepared by Mr Scott Livingston and dated 9 October 2018; and

Agricultural report prepared by Mr Jim Cuming of Macquarie Franklin and dated 14 May 2020.

It is noted that the proposal plan and bushfire assessment are the same documents unchanged from when they were submitted to Council as part of PLN-18-0274 which was refused by Council.



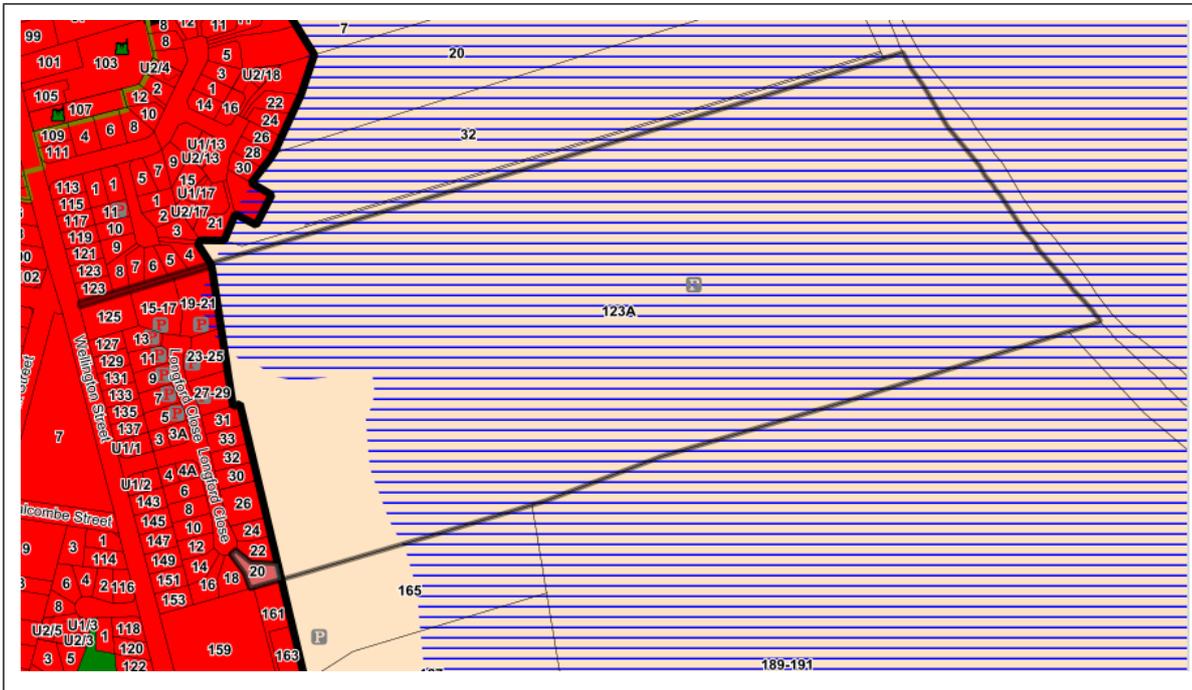
Subdivision Plan (extract)





#### 4.2 Zone and Land Use

Zone Map – General Residential Zone (red), Rural Resource Zone (beige). Blue lines indicate flood prone area. Bold black line indicates the urban growth boundary which is cited in the Northern Tasmania Regional Land Use Strategy.



The land is zoned General Residential (20 Longford Close) and Rural Resource (123A Wellington Street, with the exception of its access strip from Wellington Street) and due to the presence of overlays, is also subject to the Bushfire Prone Areas Code and the Flood Prone Areas Code.

The relevant Planning Scheme definition is:

• <i>subdivision</i>	<i>means the act of subdividing or the lot subject to an act of subdividing</i>
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#### 4.3 Subject Site and Locality

The subject site 20 Longford Close and 123A Wellington Street consists of two lots (989m2 and 27.62ha).

The property 20 Longford Close contains an existing garage with access from Longford Close and is a wholly General Residential zoned lot. The proposal will retain this garage and access onto Longford Close for the existing ancillary dwelling currently located on 123A Wellington Street.

The other property 123A Wellington Street currently contains two dwellings (primary dwelling and the smaller ancillary dwelling) and several outbuildings, as well as fencing, sheep yards and paddocks developed for grazing and cropping. Existing access is provided via an access strip off Wellington Street.

Each lot therefore has existing access to a Council maintained road.

It is understood that 20 Longford Close has been used for residential ancillary purposes (garage) and access while 123A Wellington Street has been used for residential use as well as a variety of agricultural uses including cropping (poppies and potatoes), keeping of horses and livestock, pasture and cutting of hay.



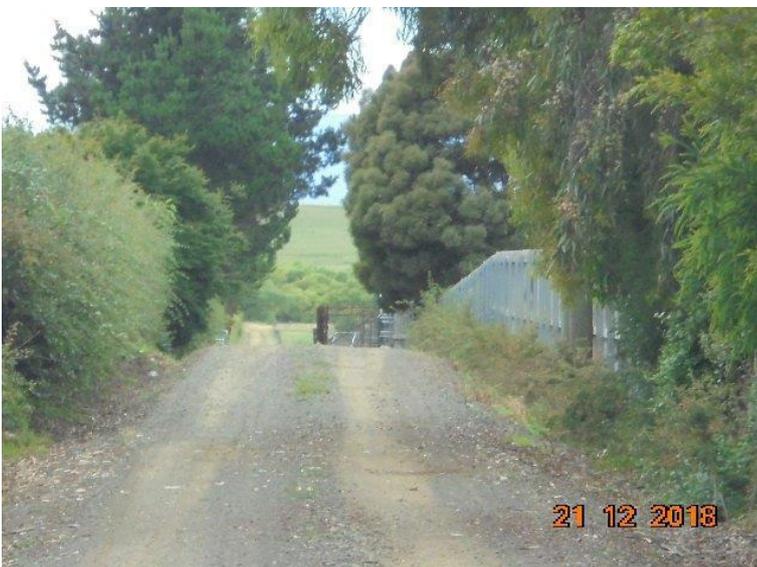
*Aerial photograph of area*



*Photographs of subject site*



*Above: 20 Longford Close showing existing access and outbuilding (Source: Council).*



*Above: Access strip from Wellington Street to 123A Wellington Street (Source: Council).*



*Above: Internal access to existing dwelling at 123A Wellington Street (Source: Council).*



*Above: Internal access to the dwelling and ancillary dwelling at 123A Wellington Street (Source: Council).*



*Above: Existing primary dwelling at 123A Wellington Street (Source: homehound.com.au).*



Above: Pasture at 123A Wellington Street to the north east of the dwelling and ancillary dwelling (Source: homehound.com.au).



Above: Outbuildings at 123A Wellington Street (Source: homehound.com.au).

#### 4.4 Permit/Site History

The subject site has an extensive history of planning applications and these are summarised below.

- 27/99 – Machinery Shed (123A Wellington St)
- 49/98 – Dwelling (123A Wellington St)
- P03-358 – 29 Lot Subdivision – created Longford Close (123A Wellington St)
- P04-164 – 2 Lot Subdivision (123A Wellington St)
- P04-293 – 18 Lot Subdivision (8 Lots in Stage One) – Longford Cl (123A Wellington St)
- P05-005 – Dwelling (123A Wellington St)
- P06-023 – 2 Lot Subdivision (123A Wellington St)
- P06-250 – Granny Flat & Swimming Pool (123A Wellington St)
- P07-339 – Farm Machinery (next to granny flat) (123A Wellington St)
- P07-458 – 9 Lot Subdivision – Created Longford Close part 2 (123A Wellington St)
- P08-003 – Dwelling & Shed (20 Longford Cl)
- P10-097 – Garage (20 Longford Cl)
- P10-188 – Withdrawn- Telecommunications Facility (123A Wellington St)
- P11-330 – Hay Shed (123A Wellington St)
- P12-024 – Extension & Carport (withdrawn) & Verandah (123A Wellington St)
- PLN-18-0274 - re-subdivision of 2 lots (residential & rural resource zoned – refused on the following grounds:
  - o Non-compliance with the clauses 26.3.2 P1.1 (b) & 26.4.2 P1 (b) of the Rural Resource Zone in the Northern Midlands Interim Planning Scheme 2013. The land the dwelling is located on is capable of being included with other land for Resource Development use as this is the current situation pre-subdivision. It is not



considered that the proposed subdivision would result in a clear increase in productivity due to the constraints of a residential use located within Rural zoned land and the reduction of available land that is not flood prone. Reliance on capital from the sale of lot 1 for improved productive capacity of the balance lot cannot be guaranteed.

*It is noted that the current proposal plan is identical to the one refused under PLN-18-0274.*

#### 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 ECM system after completion of the public exhibition period revealed that representation/s (attached) were received from:

- Erin and Jack Boyes, 14 Longford Close, Longford; and
- Abby and Jason Stroja, 33 Longford Close, Longford; and
- GAR & WML Butler, 22 Longford Close, Longford; and
- Petition submitted by GAR Butler on behalf of:
  - Peter and Geraldine Dwyer, 12 Longford Close, Longford; and
  - Abby and Jason Stroja, 33 Longford Close, Longford; and
  - Leonie Laycock, 3A Longford Close, Longford; and
  - Sandra and Phillip Pearce, 32 Longford Close, Longford; and
  - Alan and April Power, 2/2 Longford Close, Longford; and
  - Alan and Margaret Roberts, 4a Longford Close, Longford; and
  - Chris and Carol Crawford, 11 Longford Close, Longford; and
  - David and Patricia Stewart, 23-25 Longford Close, Longford; and
  - C and J Cocker, 24 Longford Close, Longford; and
  - Robert Thomas, 8 Longford Close, Longford; and
  - Greg Silvey, 5 Longford Close, Longford.
- TasFire (Bushfire Risk Unit) also submitted a representation.

**Map showing location of representors (and those who signed the submitted petition) properties in relation to subject site**





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

**Issue 1**

- Traffic concerns related to a future dwelling on Lot 1 (20 Longford Close), specifically Traffic access through the site (at 20 Longford Close) will create additional amenity issues from noise/headlights.

**Planner's comment:**

This concern relates to the potential for future development. Future development would be subject to a further assessment process. In any case, it is considered the amenity impact of a future single dwelling is unlikely to result in any unreasonable impact on the amenity of surrounding residential properties through traffic noise, headlights or dust generated. It is also noted that there is a line of planted trees separating the existing ancillary dwelling to other residential properties in Longford Close and it is considered that this screening currently provides a buffer for light intrusion. It should also be noted however, that these trees could be removed as part of a development and the removal of these trees does not, in and of itself, trigger the need for a planning application.

**Issue 2**

- Potential for an additional dwelling on 20 Longford Close, specifically development of a second dwelling on the site would potentially put an access driveway adjacent to appellants property and cause issues from drainage and runoff.

**Planner's comment:**

This concern relates to the potential for future development. Future development would be subject to a further assessment process. Regardless, the approval of a second dwelling would be required to address stormwater requirements in the planning scheme. The applicant has stated in their documentation to Council that the ancillary dwelling will use the existing access and no driveway upgrade is proposed or required.

**Issue 3**

- Concerns about the potential for rezoning the proposed lot 1 to General Residential from the current Rural Resource zone (and the potential for further residential development).

**Planner's comment:**

This concern relates to the potential for future development. Future development would be subject to a further assessment process.

It is however worth noting, that the portion of the subject site zoned Rural Resource is located outside the mapped Urban Growth Boundary that is specified in the Northern Tasmania Regional Land Use Strategy. It is the view of the report author that a rezoning to General Residential zone would be unlikely to be supported by the Tasmanian Planning Commission as a result of being located outside the mapped Urban Growth Boundary and the Commission are issuing consistent decisions as such.

**Issue 4**

- Concerns about a gradual erosion of land zoned Rural Resource.

**Planner's comment:**

This concern is discussed in more detail below in the planning assessment against Rural Resource development standards.

**Issue 5**

- The subdivision will not achieve the intent and purpose of the Rural Resource zone, specifically the subdivision does not meet the Rural Zone purpose 26.1.1.1. Proposed lot 1 will have limited productive capability.

**Planner's comment:**

This concern is discussed in more detail below in the planning assessment against Rural Resource development standards.



**Issue 6**

- The justification of the subdivision for the purposes of purchasing of agricultural equipment is not a sound planning reason.

Planner's comment:

This concern is discussed in more detail below in the planning assessment against Rural Resource development standards.

**Issue 7**

- The proposal fails to comply with E1.6 of the Bushfire Prone Areas Code in that does not provide any evidence that the relevant objectives have been considered or how the conclusion of insufficient increase in risk was reached.

Planner's comment:

This concern is discussed in more detail below in the planning assessment against applicable Code development standards.

**4.6 Referrals**

The following referrals were required:

<p><b>Council's Works Department</b> Council's Engineering Officer advised of no comment to make.</p>
<p><b>TasWater</b> TasWater provided a Submission to Planning Authority Notice (Taswater Ref: TWDA 2021/01184-NMC) dated 20/7/2021.</p>

**4.7 Planning Scheme Assessment**

GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<p><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></p> <p><i>To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p><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></p> <p><i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i></p>
<p>It is considered that the proposed development does not present any objection under any of the above zone purpose statements for the General Residential zone.</p>

LOCAL AREA OBJECTIVES
<p><i>To consolidate growth within the existing urban land use framework of the towns and villages.</i></p> <p><i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i></p> <p><i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i></p>
<p>It is considered that the proposed development does not present any objection under any of the above objective statements for the Local Area Objectives.</p>

**DEVELOPMENT STANDARDS FOR SUBDIVISIONS IN GENERAL RESIDENTIAL ZONE**

**10.4.4 SUBDIVISION**

**10.4.4.1 Lot Area, Building Envelopes and Frontage**

Objective:

*To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.*

Acceptable Solutions	Performance Criteria
<p>A1 Lots must:</p> <p>a) have a minimum area of at least 450m<sup>2</sup> which:</p> <p>i) is capable of containing a rectangle measuring 10m by 15m;</p>	<p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p>



<p>and</p> <p>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p> <p>b) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>c) for the provision of utilities; or</p> <p>d) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>e) to align existing titles with zone boundaries and no additional lots are created.</p>	<p>a) a dwelling to be erected in a convenient and hazard-free location; and</p> <p>b) on-site parking and manoeuvrability; and</p> <p>c) adequate private open space.</p>
<p>A2 Each lot must have a frontage of at least 3.6m.</p>	<p>P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>
<p>Comment: The proposal complies as the lot zoned General Residential (20 Longford Close) already exists.</p>	<p>N/a</p>

#### 10.4.4.2 Provision of Services

Objective: To provide lots with appropriate levels of utility services.

Acceptable Solutions	Performance Criteria
<p>A1 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P1 Each lot created must be:</p> <p>a) in a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) capable of accommodating an on-site wastewater management system.</p>
<p>A2 Each lot must be connected to a reticulated stormwater system.</p>	<p>P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.</p>
<p>Comment: The proposal complies as the lot zoned General Residential already exists.</p>	<p>N/a</p>

#### 10.4.4.3 Solar Orientation of Lots

Objective: To provide for solar orientation of lots and solar access for future dwellings.

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

#### 10.4.4.5 Integrated Urban Landscape

Objective: To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:

- a) character and identity of new neighbourhoods and urban places; or
- b) to existing or preferred neighbourhood character, if any.

Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road, public open space or other reserves.</p>	<p>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <p>a) it has regard to existing, significant features; and</p>



	<ul style="list-style-type: none"> <li>b) <i>accessibility and mobility through public spaces and roads are protected or enhanced; and</i></li> <li>c) <i>connectivity through the urban environment is protected or enhanced; and</i></li> <li>d) <i>the visual amenity and attractiveness of the urban environment is enhanced; and</i></li> <li>e) <i>it furthers the local area objectives, if any.</i></li> </ul>
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a

**10.4.4.6 Walking and Cycling Network**

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

**10.4.4.7 Neighbourhood Road Network**

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



	<i>h) take into account of any identified significant features.</i>
Comment: The proposal complies as the lot zoned General Residential already exists.	N/a

**RURAL RESOURCE ZONE**

**ZONE PURPOSE**

*26.1.1 Zone Purpose Statements*

*26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*

*26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.*

*26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.*

*26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.*

Assessment: The proposal will excise 1.41 hectares of land zoned Rural Resource and adhere this to a smaller 989sqm General Residential zone lot, presumably for the sole purpose of residential use.

While it is acknowledged that the proposed development proposes to purchase agricultural irrigation equipment to enable the irrigation of the balance lot as a result of the sale of the proposed Lot 1, it is also noted that the proposal will formalise the loss of agricultural potential of lot 1 and will result in the fragmentation of land that currently has some agricultural use, if only for grazing and livestock purposes rather than cropping.

It is considered the proposal is in conflict with zone purpose statement 26.1.1.1 as the proposed development seeks to convert a not insignificant portion of flood free land to facilitate residential use. Furthermore, the proposed development does not provide for the sustainable use or development of resources for agriculture or any other primary industry uses for the proposed lot 1. Its subdivision to create a 1.51ha residential lot will ensure it is virtually incapable of any such primary industry use in the future. The submitted agricultural report notes that that land contained in Lot 1 has currently constrained agricultural potential. It is considered that this does not justify the subdivision of this land which will formalise the land as having little to no primary industry potential.

Furthermore, it is not accepted that the irrigation of the Balance through the purchase of irrigation equipment is a justifiable means of meeting the Planning Scheme as it is understood that the property 123A Wellington Street has been used in the past for cropping of poppies and potatoes and appears to have a 125 ML water right (confirmed in the accompanying agricultural report as being an 85 ML right) to the immediately adjacent Macquarie River. It is unclear how irrigation equipment in and of itself will significantly improve the use of the balance when it is also noted that the land in question has a land capability classification of 4, which cites it as being suitable for occasionally cropping but suitable for primarily grazing land. Regardless, it is noted that the proposed Lot 1 will effectively lose any agricultural potential in and of itself as a result of being a 1.51ha lot containing a dwelling.

Furthermore, the proposal is in conflict with zone purpose statement 26.1.1.2, as the proposed development will increase the likelihood for the potential for land use conflict between the formalisation and consolidation of residential use and development on Lot 1 and current and future primary industry uses, activity and development on the Balance.

**LOCAL AREA OBJECTIVES**

*a) Primary Industries:*

*Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.*

*The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.*

*Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.*

*b) Tourism*

*Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.*

*The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.*

*c) Rural Communities*

*Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries*



*such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.*

Assessment: It is considered the proposal does not further the local area objectives of the zone as the long term sustainability of primary industry use for Lot 1 will be permanently lost as this lot essentially converts to a residential lot of 1.51ha in area while the long term sustainability of the Balance lot will be affected by the loss of 1.41ha of area converted to primarily residential use and the current and future use of the Balance will not be demonstrably enhanced by this proposal comprising subdivision.

The land is considered to be non prime agricultural land and the subdivision will fragment this land and further encroach residential use thereby increasing the potential for land use conflict.

**26.1.3 DESIRED FUTURE CHARACTER STATEMENTS**

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

Assessment: The proposed subdivision in and of itself will not directly result in any changes to the rural landscape.

**USE STANDARDS IN THE RURAL RESOURCE ZONE**

Due to the dwelling located on the proposed Lot 1 being originally approved under Planning Permit P06-250 as an 'ancillary dwelling' within the Resource Development use class, assessment against the 'use standards' of the zone are also required, as the subdivision would cause this dwelling to no longer be able to be used ancillary to the dwelling on the balance lot. The use of this dwelling would also change to a 'Residential' use as a 'Single Dwelling'.

**26.3.2 Dwellings**

Objective

To ensure that dwellings are:

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

**Acceptable Solutions**

A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or  
 A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or  
 A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.

**Performance Criteria**

P1.1 A dwelling may be constructed where it is demonstrated that:  
 a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to:  
 i) scale; and  
 ii) complexity of operation; and  
 iii) requirement for personal attendance by the occupier; and  
 iv) proximity to the activity; and  
 v) any other matters as relevant to the particular activity; or  
 b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:  
 i) limitations created by any existing use and/or development surrounding the site; and  
 ii) topographical features; and  
 iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and  
 P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling; and  
 P1.3 A dwelling may be constructed where it is demonstrated that the lot has frontage to a road or a Right of Carriageway registered over all relevant titles.

Comment: The proposal is not a new dwelling (rather, it is existing), the proposal does not include any alteration or extension and no new ancillary dwelling is proposed. On this basis, the proposal must be assessed under the P1 Performance Criteria.

Comment: The proposal relies on clause P1.1 (b). This clause requires the proposal must demonstrate that the dwelling is located on a site that is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use. Currently the ancillary dwelling on the proposed Lot 1 is part of a larger agricultural property that has been used in the past for cropping and livestock purposes. Currently this dwelling is therefore capable of being included with this land for agricultural use given this is the current situation. The proposal will effectively reverse this current situation and result in the dwelling being located on a new and significantly smaller lot that is has a significantly diminished ability to accommodate



	<p>any agricultural or primary industry use or development. Therefore, it is considered the proposal fails to comply with the P1.1 performance criteria.</p> <p>P1.2 A waste water system already services the ancillary dwelling and this clause is complied with.</p> <p>P1.3 The subdivision will provide access over a General Residential zoned lot to provide frontage to Longford Close which is defined as a 'road'.</p>
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**26.3.3 Irrigation Districts**

<p>Objective To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.</p>	
Acceptable Solutions	Performance Criteria
A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	<p>P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced having regard to:</p> <ul style="list-style-type: none"> <li>a) the location and amount of land to be used; and</li> <li>b) the operational practicalities of irrigation systems as they relate to the land; and</li> <li>c) any management or conservation plans for the land.</li> </ul>
N/a – the site is not in an irrigation district.	N/a

**DEVELOPMENT STANDARDS IN THE RURAL RESOURCE ZONE**

**26.4.1 Location and Appearance**

<p>Objective To ensure that the:</p> <ul style="list-style-type: none"> <li>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</li> <li>b) development of buildings is unobtrusive and complements the character of the landscape.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: <ul style="list-style-type: none"> <li>a) 8m for dwellings; or</li> <li>b) 12m for other purposes.</li> </ul>	<p>P1 Building height must:</p> <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding landscape; and</li> <li>b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal..</li> </ul>
Comment: The proposed subdivision does not seek approval for any alteration to any building affecting its height.	N/a
A2 Buildings must be set back a minimum of: <ul style="list-style-type: none"> <li>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</li> <li>b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.</li> </ul>	<p>P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:</p> <ul style="list-style-type: none"> <li>a) the topography of the land; and</li> <li>b) buffers created by natural or other features; and</li> <li>c) the location of development on adjoining lots; and</li> <li>d) the nature of existing and potential adjoining uses; and</li> <li>e) the ability to accommodate a lesser setback to the road having regard to: <ul style="list-style-type: none"> <li>i) the design of the development and landscaping; and</li> <li>ii) the potential for future upgrading of the road; and</li> <li>iii) potential traffic safety hazards; and iv) appropriate noise attenuation.</li> </ul> </li> </ul>
Comment: The proposed subdivision seeks a new boundary to the ancillary dwelling proposed to be converted to a Single Dwelling (a sensitive use) less than 200m and therefore the P2 Performance Criteria are applicable.	<p>On page 14 of the agricultural assessment by consultants Macquarie Franklin, the proposed new eastern boundary of Lot 1 is located 94.1m from the existing ancillary dwelling that will be contained within this new lot.</p> <p>This is less than half the 200m minimum setback of buildings where a</p>



	<p>sensitive use (the dwelling) is proposed.</p> <p>When considered against the P2 Performance Criteria, it is considered the topography of the land (being essentially level with no vegetative screening) will not create any buffers. The land itself does not display any topography or natural features that will assist in avoiding the potential for land use conflict and facilitate primary industry operations on the Balance lot. The Balance land appears to have been previously used for cropping use and as part of the application, it is intended to intensify by 150% this capability by the introduction of irrigation infrastructure (linear pivot system) as outlined in the agricultural report submitted by the applicant.</p> <p>The agricultural report states: <i>The proposed Lot 1 subdivision and associated boundary adjustment has been carefully planned so that would impose a negligible negative impact, constraint and/or disruption to the agricultural land use activities and residential amenity on the balance of the property.</i></p> <p><i>The Lot 1 subdivision has well established gardens and trees planted on the eastern and northern boundary of the residential dwelling, with significant shelter belt vegetation along the south and west boundaries all of which provide a high level of privacy, shelter and buffering to the adjacent farm land, in particular the land use activity on the adjoining balance land Lot 2.</i></p> <p>It is however noted that the ancillary dwelling appears (by observing satellite imagery) to have no discernible planting to the east and what planting exists, appears to be of a scale and extent that would be unlikely to effectively screen out agricultural activity such as spraying, odour, dust, noise or irrigation drift.</p> <p>On this basis, it is considered the proposal fails to comply with P2(a) to (d) inclusive.</p>
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**DEVELOPMENT STANDARDS FOR SUBDIVISIONS IN THE RURAL RESOURCE ZONE**

**26.4.2 Subdivision**

**Objective**

To ensure that subdivision is only to:

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

**Acceptable Solutions**

A1 Lots must be:

- a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or
- b) for the consolidation of a lot with another lot with no additional titles created; or
- c) to align existing titles with zone boundaries and no additional lots are created.

**Performance Criteria**

P1 The subdivision

- a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or
- b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished.

Comment: The proposed subdivision does not seek approval for any of the above and therefore the proposal must be assessed under the P1 Performance Criteria.

Comment:  
The following comments were made against the same proposal in PLN-18-0274: *Relies on performance criteria P1 (a) for compliance.*  
*The application for subdivision has been made on the sole basis that the improvement to the productive capacity of the land will be via the capital made available from the sale of proposed lot 1 for irrigation infrastructure to be established on the balance land. The agricultural report submitted with the application notes that land improvements are proposed to be based on significant irrigation infrastructure such as an irrigator, upgraded irrigation mains and improved pumping capacity. No further information was provided regarding the*



timeline for installation or plan for how such irrigation would be utilised within the enterprise.

Unfortunately, it cannot be guaranteed through assessment under the planning scheme that such improvements would take place, nor is there a mechanism in which to enforce the utilisation of such capital.

Further, the application proposes to change the use of a dwelling that was constructed as an 'ancillary dwelling' integral and subservient to the agricultural use of the site (P06-250) to a residential use, which has the potential to constrain adjoining primary industry operations, particularly if intensification of this use is envisaged. In circumstances where the entity conducting the farming operation is the same as the entity occupying a dwelling, there is unlikely to be conflict due to the farming operations; residents will probably tolerate noise, dust and spray drift, and the farming operators are probably more careful to manage these potential impacts as they are directly impacted by them. By extending residential land uses beyond the urban growth boundary, the potential for conflict in land uses is increased and a precedent is set for residential uses occupying Rural Resource zoned land.

Due to most of the block flooding during significant flood events, the removal of proposed lot 1 from the balance farming land would also limit flood free ground in which to move any stock to during a flood event, resulting in further constraints to the capacity of the land for primary industry uses. The site's flood risk also limits the options for permanent irrigation infrastructure. Accordingly, it is not considered that the proposed subdivision would result in a clear increase in productivity and therefore, the performance criteria of clause 26.4.2 is not met.

Since the refusal of the application by Council in 2019, the same subdivision plan has been resubmitted to Council as a new proposal without any changes. A planning report and updated agricultural report have also been submitted with the application documentation. This agricultural report did not provide any further information regarding the timeline for installation but did provide particulars as to how the purchase and use of a linear pivot irrigation system would be utilised on the Balance lot. However, despite the lodgement of this additional information, it still cannot be guaranteed through assessment under the Planning Scheme that such improvements would take place, nor is there a mechanism in which to enforce the utilisation of such capital as part of the planning process. It is also noted that all of the other concerns outlined in the original planner's report to Council still remain.

Furthermore, it is also noted that the proposal ignores the fact that the subdivision in and of itself will result in Rural Resource land within the proposed Lot 1 being effectively converted to residential use and rather than being improved as required under P1(a) or not materially diminished as required under P1(b), the productivity of this portion of the site will be effectively lost.

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	<p>One of the representations received was from the Bushfire Risk Unit at TasFire. TasFire have noted in their representation that the bushfire assessment undertaken in 2018 and lodged again with this application does not demonstrate compliance with Clause E1.6 of the Bushfire Prone Areas Code. They have recommended that any approval could potentially be conditioned to require a Bushfire Hazard Management assessment and Plan as part of any permit issued by Council.</p> <p>However, it is considered that compliance should be provided at the planning assessment stage rather than post approval, in the event that a compliant BHMP was unable to be achieved for the proposal. On this basis, it is considered the proposal fails to comply with E1.6.A1 and P1 of the Code.</p>
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a



E4.0	ROAD AND RAILWAY ASSETS CODE	N/a – each lot has an existing access onto Longford Close and also Wellington Street. The application for subdivision does not seek approval for an intensification of use of each access is proposed beyond what has been previously approved.
E5.0	FLOOD PRONE AREAS CODE	The proposal complies. See code assessment below.
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	This Code does not set any requirement Resource Development uses. Two parking spaces are currently available for the ancillary dwelling to be subdivided onto the proposed Lot 1 with no changes proposed.
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 – The proposed subdivision does not propose subdivision involving the creation of new titles in the General Residential zone
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

**ASSESSMENT AGAINST E5  
FLOOD PRONE AREAS CODE**

**E5.5 Use Standards**

**E5.5.1 Use and flooding**

**Objective**

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

**Acceptable Solutions**

A1 The use must not include habitable rooms.

**Performance Criteria**

P1 Use including habitable rooms subject to flooding must demonstrate that the risk to life and property is mitigated to a low risk level in accordance with the risk assessment in E5.7.

**Comment:**

The proposal complies with A1 as no new habitable buildings are being proposed.

A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.

P2 Use must demonstrate that the risk to life, property and the environment will be mitigated to a low risk level in accordance with the risk assessment in E5.7.

**Comment:**

The proposal complies with A2.

**E5.6 Development Standards**

**E5.6.1 Flooding and Coastal Inundation**

**Objective**

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

**Acceptable Solutions**

A1 No acceptable solution.

**Performance Criteria**

P1.1 It must be demonstrated that development:  
a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or  
b) where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7.

P1.2 Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.

P1.3 Where mitigation of flood impacts is proposed or required, the application must



	<p>demonstrate that:</p> <p>a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and</p> <p>b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures;</p> <p>c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and</p> <p>d) where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.</p>
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Comment:  
The proposal complies with P1.1 (a).  
P1.2 – N/a. P1.3 – N/a.

**E5.7 Risk Assessment**

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

**Table E5.1 AS/NZS 4360:2004 Risk Consequence and Likelihood Matrix Table**

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

**b) Consequence Criteria**

**Catastrophic** Loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.

**Major** Extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

**Moderate** Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces.

**Moderate environmental damage with a short-term natural or remedial recovery time.**

**Minor** Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.

**Insignificant** No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.

**Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.**

**c) Likelihood – Annual Exceedance Probability**

1:25 (4%) Moderate

1:50 (2%) Unlikely

1:100 (1%) Rare

**ASSESSMENT AGAINST E6  
CAR PARKING AND SUSTAINABLE TRANSPORT CODE**

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

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

Acceptable Solutions		Performance Criteria	
A1	The number of car parking spaces must not be less than the requirements of:	P1	The number of car parking spaces provided must have regard to:
a)	Table E6.1; or	a)	the provisions of any relevant location specific car parking plan; and
b)	a parking precinct plan contained in Table E6.6: Precinct Parking Plans	b)	the availability of public car parking spaces within reasonable walking distance; and
		c)	any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
		d)	the availability and frequency of public transport within reasonable walking



(except for dwellings in the General Residential Zone).	<p>e) distance of the site; and</p> <p>f) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>g) 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>h) an empirical assessment of the car parking demand; and</p> <p>i) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>j) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>k) any heritage values of the site; and</p> <p>l) 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>
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**Comment:**

The proposal complies – there are 2 spaces available for the proposed residential use (conversion of the ancillary dwelling to a dwelling on its own title). The Code does not set any requirement car parking spaces to be provided for resource development use of the balance land.

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

<b>Use</b>	<b>Parking Requirement</b>	
	<b>Vehicle</b>	<b>Bicycle</b>
<b>Residential:</b>		
<i>Residential use in any zone other than General Residential.</i>	<i>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings.</i>	<i>1 space per unit or 1 space 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.

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

**Comment:**

The proposal complies – 1 space is available for proposed residential use (conversion of the ancillary dwelling to a Single Dwelling). The Code does not set any requirement for the provision of parking for resource development use of the balance land.

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

Objective: To ensure that taxis can adequately access developments.

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
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.

<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	One motorbike parking space must be provided for each	P1	No performance criteria.



20 car spaces required by Table E6.1 or part thereof.
Comment: N/a

**E6.7 Development Standards**

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

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

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

Comment:  
In the event an approval was granted, it is considered reasonable to apply a condition to be required on a planning permit if a planning approval is issued, to ensure that A1 is met.

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

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

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

Comment:

A1.1 – N/a

A1.2 – N/a

A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
--	--

Comment:

The proposal relies on the P2 Performance Criteria as A2 is not met. No formed vehicle access is shown on the proposal plan; therefore, it is not clear if access widths and passing bays are met under A2. It is however, considered that there is sufficient space is available to comply with P2.

**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
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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: <ul style="list-style-type: none"> <li>a) the topography of the site;</li> <li>b) the location and type of relevant facilities on the site or in the vicinity;</li> <li>c) the suitability of access pathways from parking spaces, and</li> <li>d) applicable Australian Standards.</li> </ul>
A2	Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2	No performance criteria.

Comment:  
N/a – Both the dwelling on 123A Wellington Street and the ancillary to be converted to a single dwelling on the proposed Lot 1 are private residences.

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

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

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

Comment:  
N/a

**E6.8 Provisions for Sustainable Transport**

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

Not used in this planning scheme

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

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

Acceptable Solutions		Performance Criteria	
A1.1	Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>d) be available and adequately lit in accordance with <i>Australian</i></li> </ul>	P1	Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.



A1.2	Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	
A2	Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
<p>Comment: The residential dwelling to be converted from an ancillary dwelling is able to comply with A1.2 &amp; A2.</p>		

**E6.8.5 Pedestrian Walkways**

Objective: To ensure pedestrian safety is considered in development

Acceptable Solution		Performance Criteria	
A1	Pedestrian access must be provided for in accordance with Table E6.5.	P1	Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
<p>Comment: Complies with A1.</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
9.4	Demolition	N/a
9.5	Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6	Change of Use	N/a
9.7	Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8	Buildings Projecting onto Land in a Different Zone	N/a
9.9	Port and Shipping in Proclaimed Wharf Areas	N/a
STATE POLICIES		
The proposal is consistent with all State Policies.		
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993		
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .		



**STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES**

**Strategic Plan 2017-2027**

- Statutory Planning

**5 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993**

<b>Section 83</b>	<b>Approval of plan of subdivision</b>	<b>Yes</b>	<b>No</b>
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		P
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		P
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		P
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?		P
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		P
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?		P
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		P
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		P
<b>Section 84</b>	<b>Council not to approve subdivision</b>	<b>Yes</b>	<b>No</b>
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		P
	<b>If 'yes', refuse the subdivision.</b>		
<b>Section 85</b>	<b>Refusal of application for subdivision</b>		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		P
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		P
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		P
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		P
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		P
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		P
85(d)(iii)	public open space;		P
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		P
85(d)(v)	private roads, ways or open spaces;		P
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		P
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		P
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		P



85(d)(ix)	provision for the preservation of trees and shrubs;		Ref
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		Ref
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		Ref
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		Ref
85(g)(ii)	party-wall easements;		Ref
85(g)(iii)	the state of a party-wall on its boundary.		Ref
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		Ref
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		Ref
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		Ref
86(2)(f)	the filling in of ponds and gullies;		Ref
86(2)(g)	the piping of watercourses.		Ref
	<b>If 'yes':</b>		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
<b>Section 107</b>	<b>Access orders</b>	<b>Yes</b>	<b>No</b>
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		Ref
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
<b>Section 108</b>	<b>Road widening</b>	<b>Yes</b>	<b>No</b>
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		Ref
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		Ref

## 6 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 7 OPTIONS

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

## 8 DISCUSSION

Council has discretion to refuse the application.



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

The application is recommended for refusal due to non-compliance with the clauses 26.3.2 P1.1 (b), 26.4.1.P2 (a), (b), (c) and (d), 26.4.2 P1 (a) as well as non compliance with the Bushfire prone Areas Code, clause E1.6.

Subdivision for a new residential dwelling is unlikely to be supported in this location and an existing ancillary dwelling to be converted to a single dwelling must be considered under the same requirements for change of use from 'resource development' to the 'residential' use class.

Creating a lot for a residential use on rural land has the potential to constrain this land as well as increase the likelihood of land use conflict with resource development and agricultural use of the adjoining Balance, which fails to comply with the requirement for a subdivision to improve the productive capacity of the land as a result of the subdivision.

The subdivision will, conversely, result in the reduction of the productive capacity of the land as a result of the excise of a portion of the Rural Resource zoned land onto a 1.51ha lot with virtually no ability to be used for any agricultural use owing to its primary residential use, size and proximity to higher density General Residential zoned properties.

Four representations and a petition were received in objection to the application, citing concerns such as amenity impacts (traffic noise, headlights, dust), change of road layout (cul-de-sac to through road), drainage/stormwater issues, lack of assurance regarding future use of proposed lot 1 and impact on agricultural land (compliance with Rural Resource zone). While many of the representation concerns about the potential for future development on the subject land cannot be considered as concerns related to the proposal itself (which is for subdivision only), the concerns about the loss and fragmentation of rural land are valid concerns for which the proposal seeks a discretion on and furthermore, fails to comply with applicable Performance Criteria.

It is considered that even in the event the proposal could demonstrate that the purchase and use of linear pivot irrigation infrastructure would increase the productivity of the Balance, the land contained within Lot 1 is still zoned Rural Resource and such land also must not have its potential for the use of primary industry diminished as a result of the development. This land will undoubtedly be used for residential use only and being a separate title, it likely to be held under separate ownership. The 1.51ha size of the proposed Lot 1 renders it virtually unusable for any resource development or primary industry use or activity by virtue of its primary use being residential and the central location of the dwelling within the proposed lot when considered against its size.

It is considered that, despite more information and detail being provided on how the additional irrigation (noting the site is already able to be irrigated, appears to have previously supported crops such as poppies and potatoes that require irrigation and has a 85 ML water right to the immediately adjacent Macquarie River) will result in additional agricultural use along with financial considerations and calculations, the justification for the approval of the subdivision by using cash from the sale of the land to buy irrigation equipment cannot be supported from a planning perspective.

## 9 ATTACHMENTS

1. Application [13.1.1 - 85 pages]
2. Referral Responses [13.1.2 - 3 pages]
3. Representations [13.1.3 - 28 pages]

## RECOMMENDATION

That application PLN-21-0153 for a re-subdivision of 2 lots, change of use of ancillary dwelling to single dwelling (General Residential and Rural Resource zones, flood prone area) at 20 Longford Close and 123A Wellington Street, Longford be refused on the following grounds:



1. The proposal fails to comply with clause 26.3.2 P1.1 (b) of the Rural Resource Zone in the *Northern Midlands Interim Planning Scheme 2013* as the site is not practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use.

The land the dwelling is located on is capable of being included with other land for Resource Development use as this is the current situation pre-subdivision. It is not agreed that the proposed subdivision would result in a clear increase in productivity due to the constraints of a residential use located within Rural zoned land, the size of the proposed Lot 1 and the reduction of available land that is not flood prone within the Balance. Reliance on capital from the sale of lot 1 for improved productive capacity of the balance lot cannot be guaranteed.

2. The proposal fails to comply with clause 26.4.1.P2 (a), (b), (c) and (d) as the proposed subdivision will result in a building (the existing ancillary dwelling) having a setback likely to constrain adjoining primary industry operations.
3. The proposal fails to comply clause 26.4.2 P1 (a) as the proposed subdivision fails to demonstrate that the productive capacity of the land (comprising all of the land zoned Rural Resource which includes Lot 1) will be improved as a result of the subdivision.
4. The proposal fails to demonstrate compliance with Clause E1.6.1 A1 and P1 of the Bushfire Prone Areas Code E1.0 as the proposed plan of subdivision does not show any hazard management areas that demonstrate compliance with either A1 or P1.
5. The proposal fails to demonstrate compliance with Clause E1.6.2 A1 and P1 of the Bushfire Prone Areas Code E1.0 with respect to access and egress to enable protection from bushfires that demonstrate compliance with either A1 or P1.



## 13.2 PLN21-0194: 2A ELIZABETH STREET, PERTH

*File:* PLN21-0194  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Ryan Robinson, Planner (& Paul Godier, Senior Planner)

### 1 INTRODUCTION

This report assesses an application for 2A Elizabeth Street, Perth to construct 2-lot subdivision (vary lot size and solar orientation).

### 2 BACKGROUND

**Applicant:**

D J McCulloch Surveying

**Zone:**

General Residential Zone

**Owner:**

Ryan John Gregson

**Codes:**

Road and Railway Assets Code  
Car Parking and Sustainable Transport Code  
Recreation and Open Space Code

**Classification under the Scheme:**

Subdivision

**Existing Use:**

Residential

**Deemed Approval Date:**

02-Sept-21 (EOT:24/9/2021)

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Reliance on performance criteria for:
  - Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage, and
  - Clause 10.4.15.3 Solar Orientation of Lots.

**Planning Instrument:**

- *Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26 April 2021.*

**Preliminary Discussion**

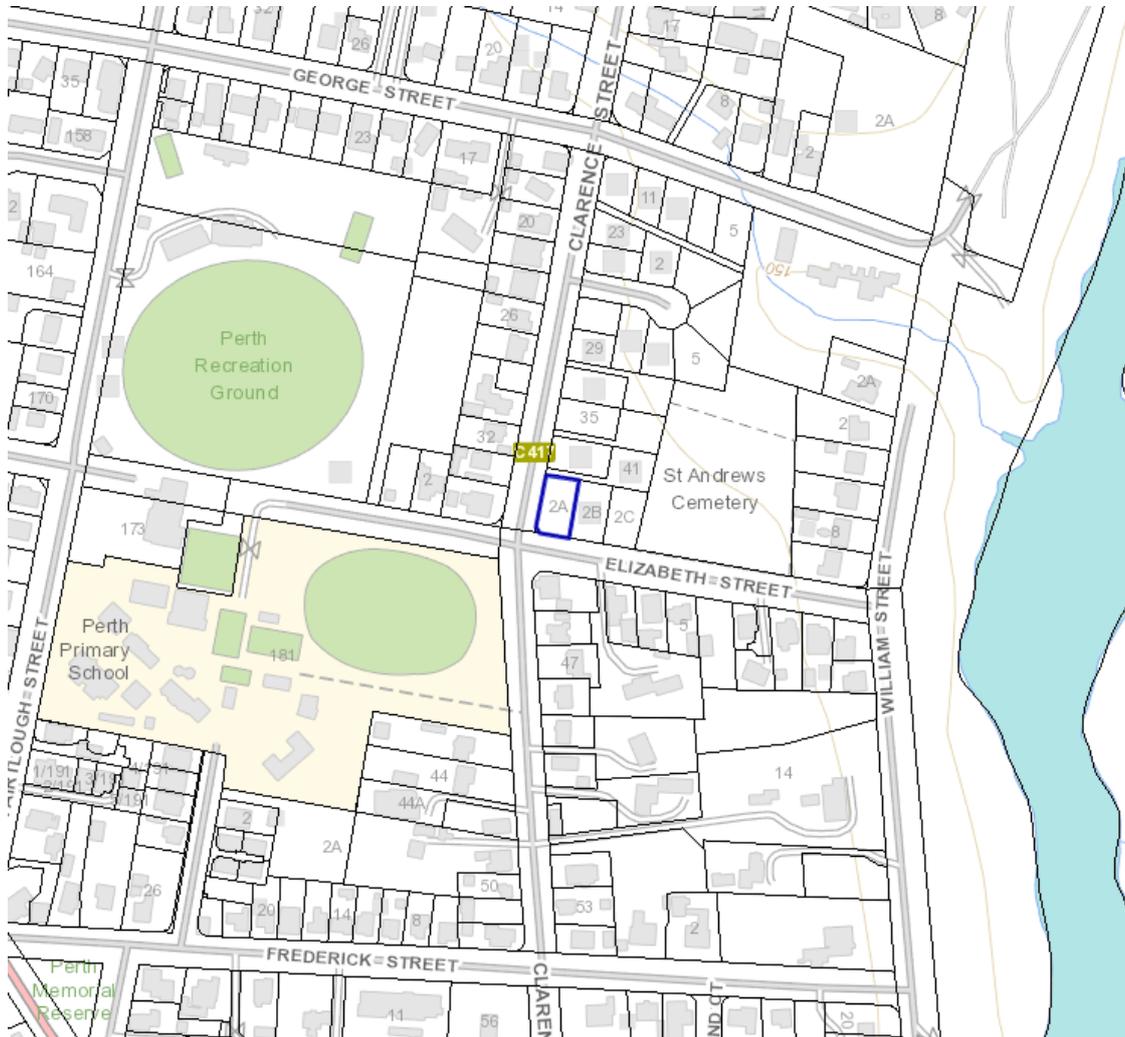
The proposal is for the subdivision into 2 lots of a 699m<sup>2</sup> parcel of residential land at 2A Elizabeth Street, Perth. The land contains a single dwelling and access to Elizabeth Street, and the dwelling will be contained within proposed Lot 2 of the subdivision, which will have an area of 358m<sup>2</sup>. Proposed Lot 1 will be vacant and will have an area of 341m<sup>2</sup>.

The application relies on assessment against the Performance Criteria for Clause 10.4.15.1, and Clause 10.4.15.3 of the Planning Scheme for compliance.

An assessment of the proposed subdivision against the relevant provisions of the Planning Scheme is provided in Section 4.7 of this report.



**Subject Site (neighborhood context)**





Subject site (title plan)



### 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

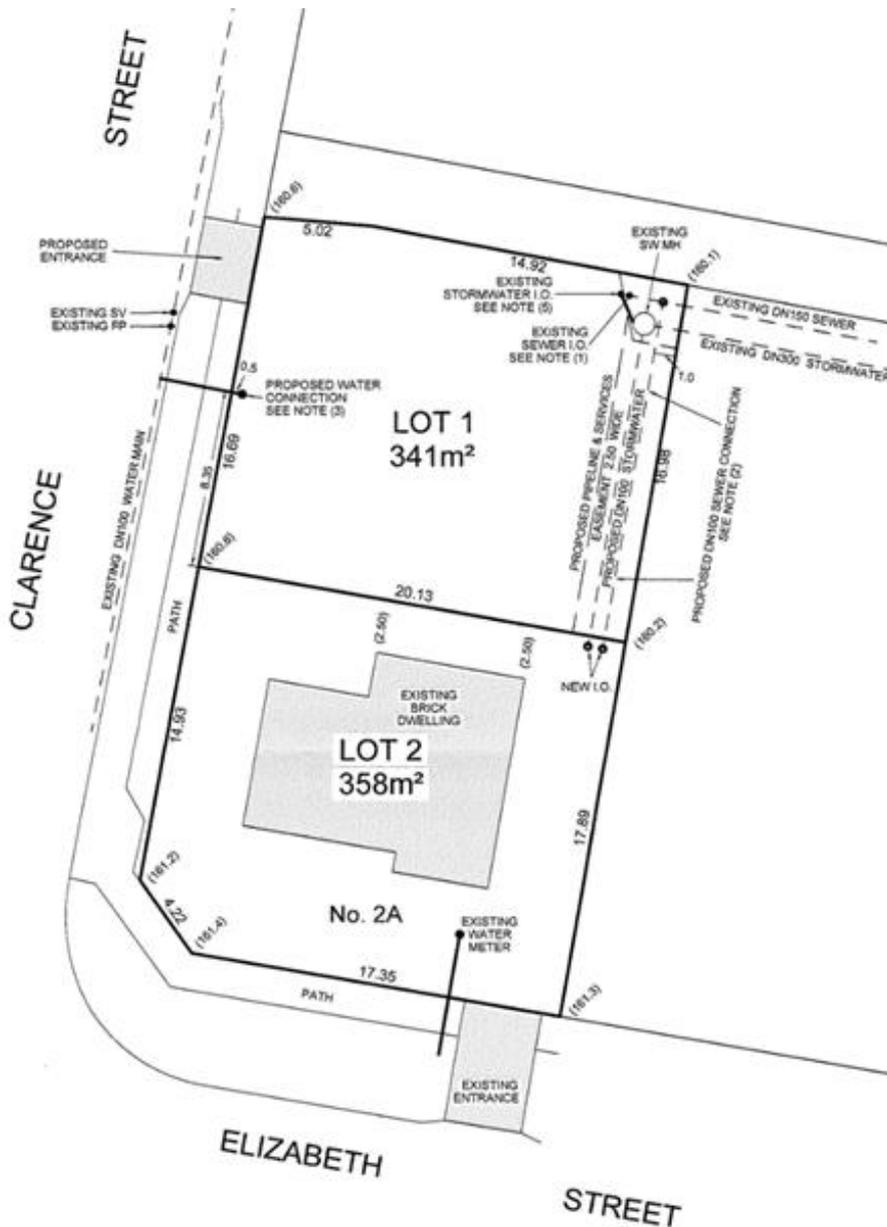
#### 4.1 Proposal

It is proposed to:

- 2-lot subdivision (vary lot size and solar orientation)



Site Plan (extract)



4.2 Zone and Land Use

The land is zoned General Residential.

The relevant Planning Scheme definition is:

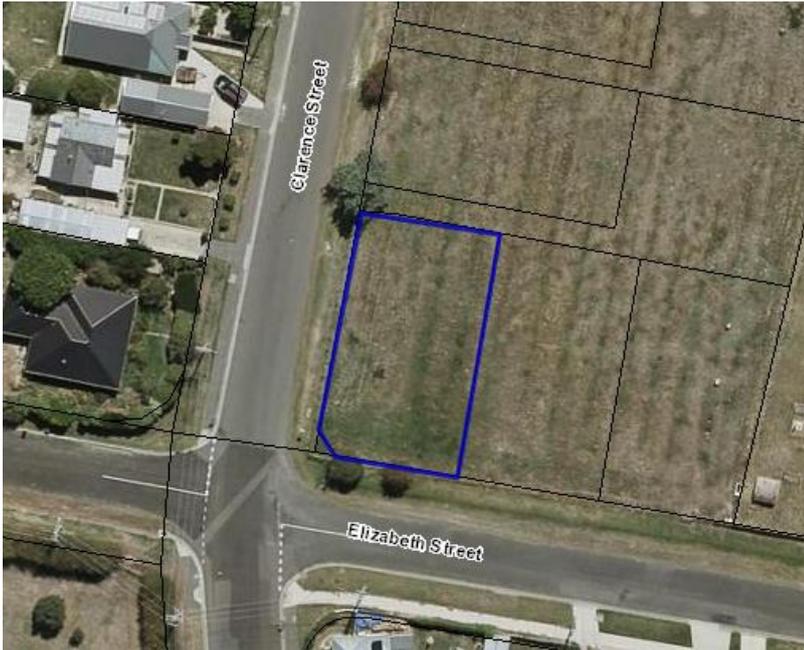
Subdivide	<p>means to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:</p> <p>(a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;</p> <p>(b) a lease of airspace around or above a building;</p> <p>(c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;</p> <p>(d) the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998; or</p> <p>(e) an order adhering existing parcels of land.</p>
Subdivision	<p>means the act of subdividing or the lot subject to an act of subdividing.</p>

#### 4.3 Subject Site and Locality

The author of this report carried out a site visit on the 13/09/2021. The site has an area of 699m<sup>2</sup> and is located on the corner of Clarence Street and Elizabeth Street in Perth. The site contains an existing single dwelling.

The site adjoins, and is adjacent to, residential land uses to the north, east, south and west. Educational (Perth Primary School), recreational (Perth Recreation Ground), community purpose (St Andrews Cemetery), and open space uses (South Esk River) are located within 100m to 200m of the site.

#### *Aerial photograph of area*



#### *Photographs of subject site*





#### 4.4 Permit/Site History

Relevant permit history includes:

- BLD20-167 – Dwelling
- E20-0054 – Planning review dwelling

#### 4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's Records management system after completion of the public exhibition period revealed that six (6) representations (attached) were received from:

- S. White & B. Hadley, 1-3 George Street, Perth
- J. Targett, 57 Clarence Street, Perth
- J. Saunderson, 51D Clarence Street, Perth
- J. Davis, 2A William Street, Perth
- C. Stebbings, 22 Clarence Street, Perth
- T. Purse, 2 George Street, Perth

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



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

#### **Issue 1**

- An insufficient amount of detail was advertised for the proposal, which makes it difficult to evaluate.



Planner's comment:

The amount of information provided by the applicant and advertised to the public is sufficient for an assessment of the proposal against the relevant provisions of the *Northern Midlands Interim Planning Scheme 2013* to have been completed. The assessment of the proposal is detailed in section 4.7 of this report.

**Issue 2**

- The lot sizes are less than 450 m<sup>2</sup>, and cannot contain a rectangle measuring 10m by 15m.

Planner's comment:

The issue of minimum lot size and dimensions are addressed in provisions (a)(i) and (a)(ii) of Acceptable Solution A1 to Clause 10.4.15.1.

The proposed subdivision will create two lots. Lot 1 will be a vacant lot with a total area of 341 m<sup>2</sup>. Lot 2 will contain an existing dwelling and will have an area of 358 m<sup>2</sup>. As each lot has an area less than 450 m<sup>2</sup> the proposal relies on compliance with the provisions of Performance Criteria P1.1.

The provisions of P1.1 require that each lot provides sufficient useable area and dimensions to allow for:

1. A dwelling to be erected in a convenient and hazard free location; and
2. On-site parking and manoeuvrability; and
3. Adequate private open space.

The provisions do not require that lots be capable of containing a rectangle measuring 10m by 15m.

The assessment of the proposed subdivision against the relevant provisions of Clause 10.4.15.1 P1.1 addresses the concerns raised in representations as follows:

The site is not subject to natural hazards identified in Planning Scheme Overlays.

An assessment of the dimensions of proposed Lot 1 against the provisions for boundary and easement setbacks, private open space, and on-site parking confirms that the lot can contain a minimum building area of 142 m<sup>2</sup>, with minimum horizontal dimensions of 11.6m and 12.1m, that is suitable for the development of a dwelling.

The potential building area would have a frontage setback of 4.5m, side boundary setbacks of 1.5m, and a 2m setback from the centre of the proposed stormwater easement at the rear of the lot. The lot would also contain an area for on-site parking for two vehicles (suitable for a dwelling with two or more bedrooms), and a minimum area of 24 m<sup>2</sup> having a minimum horizontal dimension of 4m, for use as private open space located north of the potential building area.

Lot 2 will maintain access to Elizabeth Street and a suitable area of private open space to the north of the dwelling.

The proposal is considered to comply with the Performance Criteria.

**Issue 3**

- Proposed lot sizes are too small to allow for solar access requirements.

Planner's comment:

The issue of solar access is addressed in Clause 10.4.15.3, which applies to solar orientation of lots in a subdivision.

Responses to the provisions of Clause 10.4.15.3 P1 and P2 are provided in Section 4.7 of this report. The assessment determines that the proposal complies with the relevant provisions, specifically in relation to the dimensions of the northern boundaries of each lot, the location of buildings or potential location of buildings on each lot, the use of land adjoining the northern boundary of the site as an access strip, and the topography of the site.

**Issue 4**

- Proposed lot sizes are too small to comply with overshadowing requirements.

Planner's comment:

The matter of overshadowing is addressed in Clause 10.4.2 P3 as follows:



If a dwelling cannot comply with the provisions of Acceptable Solution A3 (specifically that the building cannot be contained within an applicable building envelope, noting that the Acceptable Solution allows for side boundary setbacks less than 1.5m) the proposal would need to be assessed against the provisions of the Performance Criteria. As the planning assessment concludes that a sufficient building area can be provided on Lot 1 whilst maintaining side boundary setbacks of 1.5m, it is considered that the development of a building on Lot 1 can be undertaken without preventing solar access to Lot 2.

**Issue 5**

- The lots will not provide sufficient space for a building envelope that does not cover more than 50% of the site.

**Planner's comment:**

The matter of site coverage is addressed in Clause 10.4.3. Provision A1(a), which requires site coverage (excluding eaves up to 0.6m wide) be no greater than 50%. Site coverage means the proportion of a site (excluding access strips) that is covered by a roofed building.

The proposed subdivision will increase the proportion of Lot 2 that is covered by a roofed building to 28.5%. Lot 1 is shown to be capable of containing a building area of 142 m<sup>2</sup> whilst maintaining all minimum requirements for boundary and easement setbacks, on-site parking, and private open space. That area is equivalent to 41% of the site.

As such, Lot 2 will continue to comply with the applicable provision of the Acceptable Solution, and Lot 1 will be capable of containing development that complies with the applicable provision of the Acceptable Solution.

**Issue 6**

- The lots will have an insufficient area that is free of impervious surfaces.

**Planner's comment:**

The issue of impervious surface requirements is addressed in Clause 10.4.13.2. The Clause applies only to development other than for dwellings, and requires that a minimum 25% of the site be free of impervious surfaces. As such, the Clause does not apply to proposal

**Issue 7**

- The amount of private open space on each lot will be insufficient.

**Planner's comment:**

The issue of private open space is dealt with in Clause 10.4.3 A2, which requires that a single dwelling have private open space that is in one location and is not less than 24 m<sup>2</sup> and has a minimum horizontal dimension of 4m, has a gradient not steeper than 1 in 10, and in the case of the proposed lots is not located within the property frontage.

An assessment against the relevant provisions in Section 4.7 of this report concludes that the proposed subdivision will not impact the amount, location, or dimensions of private open space at Lot 2 to less than is required by the provisions of the Acceptable Solution.

The assessment concludes that there is sufficient space in Lot 1 for an area of private open space that complies with the provisions of the Acceptable Solutions.

**Issue 8**

- Off-street parking is insufficient, and on-street parking is too heavily relied upon by residents. Further, residents are parking on nature strips due to limited off-street parking options.

**Planner's comment:**

The issue of parking is dealt with in Clause 10.4.15.1 P1.1 and an assessment of the application against the provisions of the Clause concludes that each lot will have sufficient area for the minimum number of off-street parking spaces required for a dwelling with two or more bedrooms.

The minimum number of parking spaces required is addressed in Clause E6.6.1 and Table E6.1 of the Car Parking and Sustainable Transport Code.



On-street parking is not addressed by any Clause relevant to the proposed subdivision or potential development for a residential use at Lot 1.

**Issue 9**

- Space for turning/manoeuvring on the local roads is insufficient.

**Planner's comment:**

The dimensions of local roads are not addressed by any Clause relevant to the proposed subdivision.

**Issue 10**

- The proposed subdivision is inconsistent with the Zone Purpose Statements and Local Area Objectives.

**Planner's comment:**

The proposed subdivision is assessed against the Zone Purpose Statements and Local Area Objectives in section 4.7 of this report. It is concluded that as the proposed subdivision complies with, or is consistent with all relevant provisions of applicable Clauses of the Scheme, that the proposal is consistent with the Zone Purpose Statements and Local Area Objectives.

**Issue 11**

- There was strong opposition to the layout of the original proposal for the subdivision of the land, and the approval of a non-compliant subdivision of land in the locality would be considered as "rubbing salt in the wounds" of many local residents.

**Planner's comment:**

Assessment of the proposed subdivision is made only for the current application, and not for the previous subdivision of land that created the site. The assessment in this report concludes that the proposal complies, or is otherwise consistent with, the relevant provisions of the Scheme.

#### **4.6 Referrals**

The following referrals were required:

**Council's Works Department**

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) reported on 13/8/21 and their recommended conditions are included in the conditions of approval.

**TasWater**

Summary: A Taswater Submission to Planning Authority Notice was issued on 03/08/2021 (Taswater Ref: TWDA 2021/01245-NMC).

**General Manager**

Precis: Application signed by the General Manager.

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

<b>GENERAL RESIDENTIAL ZONE</b>
<b>ZONE PURPOSE</b>
<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.

<b>LOCAL AREA OBJECTIVES</b>
<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.

**DEVELOPMENT STANDARDS FOR SUBDIVISIONS IN GENERAL RESIDENTIAL ZONE**

**10.4.15 Subdivision**

**10.4.15.1 lot area, building envelopes and frontage**

*Objective:*

*To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><del>A1 Lots must:</del></p> <p><del>a) have a minimum area of at least 450m<sup>2</sup> which:</del></p> <p><del>i) is capable of containing a rectangle measuring 10m by 15m; and</del></p> <p><del>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</del></p> <p><del>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</del></p> <p><del>c) be for the provision of utilities; or</del></p> <p><del>d) be for the consolidation of a lot with another lot with no additional titles created; or</del></p> <p><del>e) be to align existing titles with zone boundaries and no additional lots are created.</del></p> <p><del>A1.2 On folio of the Register 222877/1, lots fronting Marlborough Street must have a minimum area of at least 590m<sup>2</sup> which:</del></p> <p><del>a. is capable of containing a rectangle measuring 10m by 15m; and</del></p> <p><del>b. has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</del></p>	<p><i>P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</i></p> <p><i>a) a dwelling to be erected in a convenient and hazard-free location; and</i></p> <p><i>b) on-site parking and manoeuvrability; and</i></p> <p><i>c) adequate private open space.</i></p> <p><i>P1.2 No performance criteria.</i></p>
<p><del>A2 Each lot must have a frontage of at least 3.6m.</del></p>	<p><del><i>P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</i></del></p>

Comment:

P1

The application relies upon the performance criteria as Lot 1 is to be 341m<sup>2</sup> and Lot 2 is to be 358m<sup>2</sup>. Lot 2 already contains an existing dwelling, including car parking for two vehicles and private open space greater than 24 m<sup>2</sup> and with a minimum horizontal dimension greater than 4m.

The site is not subject to natural hazards identified in Planning Scheme Overlays.

An assessment of the dimensions of proposed Lot 1 against the provisions for boundary and easement setbacks, private open space, and on-site parking confirms that proposed Lot 1 can contain a minimum building area of 142 m<sup>2</sup> with minimum horizontal dimensions of 11.6m and 12.1m that is suitable for the development of a dwelling.

The potential building area would have a frontage setback of 4.5m, side boundary setbacks of 1.5m, and a 2m setback from the centre of the proposed stormwater easement at the rear of the lot. The lot would also contain an area for on-site parking for two vehicles (suitable for a dwelling with two or more bedrooms), and a minimum area of 24 m<sup>2</sup> having a minimum horizontal dimension of 4m, for use as private open space located north of the potential building area.

Lot 2 will maintain access to Elizabeth Street and a suitable area of private open space to the north of the dwelling.

The proposal is considered compliant with the performance criteria.

A2

Each lot has at least 3.6m frontage to either Elizabeth Street and/or Clarence Street.

**10.4.15.2 Provision of Services**

*Objective: To provide lots with appropriate levels of utility services.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<del>A1 Each lot must be connected to a reticulated:</del>	<del><i>P1 Each lot created must be:</i></del>



a) water supply; and b) sewerage system.	<del>a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.</del>
A2 Each lot must be connected to a reticulated stormwater system.	<del>P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.</del>

**Comment:** Complies with A1 & A2.

**10.4.15.3 Solar Orientation of Lots**

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

**Comment:**

P1

Both Lot 1 and Lot 2 will have a long axis aligned approximately 9.6 degrees north of west/south of east. As such, the proposal requires assessment against the performance criteria.

Each Lot will have a northern boundary longer than 20m. Land immediately north of Lot 1 is comprised of a 3.6m wide access strip servicing a single dwelling located to the north-east of the site. The separation of the lot from a dwelling to the north is sufficient to ensure sunlight reached Lot 1.

It has been shown that Lot 1 can contain a building area sufficient for the development of a dwelling that has a side boundary setback of 1.5m. As such, it is considered that solar access for the existing dwelling on Lot 2 can be maintained following the construction of a dwelling on Lot 1.

The relationship of each lot to the road to which it has frontage will have no bearing on solar access for each lot.

The proposal is considered compliant with the performance criteria.

P2

Both Lot 1 and Lot 2 will have an area less than 500 m<sup>2</sup>, and will have a long axis aligned approximately 9.6 degrees north of west/south of east. As such, the proposal requires assessment against the performance criteria. Lot 2

As discussed in the response provided to P1 above, each lot will maintain sufficient solar access due to the existing, and possible separation between buildings on either lot, and the separation of Lot 1 from a building area on a property to its north.

Topography assists solar access for Lot 2 as the natural ground level of Lot 2 is higher than that of the likely building area of Lot 1. The location of access to 41 Clarence St, immediately north of Lot 1, improves the potential for solar access to Lot 1.

The proposal is considered compliant with the performance criteria.

**10.4.15.5 Integrated Urban Landscape**

<i>Objective: To provide attractive and continuous landscaping in roads and public open spaces that contribute to the: a) character and identity of new neighbourhoods and urban places; or b) to existing or preferred neighbourhood character, if any.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 The subdivision must not create any new road, public open space or other reserves.	<del>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and</del>



	<p>e) connectivity through the urban environment is protected or enhanced; and  d) the visual amenity and attractiveness of the urban environment is enhanced; and  e) it furthers the local area objectives, if any.</p>
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Comment: Complies with A1.

**10.4.15.6 Walking and Cycling Network**

<p><b>Objective:</b>  a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and  b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.  c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The subdivision must not create any new road, footpath or public open space.</p>	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:  a) link to any existing pedestrian and cycling networks; and  b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and  c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and  d) promote surveillance along roads and from abutting dwellings.</p>

Comment: Complies with A1.

**10.4.15.7 Neighbourhood Road Network**

<p><b>Objective:</b>  a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and  b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The subdivision must not create any new road.</p>	<p>P1 The neighbourhood road network must:  a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and  b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and  c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and  d) provide safe and efficient access to activity centres for commercial and freight vehicles; and  e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and  f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and  g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and  h) take into account of any identified significant features.</p>

Comment: Complies with A1.

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/a
E2.0 POTENTIALLY CONTAMINATED LAND	N/a
E3.0 LANDSLIP CODE	N/a



E4.0 ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
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
E14.0 COASTAL CODE	N/a
E15.0 SIGNS CODE	N/a

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

**E4.6 Use Standards**

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

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

**E4.7 Development Standards**

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

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is
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<p>managed to:</p> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <p>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building areas on new lots; and</p> <p>c) outdoor sitting, entertainment and children's play areas</p>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <p>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</p> <p>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</p> <p>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.</p>
Complies.	N/a

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

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

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

<p>Objective</p> <p>To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing;</p> <p>or</p>	<p>P1 Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p>



b) development does not result in a material change onto an existing level crossing.	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**

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

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

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

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

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

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

**Notes:**

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

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

Objective: To ensure that an appropriate level of car parking is provided to service use.	
<b>Acceptable Solutions</b>	<b>Comment</b>
A1 The number of car parking spaces must not be less than the requirements of:	Complies with the requirements of Table E6.1 – space available for 2 car parking spaces on Lot 2 and available on Lot 1 for



<p>a) Table E6.1; or b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>future residential use.</p>
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**E6.6.2 Bicycle Parking Numbers**

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

Acceptable Solutions	Comment
<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 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>Complies with the requirements of Table E6.1 – sufficient space for 1 bicycle park is available on each lot.</p>

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

Not applicable

**E6.6.4 Motorbike Parking Provisions**

Not applicable

**E6.7 Development Standards**

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

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

Acceptable Solutions	Comment
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>The future dwelling on Lot 1 meets A1 (a).</p>

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

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

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

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

Not applicable

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

Not applicable

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

Not applicable

**E6.8 Provisions for Sustainable Transport**

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



Not applicable – subdivision.

**E6.8.5 Pedestrian Walkways**

Not applicable

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

Use	Parking Requirement	
	Vehicle	Bicycle
<b>Residential</b>	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings	1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation

**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

**ASSESSMENT AGAINST E10.0  
(RECREATION AND OPEN SPACE CODE)**

**E10.6.1 Provision of Public Open Space**

Objective	
<p>a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and</p> <p>b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The application must:</p> <p>a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.</p>	<p>P1</p> <p>Provision of public open space, unless in accordance with Table E10.1, must:</p> <p>a) not pose a risk to health due to contamination; and</p> <p>b) not unreasonably restrict public use of the land as a result of:</p> <p>i) services, easements or utilities; and</p> <p>ii) stormwater detention basins; and</p> <p>iii) drainage or wetland areas; and</p> <p>iv) vehicular access; and</p> <p>c) be designed to:</p> <p>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</p> <p>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</p> <p>iii) be cost effective to maintain; and</p> <p>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</p> <p>v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and</p> <p>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</p> <p>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</p> <p>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</p>
<p>Complies. The General Manager has consented on 28 July 2021 to a cash payment in lieu of open space. Council's policy is:</p> <p><u>The Public Open Space Rate</u></p> <p>1 The Public Open Space Rate shall be \$1,400 per additional lot created.</p> <p>OR</p> <p>2 The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the</p>	<p>N/a</p>



*subject land, less one of the proposed lots (or strata units). The Public Open Space Rate shall total 5% of that value.*

SPECIFIC AREA PLANS	
F1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0 HERITAGE PRECINCTS SPECIFIC AREA PLAN	N/a
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<b>Strategic Plan 2017-2027</b>	
<ul style="list-style-type: none"><li>Statutory Planning</li></ul>	

## 5 SERVICES

### Sewer & Water

The application was referred to TasWater regarding water and sewer infrastructure. Their certificate of consent is included as to this report and will be included as an attachment if a permit is issued.

### Stormwater & Access

The application was referred internally to the Council's Works Department, who advised that the subdivision can be serviced by Council infrastructure. Their recommended conditions of approval will be included if a permit is issued.

### Provision of Services

Prior to the sealing of the final plan of subdivision, the applicant would be required to provide water services, sewer and stormwater services to the property boundaries of all lots (as required by TasWater/Works Department Section's conditions).

### Public Open Space Contribution

In addition, it is considered appropriate to apply the public open space contribution to additional lots created as specified in the *Local Government (Building & Miscellaneous Provisions) Act 1993* as this subdivision is in a township area, in accordance with Council's Policy.

### The Public Open Space Rate

1 *The Public Open Space Rate shall be \$1400 per additional lot created (i.e. A subdivision that turns one lot into four has created three additional lots and will attract a public open space contribution/fee of \$4200.)*

OR

2 *The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots (or strata units). The Public Open Space Rate shall total 5% of that value.*



**6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993**

<b>Section 83</b>	<b>Approval of plan of subdivision</b>	<b>Yes</b>	<b>No</b>
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		R
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		R
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		R
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?		R
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		R
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on site sewerage treatment?		R
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <a href="#">Water and Sewerage Industry Act 2008</a> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?		R
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		R
<b>Section 84</b>	<b>Council not to approve subdivision</b>	<b>Yes</b>	<b>No</b>
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <a href="#">Roads and Jetties Act 1935</a> has first not approved so much of the application as affects the drainage?		R
	<b>If 'yes', refuse the subdivision.</b>		
<b>Section 85</b>	<b>Refusal of application for subdivision</b>		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		R
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		R
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		R
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		R
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		R
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		R
85(d)(iii)	public open space;		R
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		R
85(d)(v)	private roads, ways or open spaces;		R
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		R
85(d)(vii)	licences to embank highways under the <a href="#">Highways Act 1951</a> ;		R
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		R
85(d)(ix)	provision for the preservation of trees and shrubs;		R
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		R
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		R



85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		R
85(g)(ii)	party-wall easements;		R
85(g)(iii)	the state of a party-wall on its boundary.		R
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	Does council require security for payments and the execution of works for –		
86(2)(c)	if the land is not located within 30 metres of the existing public stormwater system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public stormwater system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of stormwater connections from a place on the boundary of each lot to the public stormwater system in accordance with the by-laws of the council and to the satisfaction of its engineer;		R
86(2)(d)	the works required for the discharge of the owner's obligations under <a href="#">section 10 of the Local Government (Highways) Act 1982</a> in respect of the highways opened or to be opened on the subdivision;		R
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		R
86(2)(f)	the filling in of ponds and gullies;		R
86(2)(g)	the piping of watercourses.		R
	<b>If 'yes':</b>		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		
<b>Section 107</b>	<b>Access orders</b>	<b>Yes</b>	<b>No</b>
107 (2)	Is work of a substantial nature needed to provide access for vehicles from a highway onto the block?		R
	If 'yes', council may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.		
<b>Section 108</b>	<b>Road widening</b>	<b>Yes</b>	<b>No</b>
108 (1) (a)	Does council, in respect of an existing highway, require to obtain a dedication of land for widening or diverting? (compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands)		R
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		R

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 8 OPTIONS

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

## 9 DISCUSSION

Discretion to refuse the planning application under the Land Use Planning and Approvals Act 1993 is limited to:

Each Lot less than 450 m<sup>2</sup>.

The planning assessment concludes that each lot will provide sufficient space for on-site parking and manoeuvrability, and adequate private open space. The proposal complies with the provisions of the Scheme.

Variation to solar orientation provision.



Each lot is able to provide adequate solar access to a future dwelling (Lot 1), or an existing dwelling (Lot 2). The proposal complies with the provisions of the Scheme.

## 10 ATTACHMENTS

1. Application [13.2.1 - 6 pages]
2. Referral Responses [13.2.2 - 5 pages]
3. Representations [13.2.3 - 9 pages]

## RECOMMENDATION

That application PLN-21-0194 at 2A Elizabeth Street, Perth be approved on the following grounds:

- 1) Layout not altered  
The use and development shall be in accordance with the endorsed plans numbered 1 of 1 (Subdivision and Services Plan by D.J.McCulloch Surveying, Drawing No: 5321-01, Job No: 1672-2153, Dated: 17/07/2021).
- 2) Council's Works Department conditions
  - W.1 Stormwater  
Each lot must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.  
The stormwater connection to Lot 2 is to be in a private easement in favour of that lot.
  - W.2 Access (Urban)  
A concrete driveway crossover and apron must be constructed from the edge of Clarence Street to the property boundary of Lot 2 in accordance with Council standard drawing TSD R09 and to the satisfactions of Councils Works Manager.  
Access works must not commence until an application for vehicular crossing has been approved by Council.
  - W.3 As constructed information  
As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.
  - W.4 Municipal standards & certification of works  
Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.
  - W.5 Works in Council road reserve  
Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.  
Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.
  - W.6 Separation of services  
All existing pipes and connections must be located.  
Where required, pipes are to be rerouted to provide an independent system for each lot.  
Certification must be provided that services have been separated between the lots.
  - W.7 Easements to be created  
Easements must be created over all Council owned services in favour of the Northern Midlands Council. Such easements must be created on the final plan to the satisfaction of the General Manager.
  - W.8 Pollutants  
The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.



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

W.9 Nature strips

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

3) TasWater conditions

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/01245-NMC) – Appendix A.

4) Public Open Space Contribution

A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy:

The Public Open Space Rate shall be \$1,400 per additional lot created.

OR

The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots. The Public Open Space Rate shall total 5% of that value.

5) Sealing of Plans

All conditions must be complied with prior to sealing of the final plan of survey. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.



### 13.3 PLN21-0172: 20 HARTNOLL PLACE, EVANDALE

*File:* PLN21-0172 - 20 Hartnoll Place, Evandale  
*Responsible Officer:* Des Jennings  
*Report prepared by:* Rebecca Green, Planning Consultant (& Paul Godier, Senior Planner)

#### 1 INTRODUCTION

This report assesses an application for 20 Hartnoll Place, Evandale to construct Multiple Dwellings x2 (car parking and turning forward of the building line).

#### 2 BACKGROUND

<b>Applicant:</b> Wilson Homes	<b>Owner:</b> Director of Housing
<b>Zone:</b> General Residential Zone	<b>Codes:</b> Car Parking and Sustainable Transport Code
<b>Classification under the Scheme:</b> Residential (Multiple Dwellings)	<b>Existing Use:</b> Vacant
<b>Deemed Approval Date:</b> 25 September 2021	<b>Recommendation:</b> Approve

#### Discretionary Aspects of the Application:

- Variation to development standards in Car Parking and Sustainable Transport Code (car parking and turning forward of the building line).

#### Planning Instrument:

*Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26 April 2021.*

#### Subject Site





3 STATUTORY REQUIREMENTS

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

4 ASSESSMENT

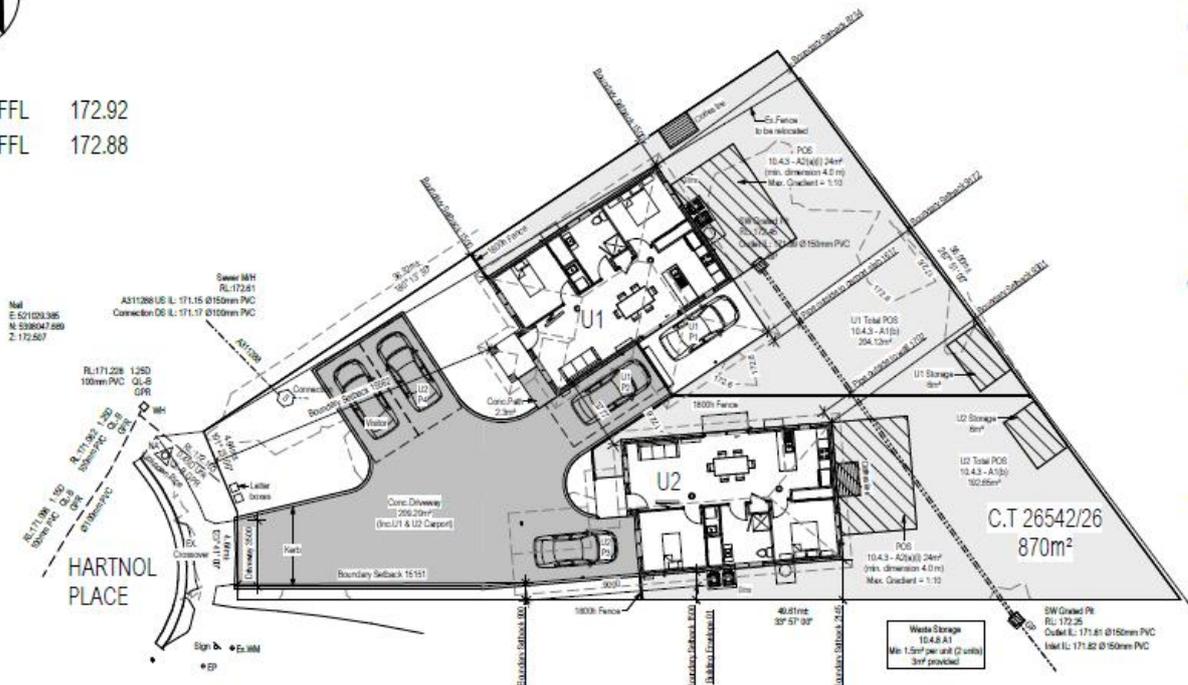
4.1 Proposal

It is proposed to construct Multiple Dwellings x2 (Vary Car Parking Code - E6.7.2).

Site Plan (extract)



Unit 1 FFL 172.92  
Unit 2 FFL 172.88

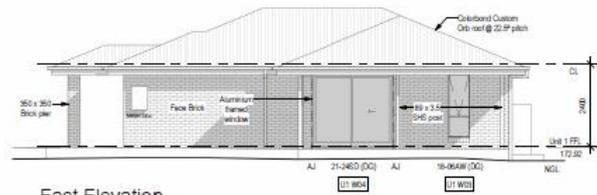




**Elevations**



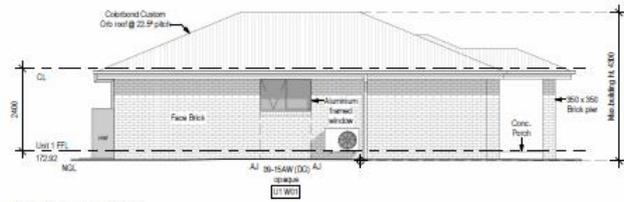
North Elevation



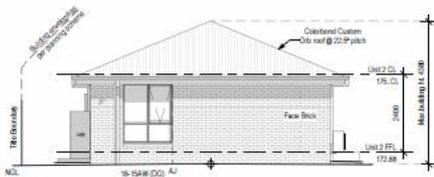
East Elevation



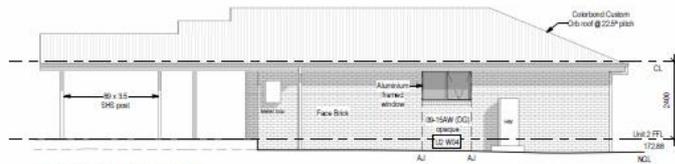
South Elevation



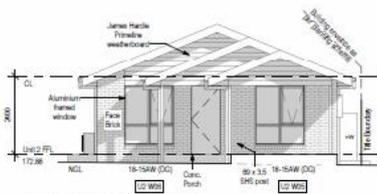
West Elevation



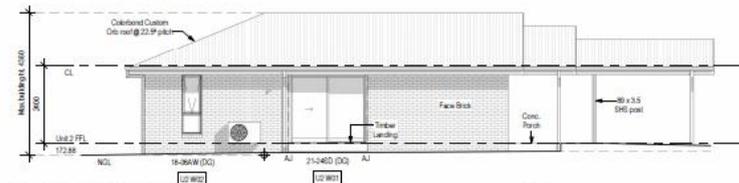
North East Elevation



South East Elevation



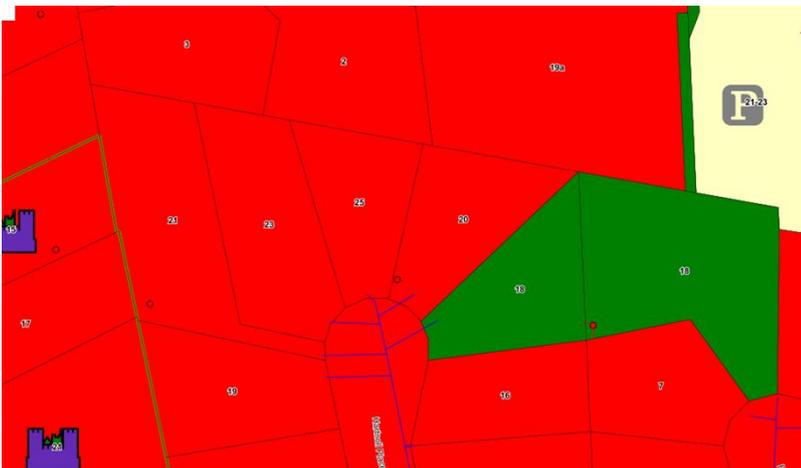
South West Elevation



North West Elevation

**4.2 Zone and Land Use**

**Zone Map - General Residential Zone**



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

The relevant Planning Scheme definition is:

<i>multiple dwellings</i>	<i>means 2 or more dwellings on a site.</i>
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Residential (multiple dwellings) is a permitted use in the zone.

### 4.3 Subject Site and Locality

A site inspection was carried out by Alex Bowles, Council's Trainee – Development Services on 27<sup>th</sup> July 2021. Photographs from the site inspection are below. The site is located at the end of a cul-de-sac located in the centre of the township of Evandale. The site comprises an area of 870m<sup>2</sup> and is vacant. Residential uses surround the site with Berresford Reserve to the east.

#### *Aerial photograph of area*





*Photographs of subject site*





#### 4.4 Permit/Site History

Relevant permit history includes:

- Nil – vacant site

#### 4.5 Representations

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

- A. Shaw Mileham, 25 Hartnoll Place, Evandale

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



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

**Issue 1**

- Concerns that the representor's view across to the Ben Lomond mountain range will be blocked.

**Planner's comment:**

The subject site is zoned General Residential, with multiple dwellings being a permitted use. The development complies with all acceptable solutions in relation to setbacks, height and building envelope. The consideration of the adjacent neighbour's view is not relevant to any discretion sought by the application.

**Issue 2**

- Concerns that the representor's view across Berresford Reserve will be blocked.

**Planner's comment:**

As detailed and similar in response to the first issue, the subject site is zoned General Residential, with multiple dwellings being a permitted use. The development complies with all acceptable solutions in relation to setbacks, height and building envelope. The representor's property is separated from the Reserve by the subject title and not immediately adjacent to the Reserve. The consideration of the adjacent neighbour's view is not relevant to any discretion sought by the application.

**Issue 3**

- Loss of values of property with diminished views and being located amongst 2 additional units instead of a beautiful park on one side.



Planner's comment:

Property values is not a relevant consideration of the Planning Scheme. The representor's property does not immediately adjoin the Reserve with the subject title located between the representor and the Reserve. The use is permitted in the zone. Although the proponent has suggested a relocation of Unit 1 to be behind the existing trees, the location is unclear of how this varies from those plans advertised and the retention of the trees is not a matter that could be conditioned in any approval to demonstrate compliance to a performance criteria. It is noted that the fence between the subject property and the representor's will need to be rectified, as this is inside the subject site boundary.

**4.6 Referrals**

The following referrals were required:

**Council's Works and Infrastructure Department**

Summary: Council's Engineering Officer, Jonathan Galbraith, reported on 13/8/21 and their recommended conditions are included in the conditions of approval.

**TasWater**

Summary: A Taswater Submission to Planning Authority Notice was issued on 02/08/2021 (Taswater Ref: TWDA 2021/01243-NMC).

**4.7 Planning Scheme Assessment**

<b>GENERAL RESIDENTIAL ZONE</b>	
<b>ZONE PURPOSE</b>	
<i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i>	
<i>To provide for compatible non-residential uses that primarily serve the local community.</i>	
<i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off-site impacts.</i>	
<i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i>	
<b>Assessment:</b> The proposal meets the zone purpose.	
<b>LOCAL AREA OBJECTIVES</b>	
<i>To consolidate growth within the existing urban land use framework of the towns and villages.</i>	
<i>To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.</i>	
<i>To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.</i>	
<b>Assessment:</b> The proposal meets the local area objectives.	

<b>PRECIS OF DEVELOPMENT STANDARDS FOR MULTIPLE DWELLINGS</b>		
<b>10.4.1 Residential density for multiple dwellings</b>		
	A1	Site area per dwelling of not less than
R	(a)	325m <sup>2</sup> 435m <sup>2</sup> - complies
<b>10.4.2 Setback and building envelopes for dwellings</b>		
	A1	Unless within a building area, then
R	(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:
R	(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)
R	(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
	R	(b)	1.5m side or rear 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)
<b>10.4.3 Site coverage and private open space for dwellings</b>			
	R	A1	(a) max. site coverage of 50% (excluding eaves)
			(b) for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> , unless floor level is entirely over 1.8m above ground level (excl garage, carport or foyer)
	R	A2	(a) (i) POS of 24m <sup>2</sup> in one location in one location, or
			(ii) POS of 12m <sup>2</sup> in one location if a multiple dwelling with floor level over 1.8m high (as per A1b)
	R		(b) (i) horizontal dimension of 4m; or (ii) horizontal dimension of 2m if a multiple dwelling with floor level over 1.8m high (as per A1b); AND
	N/a	(c)	between dwelling and frontage only if frontage is orientated between 30 degrees west of north and 30 degrees east of north; AND
	R	(d)	not steeper than 1:10, AND
<b>10.4.4 Sunlight and overshadowing</b>			
	N/a	A1	A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of sub clause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling
<b>10.4.5 Width of openings for garages and carports</b>			
	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).
<b>10.4.6 Privacy</b>			
	N/a	A1	Balconies, decks, carports etc OR windows/glazed doors to a habitable room, more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary – 3m (b) rear boundary – 4m (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.
	N/a	A2	Window or glazed door to habitable room with floor level over 1m must (a) (i) 3m setback from side boundary; and (ii) 4m setback from rear boundary; and (iii) if a multiple dwelling, at least 6m from glazing of adjacent dwelling on same site (iv) if a multiple dwelling, at least 6m from private open space of adjacent dwelling on same site



	N/a	(b) (i) offset horizontally 1.5m from glazing of habitable room of another dwelling; or (ii) sill height or fixed obscure glazing 1.7m above floor level, or (iii) permanently fixed external screen for the full length of the glazing, to 1.7 m above floor level, with a uniform transparency of not more than 25%.
Ⓡ	A3	A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of at least 1.7m in height; or (ii) the glazing, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.
<b>10.4.7 Frontage fences for single dwellings</b>		
	N/a	A1 No Acceptable Solution – refer exemption.
<b>See Planning Scheme for the following provisions for multiple dwellings</b>		
<b>10.4.8 Waste storage for multiple dwellings- Complies</b>		
<b>10.4.9 Storage for multiple dwellings - Complies</b>		
<b>10.4.10 Common Property for multiple dwellings - Complies</b>		
<b>10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling – N/a</b>		
<b>10.4.12 Site Services for multiple dwellings - Complies</b>		
<b>Easements</b>		
Ⓡ		No construction over an easement

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
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	
A1	The number of car parking spaces must not be less than the requirements of: a) Table E6.1; or b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the	P1	The number of car parking spaces provided must have regard to: a) the provisions of any relevant location specific car parking plan; and b) the availability of public car parking spaces within reasonable walking distance; and c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and d) the availability and frequency of public transport within reasonable walking



<p>General Residential Zone).</p>	<p>e) distance of the site; and 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: Unit 1 – two spaces required and provided. Unit 2 – two spaces required and provided. Visitor parking – one space required and provided. Total five spaces required and provided.</p>	<p>N/a</p>

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

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

**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.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<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: Complies – available within storage shed for each unit.</p>	<p>N/a</p>

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

Objective: To ensure that taxis can adequately access developments.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General</p>	<p>P1 No performance criteria.</p>



Residential Zone).		
Comment: N/a		-
<b>E6.6.4 Motorbike Parking Provisions</b>		
Objective: To ensure that motorbikes are adequately provided for in parking considerations.		
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
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		-
<b>E6.7 Development Standards</b>		
<b>E6.7.1 Construction of Car Parking Spaces and Access Strips</b>		
Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.		
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
A1	All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
Comment: Complies with A1.		N/a
<b>E6.7.2 Design and Layout of Car Parking</b>		
Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.		
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
A1.1	Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
A1.2	Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	
Does not comply. Must be assessed against the performance criteria.		Comment: The provision of 2 parking spaces for Unit 2 and the visitor car parking space and manoeuvring for all parking spaces are to be located forward of the building line. The area in front of the units provides for ample space for the vehicles to turn and park whilst not having detrimental impact on the safety of traffic movements. The parking and turning areas, will not alter the existing amenity of the streetscape or surrounding areas. No vehicle is required to reserve to exit the site. All manoeuvring provides for vehicles to enter and exit the subject site in a forward direction. The proposal is considered compliant with the performance criteria.
A2.1	Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and	P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
A2.2	The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	
Comment: Complies with A2.1 as follows: a) Complies		N/a



b) All vehicles are able to enter and exit the site in a forward direction.	
c) Complies. Minimum 3.5m access width. Access drive less than 30m long.	

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

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

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

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

Acceptable Solutions	Performance Criteria
A1 Car parking areas with greater than 20 parking spaces must be: a) secured and lit so that unauthorised persons cannot enter or; b) visible from buildings on or adjacent to the site during the times when parking occurs.	P1 Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the: a) levels of activity within the vicinity; and b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site.
Comment: N/a	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.
Comment: N/a – private dwellings. No accessible parking spaces required.	
A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2 No performance criteria.
Comment: N/a – private dwellings. No accessible parking spaces required.	-

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

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

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

**E6.8 Provisions for Sustainable Transport**

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

Not used in this planning scheme

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

Objective:



To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <ul style="list-style-type: none"> <li>a) be accessible from a road, footpath or cycle track; and</li> <li>b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and</li> <li>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and</li> <li>d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and</li> </ul> <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> <ul style="list-style-type: none"> <li>a) minimum dimensions of: <ul style="list-style-type: none"> <li>i) 1.7m in length; and</li> <li>ii) 1.2m in height; and</li> <li>iii) 0.7m in width at the handlebars; and</li> </ul> </li> <li>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.</li> </ul>	<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
Comment: Complies with A1.2 and A2 – available within storage shed.	N/a

**E6.8.5 Pedestrian Walkways**

Objective: To ensure pedestrian safety is considered in development

Acceptable Solution	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Comment: Complies – no separate access required.	N/a

**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	Not applicable.
9.2 Development for Existing Discretionary Uses	Not applicable.
9.3 Adjustment of a Boundary	Not applicable.
9.4 Demolition	Not applicable.
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	Not applicable.
9.6 Change of Use	Not applicable.
9.7 Access and Provision of Infrastructure Across Land in Another Zone	Not applicable.
9.8 Buildings Projecting onto Land in a Different Zone	Not applicable.



STATE POLICIES
The proposal is consistent with all State Policies.
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES
<b>Strategic Plan 2017-2027</b> <i>Statutory Planning</i>

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

## 7 DISCUSSION

Discretion to refuse the application is limited to:

- Variation to development standards in Car Parking and Sustainable Transport Code

Car Parking (three of the five spaces) and vehicle manoeuvrability is to be provided in front of the building line, this ensures that all vehicle movements entering and exiting the site are in a forward direction. The area in front of the units provides for ample space for the vehicles to turn and park whilst not having detrimental impact on the safety of traffic movements. The parking and turning areas, will not alter the existing amenity of the streetscape or surrounding areas.

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

1. Application [13.3.1 - 20 pages]
2. Referral Responses [13.3.2 - 5 pages]
3. Representation [13.3.3 - 1 page]

## RECOMMENDATION

That land at 20 Hartnoll Place, Evandale be approved to be developed and used for Multiple Dwellings x2 (Vary Car Parking Code - E6.7.2) in accordance with application PLN-21-0172, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P16** (*Another Perspective Pty Ltd, Drawing No.: WH712977, Sheet No's: 00/05, 01/05, 01a/05-01d/05, 02/05-05/05, 09/05, 09a/05, 10/05, 10a/05, 11/05 and 11a/05, Dated: 18 June 2021*).

### 2 Council's Works & Infrastructure Department conditions

#### 2.1 Stormwater

- a) Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- b) Concentrated stormwater must not be discharged into neighbouring properties
- c) Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.



- d) All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- e) Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings. The system must connect through properly-jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.
- f) A plumbing permit is required prior to commencing any plumbing or civil works within the property.

#### 2.2 Municipal standards & approvals

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

#### 2.3 Works in Council road reserve

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

#### 2.4 Pollutants

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

#### 2.5 Works damage bond

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

#### 2.6 Nature strips

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

### **3 TasWater conditions**

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/01243-NMC) – *Appendix A*.

### **4 Landscaping**

- a) Landscaping works shall be in accordance with the endorsed plans, and landscaping works for each unit shall be completed prior to the commencement of use of that unit and then maintained for the duration of the use.
- b) Each unit shall be provided with a garden shed of at least 6 cubic metres prior to the commencement of use of that unit.



- c) A bond of \$500 per unit shall be provided prior to the commencement of development of that unit authorised by this permit – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

**5 Driveways and Parking Areas**

- a) Driveways and parking areas around each unit shall be sealed with an impervious asphalt or concrete pavement prior to the commencement of use of the unit.

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

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

- a) Pay works damage bond of \$500 (as per condition 2.5);  
b) Pay a \$500 per unit landscape bond (as per condition 4).

**7 Prior to commencement of use**

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

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



### 13.4 PLN21-0199: 7 BEDFORD STREET, CAMPBELL TOWN

*File:* 300300.11  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Rebecca Green, Planning Consultant (& Paul Godier, Senior Planner)

#### 1 INTRODUCTION

This report assesses an application for 7 Bedford Street, Campbell Town to construct Multiple Dwellings (4) (vary parking and fencing provisions).

#### 2 BACKGROUND

**Applicant:**

Wilkin Design

**Zone:**

General Residential Zone

**Classification under the Scheme:**

Residential (Multiple Dwellings)

**Deemed Approval Date:**

2 October 2021

**Owner:**

Blue Hat Company Pty Ltd & ACN 624797235 Pty Ltd

**Codes:**

Road and Railway Assets Code

Car Parking and Sustainable Transport Code

**Existing Use:**

Vacant

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Variation to development standards in General Residential zone – fencing, visitor car parking space within 2.5m of main bedroom window of unit 4.
- Variation to development standards in Car Parking and Sustainable Transport Code (parking forward of the building line).

**Planning Instrument:**

- *Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26 April 2021.*

**Preliminary Discussion**

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



**Subject Site**



**3 STATUTORY REQUIREMENTS**

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

**4 ASSESSMENT**

**4.1 Proposal**

It is proposed to:

- Develop Multiple Dwellings (4) (vary parking and fencing provisions).

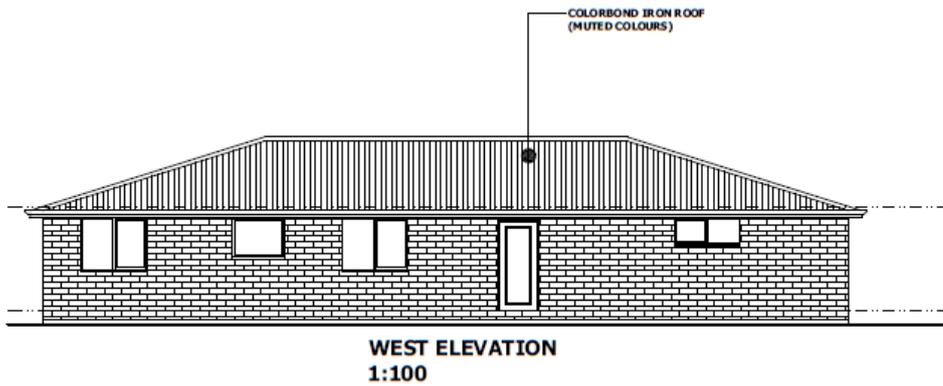




**SOUTH ELEVATION**  
**1:100**



**EAST ELEVATION**  
**1:100**



#### 4.2 Zone and Land Use

##### Zone Map – General Residential Zone



The land is zoned General Residential.

The relevant Planning Scheme definition is:

multiple dwellings	means 2 or more dwellings on a site.
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Residential (multiple dwellings) is Permitted (with permit) in the zone.

### 4.3 Subject Site and Locality

A site inspection was carried out on 17<sup>th</sup> August 2021 by Alex Bowles, Council's Trainee – Development Services, photographs from the inspection are below. The site is a rectangular shaped lot, comprising an area of 2178m<sup>2</sup>. The site is surrounded by residential uses. Council's works depot is located to the southwest of the site, on the western side of Bedford Street.

#### *Aerial photograph of area*



#### *Photographs of subject site*





#### 4.4 Permit/Site History

Relevant permit history includes:

- Nil – vacant site

#### 4.5 Representations

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's records management system after completion of the public exhibition period revealed that 1 representation (attached) was received from:

- Stephen Crothers, 12 Bedford Street, Campbell Town

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



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

**Issue 1**

- Concerns in relation to existing number of vehicle movements on Bedford Street and the additional units will cause significant extra vehicular traffic.

**Planner's comment:**

The applicable traffic generation rates for the proposal are for medium density residential buildings as follows: 2 or more bedrooms – 5-6.5 vehicle movements per day (total 20-26 vehicle movements per day). The proposal does not exceed the acceptable solution of 40 vehicle movements per day, and therefore complies with the acceptable solution in relation to vehicle movements for the proposed use and development. The existing traffic generation in the street is not a relevant consideration of the subject application. The zoning in the street provides for a range of different uses, including for increased residential densities and other compatible land uses. No safety or hazard concerns have been raised, with sight distances for existing accesses compliant.

**Issue 2**

- Concerns in relation to high density development compared to the existing neighbourhood.

**Planner's comment:**

Multiple dwellings are a permitted (with permit) use within the General Residential zone. The purpose of the zone provides for a range of dwelling types at suburban densities. The proposal complies with the density requirements for multiple dwelling and exceeds the land area required per dwelling unit. The proposal is consistent with the intent and purpose of the zone.

**4.6 Referrals**

The following referrals were required:

**Council's Works and Infrastructure Department**

Summary: Council's Engineering Officer, Jonathan Galbraith, advised that the Works Manager, Leigh McCullagh, recommends that the development connects into the side entry pit on the same side of the road about 25m away because it is better than cutting through the road. The pipe to be installed is to be at a minimum 225mm diameter because it will become Council's asset. The recommended conditions are included in the conditions of approval.

**TasWater**

Summary: A Taswater Submission to Planning Authority Notice was issued on 03/09/2021 (Taswater Ref: TWDA 2021/01474-NMC).

**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>



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

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

**LOCAL AREA OBJECTIVES**

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

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

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

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

**10.4.1 Residential density for multiple dwellings**

	A1	Site area per dwelling of not less than
P	(a)	325m <sup>2</sup> 1:544.5m <sup>2</sup>

**10.4.2 Setback and building envelopes for dwellings**

	A1	Unless within a building area, then
P	(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:
P	(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)
P	(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
P	(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**

P	A1	(a) max. site coverage of 50% (excluding eaves)
		(b) for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> , unless floor level is entirely over 1.8m above ground level (excl garage, carport or foyer)
P	A2	(a) (i) POS of 24m <sup>2</sup> in one location in one location, or (ii) POS of 12m <sup>2</sup> in one location if a multiple dwelling with floor level over 1.8m high (as per A1b)
P		(b) (i) horizontal dimension of 4m; or (ii) horizontal dimension of 2m if a multiple dwelling with floor level over 1.8m high (as per A1b); AND
N/a		(c) between dwelling and frontage only if frontage is orientated between 30 degrees west of north and 30 degrees east of north; AND
P		(d) not steeper than 1:10, AND

**10.4.4 Sunlight and overshadowing**

N/a	A2	A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of sub clause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of
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		<p>sunlight between 9.00 am and 3.00 pm on 21st June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4 m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling</p>
<b>10.4.5 Width of openings for garages and carports</b>		
	R	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).
<b>10.4.6 Privacy</b>		
	N/a	<p>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:</p> <p>(a) side boundary – 3m</p> <p>(b) rear boundary – 4m</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>
	N/a	<p>A2 Window or glazed door to habitable room with floor level over 1m must</p> <p>(a) (i) 3m setback from side boundary; and</p> <p>(ii) 4m setback from rear boundary;</p>
		<p>and</p> <p>(iii) if a multiple dwelling, at least 6m from glazing of adjacent dwelling on same site</p> <p>(iv) if a multiple dwelling, at least 6m from private open space of adjacent dwelling on same site</p>
		<p>(b) (i) offset horizontally 1.5m from glazing of habitable room of another dwelling; or</p> <p>(ii) sill height or fixed obscure glazing 1.7m above floor level, or</p> <p>(iii) permanently fixed external screen for the full length of the glazing, to 1.7 m above floor level, with a uniform transparency of not more than 25%.</p>
X		<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the glazing, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.</p>
<b>10.4.7 Frontage fences for single dwellings</b>		
	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
X		(b) 1.8m if above 1.2m has openings which provide a minimum 50% transparency
<b>See Planning Scheme for the following provisions for multiple dwellings</b>		
<b>10.4.8 Waste storage for multiple dwellings- Complies (in garage)</b>		
<b>10.4.9 Storage for multiple dwellings - Complies</b>		
<b>10.4.10 Common Property for multiple dwellings - Complies</b>		
<b>10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling – N/a</b>		
<b>10.4.12 Site Services for multiple dwellings - Complies</b>		
<b>Easements</b>		
	R	No construction over an easement
5.6.3	fences within 4.5m of a frontage in the General Residential Zone or Inner Residential Zone	<p>Fences (including free-standing walls) within 4.5m of a frontage, if located in the General Residential Zone or Inner Residential Zone if not more than a height of:</p> <p>(a) 1.2m above existing ground level if the fence is solid; or</p> <p>(b) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which</p>



		provide a uniform transparency of at least 30% (excluding any posts or uprights), unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.
Does not comply for the 1.5m high colorbond front fence and 1.8m high paling side fence (within 4.5m of the frontage).		

**10.4.6 Privacy for all dwellings**

P3	A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.
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Comment – The shared parking (visitor parking space) is within 2.5m of the eastern windows of unit 4’s main bedroom window. Vehicle noise will be minimal due to the low travel speed a vehicle may traverse this area, the privacy and lighting poses minimal concerns as mitigation is provided by the provision of fencing 1,500mm high between the vehicle parking space and the unit’s eastern wall. The proposed fencing ensures that the proposal is compliant with the performance criteria.

**10.4.7 Frontage fences for all dwellings**

P1	A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: <ul style="list-style-type: none"> <li>(a) provide for security and privacy while allowing for passive surveillance of the road; and</li> <li>(b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> <li>(i) the topography of the site; and</li> <li>(ii) traffic volumes on the adjoining road.</li> </ul> </li> </ul>
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Comment – The proposed fence within the frontage of the site is proposed to be 1,500mm high colorbond fence. The fence does provide for security and privacy whilst allowing due to the transparency and height for mutual passive surveillance between the road and Unit 1 and is compatible with the height and transparency of fences in Bedford Street which provides for a variety of fence heights, styles and materials. It is considered that the variation to front fence transparency meets the performance criteria.

CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	N/a
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
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
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

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

**E4.6 Use Standards**

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

<b>Objective</b>	
To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed	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



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%.	railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
N/a	N/a
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Complies with A2. The applicable traffic generation rates for the proposal are as follows for medium density residential buildings: <ul style="list-style-type: none"> <li>2 or more bedrooms – 5-6.5 vehicles per day (total 20-26 vehicles per day).</li> </ul>	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: <ul style="list-style-type: none"> <li>a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and</li> <li>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</li> <li>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</li> </ul>
N/a	N/a

**E4.7 Development Standards**

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

Objective To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to: <ul style="list-style-type: none"> <li>a) ensure the safe and efficient operation of roads and railways; and</li> <li>b) allow for future road and rail widening, realignment and upgrading; and</li> <li>c) avoid undesirable interaction between roads and railways and other use or development.</li> </ul>
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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: <ul style="list-style-type: none"> <li>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</li> <li>b) building areas on new lots; and</li> <li>c) outdoor sitting, entertainment and children’s play areas</li> </ul>	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: <ul style="list-style-type: none"> <li>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</li> <li>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</li> <li>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</li> <li>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.</li> </ul>
Complies with A1.	N/a

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

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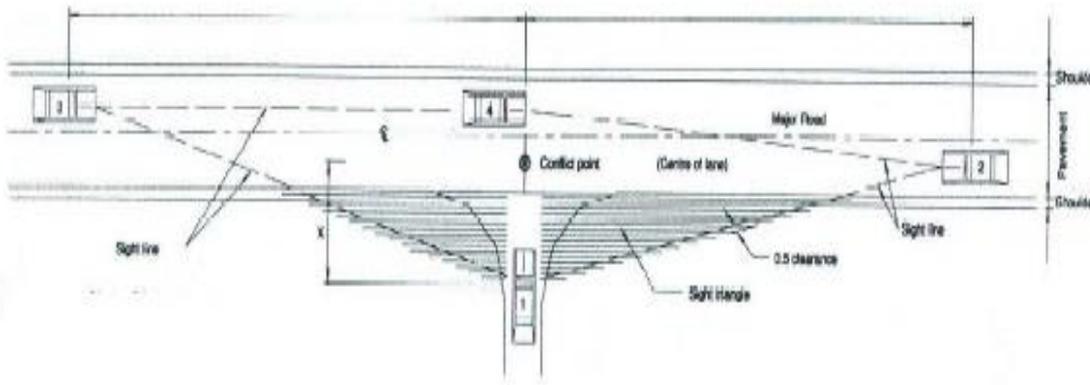
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access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

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

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

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

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



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

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

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

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

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

**Notes:**

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

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

**E6.6 Use Standards**

**E6.6.1 Car Parking Numbers**

**Objective**

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

**Acceptable Solutions**

- A1 The number of car parking spaces must not be less than the requirements of:
  - a) Table E6.1; or
  - b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).

**Performance Criteria**

- P1 The number of car parking spaces provided must have regard to:
  - a) the provisions of any relevant location specific car parking plan; and
  - b) the availability of public car parking spaces within reasonable walking distance; and
  - c) any reduction in demand due to sharing of spaces by multiple



	<p>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>
Complies. Each unit is provided with 2 car parking spaces, one within a garage and one space in the open. 1 visitor space is provided.	N/a

**E6.6.2 Bicycle Parking Numbers**

<p>Objective</p> <p>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<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>
Complies – in garage	N/a

**E6.6.3 Taxi Drop-off and Pickup – n/a**

**E6.6.4 Motorbike Parking Provisions – N/a**

E6.7 Development Standards

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

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



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

Objective To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
Complies with A1.2, however the second car parking space for Unit 1 is located in front of the building line and relies upon assessment against the performance criteria.	One of the nine parking spaces is located between the first unit and the frontage. This space will be located behind the proposed 1,500mm high colorbond fence and therefore not visible from the street. The car parking space is safe and compliant with AS2890 with access and egress in a forward direction to the site and does not restrict any access to the building. This space is also located 5,350mm from the frontage and approximately 12m from the road edge due to the wide nature strip. The proposal is considered compliant with the performance criteria,
<p>A2.1 Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c) have a width of vehicular access no less than prescribed in Table E6.2 and Table E6.3, and</p> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>P2 Car parking and manoeuvring space must:</p> <p>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</p> <p>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
Complies with A2.1 and A2.2. The proposed driveway will service 9 parking spaces which provides for vehicles to enter and exit in a forward direction.	N/a

**E6.7.3 Car Parking Access, Safety and Security – N/a**

**E6.7.4 Parking for Persons with a Disability – N/a**

**E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup – N/a**

**E6.8 Provisions for Sustainable Transport**

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

Not used in this planning scheme

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

Objective To ensure that parking and storage facilities for bicycles are safe, secure and convenient.	
Acceptable Solutions	Performance Criteria
<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</i></p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>



A1.2	Category C2 during the times they will be used; and Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.	
A2	Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.	P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
Complies with A1.2 and A2		

**E6.8.5 Pedestrian Walkways**

Objective To ensure pedestrian safety is considered in development	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Complies with A1	N/a

**SPECIFIC AREA PLANS**

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

**SPECIAL PROVISIONS**

9.1	Changes to an Existing Non-conforming Use	N/a
9.2	Development for Existing Discretionary Uses	N/a
9.3	Adjustment of a Boundary	N/a
9.4	Demolition	N/a
9.5	Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6	Change of Use	N/a
9.7	Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8	Buildings Projecting onto Land in a Different Zone	N/a
9.9	Port and Shipping in Proclaimed Wharf Areas	N/a

**STATE POLICIES**

The proposal is consistent with all State Policies.
<b>OBJECTIVES OF LAND USE PLANNING &amp; APPROVALS ACT 1993</b>
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .
<b>STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES</b>
<b>Strategic Plan 2017-2027</b>
<ul style="list-style-type: none"> <li>Statutory Planning</li> </ul>

**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:

- Variation to development standards in General Residential zone – fencing, visitor car parking space within 2.5m of main bedroom window of unit 4;
- Variation to development standards in Car Parking and Sustainable Transport Code (parking forward of the building line).

Vehicle movements are in a forward direction to enter and exit the subject site. The inclusion of perimeter fencing, and internal fencing mitigates the visual impact of the single car parking space forward of the building line as well as the location relative to the frontage, and fencing provides appropriate screening to the eastern window of the main bedroom of unit 4 in relation to proximity to the visitor car parking space. The use is permitted, with permit, within the General Residential zone and the four dwelling units exceed the density requirements. Vehicle movements anticipated for four dwelling units is less than 40 vehicle movements per day and compliant with acceptable solutions. Conditions that relate to any aspect of the application can be placed on a permit.

It is recommended that the proposal be conditioned to be used and developed in accordance with the proposal plans.

## 8 ATTACHMENTS

1. Application [13.4.1 - 5 pages]
2. Referral responses [13.4.2 - 6 pages]
3. Representation [13.4.3 - 1 page]

## RECOMMENDATION

That land at 7 Bedford Street, Campbell Town be approved to be developed and used for Multiple Dwellings (4) (vary parking and fencing provisions) in accordance with application PLN-21-0199, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed plans numbered **P1 – P3**:

- **P1** (*Site Plan and Landscape Plan prepared by Wilkin Design, Drawing No: DA-211257, Sheet No: 01 of 02, Dated: 12/08/2021*);
- **P2** (*Site Plan and Landscape Plan prepared by Wilkin Design, Drawing No: DA-211257, Sheet No: 01A of 02, Dated: 12/08/2021*); and
- **P3** (*Floor Plan and Elevations prepared by Wilkin Design, Drawing No: DA-211257, Sheet No: 01 of 02, Dated: 28/07/2021*).

### 2 Council's Works Department conditions

#### 2.1 Stormwater

- a) Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- b) Concentrated stormwater must not be discharged into neighbouring properties
- c) Landscaping and hardstand areas must not interfere with natural stormwater run-off from neighbouring properties.
- d) All driveways and hardstand areas must be designed to allow stormwater run-off to be adequately drained to the Council stormwater system.
- e) **Prior to the issue of a building permit, or the commencement of development authorised by this permit, the applicant must design and provide plans for underground stormwater drainage to collect stormwater from the driveways and roofed area of buildings. The system must connect through properly-jointed pipes to the stormwater main, inter-allotment drainage or other lawful point of discharge to the satisfaction of the Plumbing Inspector.**
- f) A plumbing permit is required prior to commencing any plumbing or civil works within the property.



## 2.2 Connection to Council stormwater

- a) A connection with a minimum diameter of 225mm shall be provided to the Council stormwater main. The connection shall be to the stormwater side entry pit outside 9 Bedford St.
- b) A 1,050mm diameter manhole shall be installed in the nature strip at the change of direction in the pipe
- c) The existing concrete driveway is to be saw cut in the centre and half the driveway removed and reinstated (a trench cut through the middle of the driveway will not be accepted).
- d) Prior to the commencement of any work on site a full engineering design shall be provided and approved by Council showing the piped connection to the Council system and the proposed reinstatement works to the driveway at 9 Bedford St.

## 2.3 Access

- a) A concrete driveway crossover and apron must be constructed from the edge of road to the property boundary in accordance with Council standards.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.
- c) All works must be done in accordance with Council Standard Drawing TSD-R09 and to the satisfaction of the Works Manager.
- d) The existing driveway and kerb on the northern boundary must be reinstated to the satisfaction of Council's Works Manager

## 2.4 Municipal standards & approvals

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

## 2.5 Works in Council road reserve

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

## 2.6 Pollutants

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

## 2.7 Works damage bond

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

## 2.8 Nature strips

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



**3 TasWater conditions**

Sewer and water services shall be provided in accordance with TasWater's Planning Authority Notice (reference number TWDA 2021/01474-NMC)- *Appendix A*.

**4 Landscaping**

- a) Landscaping works shall be in accordance with the endorsed plans, and landscaping works for each unit shall be completed prior to the commencement of use of that unit and then maintained for the duration of the use.
- b) Each unit shall be provided with a garden shed of at least 6 cubic metres prior to the commencement of use of that unit.
- c) A bond of \$500 per unit shall be provided prior to the commencement of development of that unit authorised by this permit – the bond will be refunded if the landscape works are completed within the timeframe mentioned in this permit.

**5 Driveways and Parking Areas**

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

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

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

- a) Design and provide plans for underground stormwater drainage (as per condition 2.1);
- b) Pay works damage bond of \$1000 (as per condition 2.7);
- c) Pay a \$500 per unit landscape bond (as per condition 4).

**7 Prior to commencement of use**

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

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



### 13.5 PLN19-0221: 74 MARLBOROUGH STREET, LONGFORD

*File:* PLN19-0221; 109301.06  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

#### 1 INTRODUCTION

This report assesses an application to amend planning permit PLN19-0221 for a 7 lot subdivision by specifying a public open space contribution of \$7,900.

#### 2 BACKGROUND

**Applicant:**

Jaffa International Pty Ltd

**Zone:**

General Residential and Community Purpose

**Classification under the Scheme:**

Subdivision

**Deemed Approval Date:**

21 September 2021

**Owner:**

Jaffa International Pty Ltd

**Code Relevant to the Amendment Request:**

Recreation and Open Space Code

**Existing Use:**

Vacant (General Residential zone); Men's Shed (Community Purpose zone)

**Recommendation:**

Amend permit

**Discretionary Aspects of the Application:**

- Not applicable to this application to amend an existing permit.

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 29, Effective from 3 June 2019 (the scheme under which the permit was granted).*

#### Preliminary Discussion

The applicant held discussions with Council staff which did not resolve the amount to be paid for public open space and resulted in this application to amend the permit.

#### 3 STATUTORY REQUIREMENTS

The permit was approved under section 43H (former provisions) of the Land Use Planning and Approvals Act 1993 (the LUPA Act).

The request to amend the permit is made pursuant to section 43 (former provisions) of the LUPA Act.

Section 43K (2) (former provisions) of the LUPA Act states:

*(2) The planning authority may amend the permit referred to in section 43H if it is satisfied that the amendment –*  
*(aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Commission or the Appeal Tribunal; and*

Comment: The amendment is not the amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Commission or the Appeal Tribunal.

*(a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Commission or the Appeal Tribunal; and*



Comment: The amendment does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Commission or the Appeal Tribunal.

*(b) will not cause an increase in detriment to any person; and*

Comment: The amendment will not cause an increase in detriment to any person.

*(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

Comment: The amendment does not change the use or development for which the permit was issued.

*(2A) An amendment of a condition or restriction specified in a permit is not to be taken to contravene subsection (2)(a) by reason only that other conditions or restrictions have been specified in the permit, or amended, by the Commission or the Appeal Tribunal.*

*(2B) A condition or restriction (the fresh condition or restriction) specified by the Commission or the Appeal Tribunal in a permit is not to be taken, for the purposes of this section, to be required or imposed by the Commission or the Appeal Tribunal if –*

*(a) the fresh condition or restriction is to the same effect as a condition or restriction that was specified in the permit by the planning authority before the Commission or the Appeal Tribunal specified the fresh condition or restriction in the permit; and*

*(b) the fresh condition or restriction is not referred to in the decision, in relation to the permit, of –*

*(i) the Appeal Tribunal under section 23 of the Resource Management and Planning Appeal Tribunal Act 1993 ; or*

*(ii) the Commission under section 43H .*

## **4 ASSESSMENT**

### **4.1 Proposal**

The planning permit contains the following condition:

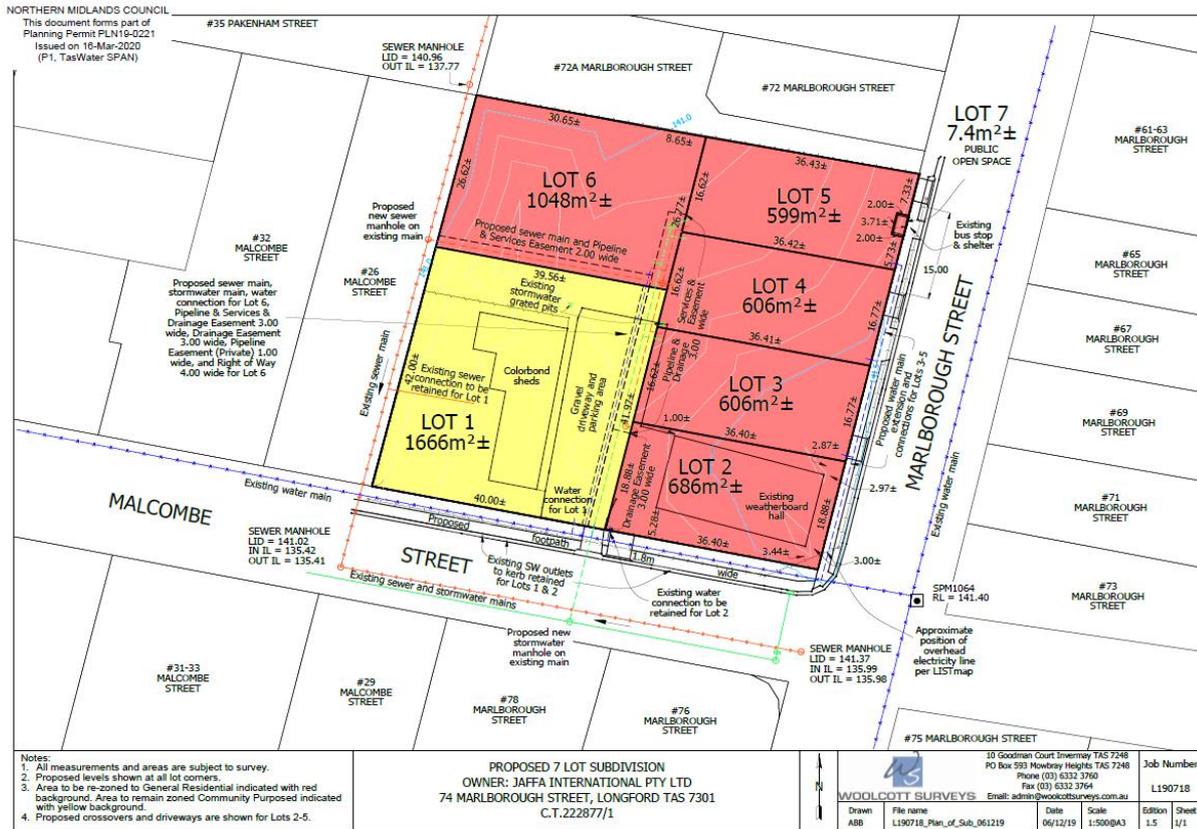
#### *Public Open Space Contribution*

*A cash contribution must be paid in lieu of land for public open space equal to 5% of the value of the area of land described as lots 2 – 6, as demonstrated in a valuation not less than one month old by a registered land valuer.*

The applicant requests the permit be amended to specify a public open space payment of \$7,900.



Approved Subdivision Plan



4.2 Zone and Land Use

The land is zoned General Residential and Community Purpose.

4.3 Subject Site and Locality

The site contains a Men’s Shed on Lot 1 (Community Purpose Zone). The remainder of the land is zoned General Residential and is vacant.

4.4 Permit/Site History

Relevant permit history includes:

- PLN19-0170 – Rezone from Community Purpose to General Residential – Refused.
- PLN19-0221 – Rezone from Community Purpose to part General Residential and 7 lot subdivision – Approved.

4.5 Representations

There were no representations to the application for subdivision.

4.6 Referrals

No referrals are required for this request to amend the permit.



#### 4.7 Planning Scheme Provisions

##### Recreation and Open Space Code

In accordance with the Recreation and Open Space Code, the report to Council on the application for subdivision advised that the General Manager provided consent to cash in lieu of land for public open space, except for the existing bus shelter site which is to be transferred to Council as public open space

#### 5 FINANCIAL IMPLICATIONS TO COUNCIL

The planning permit requires that a cash contribution must be paid in lieu of land for public open space equal to 5% of the value of the area of land described as lots 2 – 6, as demonstrated in a valuation not less than one month old by a registered land valuer.

On 20 July 2021, The developer provided a valuation report from Saunders and Pitt, valuers, dated 10 July 2021 which states:

Lot 2	\$140,000
Lot 3	\$140,000
Lot 4	\$140,000
Lot 5	\$140,000
Lot 6	\$155,000
Gross sales	<b>\$715,000</b>
Less GST	\$65,000
	<b>\$650,000</b>
Less selling costs and profit allowance	\$130,375
	<b>\$519,625</b>
Less civil construction costs	\$300,000
Other fees and costs	\$29,949
	<b>\$189,676</b>
Less holding costs and acquisition costs	\$25,143
	<b>\$164,533</b>
Adopt	<b>\$165,000</b>

The cash contribution determined as 5% of the undeveloped land value is therefore calculated as follows:

Englobo Value \$165,000 x 5%	\$8,250
Less pro-rata value of Lot 7 (bus shelter lot) $7.4m^2 / 3552.4m^2 = 0.208\% \times \$165,000$	\$344
	<b>7,906</b>
Adopt	<b>\$7,900</b>

Council's current policy for Public Open Space Contribution states:

- A. The Public Open Space Rate shall be \$1,400 per additional lot created (i.e., a subdivision that turns one lot into four has created three additional lots and will attract a public open space contribution/fee of \$3,600.): **OR**
- B. The applicant may, at his or her discretion, obtain a current (not less than one month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots. The Public Open Space Rate shall total 5% of that value.

In accordance with point A of the policy, the public open space payment would be 5 lots x \$1,400 = **\$7,000**.

#### 6 OPTIONS

Amend the permit, move an alternative amendment to the permit, or refuse to amend the permit and state reasons for refusal.



## 7 DISCUSSION

It is standard practice to include the following condition on subdivision permits:

*A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy:*

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

This was the practice when PLN19-0221 was issued. It is unknown why the option for the \$1,400 per new lot was not included on the permit, but it is noted that the policy was being reviewed around that time.

Under the current policy the payment would be \$7,000. The developer has offered to pay \$7,900 based on the valuation. It is recommended that the permit be amended to specify a payment of \$7,900

## 8 ATTACHMENTS

Nil

## RECOMMENDATION

That planning permit PLN19-0221 be amended as follows:

*5 Public Open Space Contribution*

*A cash contribution of \$7,900 must be paid in lieu of land for public open space, equal to 5% of the value of the area of land described as lots 2 – 6, as demonstrated in the valuation report by Saunders and Pitt, 10 July 2021.*



### 13.6 PLN21-0125: 2 SINCLAIR STREET, PERTH

*File:* PLN21-0125; 112280.1  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

#### 1 INTRODUCTION

This report assesses an application for a 3 lot subdivision at 2 Sinclair Street, Perth, including access to one lot over the Fairtlough Street reserved road.

#### 2 BACKGROUND

**Applicant:**

Jaffa International Pty Ltd

**Zone:**

Low Density Residential Zone

**Owner:**

John Malcolm Fardon & Sandra Jean Fardon

**Codes:**

Bushfire Prone Areas Code  
Road and Railway Assets Code  
Car Parking and Sustainable Transport Code  
Scenic Management Code  
Recreation and Open Space Code

**Classification under the Scheme:**

Subdivision

**Existing Use:**

Residential (single dwelling)

**Deemed Approval Date:**

25 September 2021

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Variation to development standards within Low Density Residential Zone – lot size less than 1ha and no reticulated services.
- Subdivision within Scenic Management Area.

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013, Version 35, Effective from 26 April 2021.*

**Preliminary Discussion**

Prior to the application being placed on public exhibition, further information was requested from the applicant.



**Subject Site**



**3 STATUTORY REQUIREMENTS**

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

**4 ASSESSMENT**

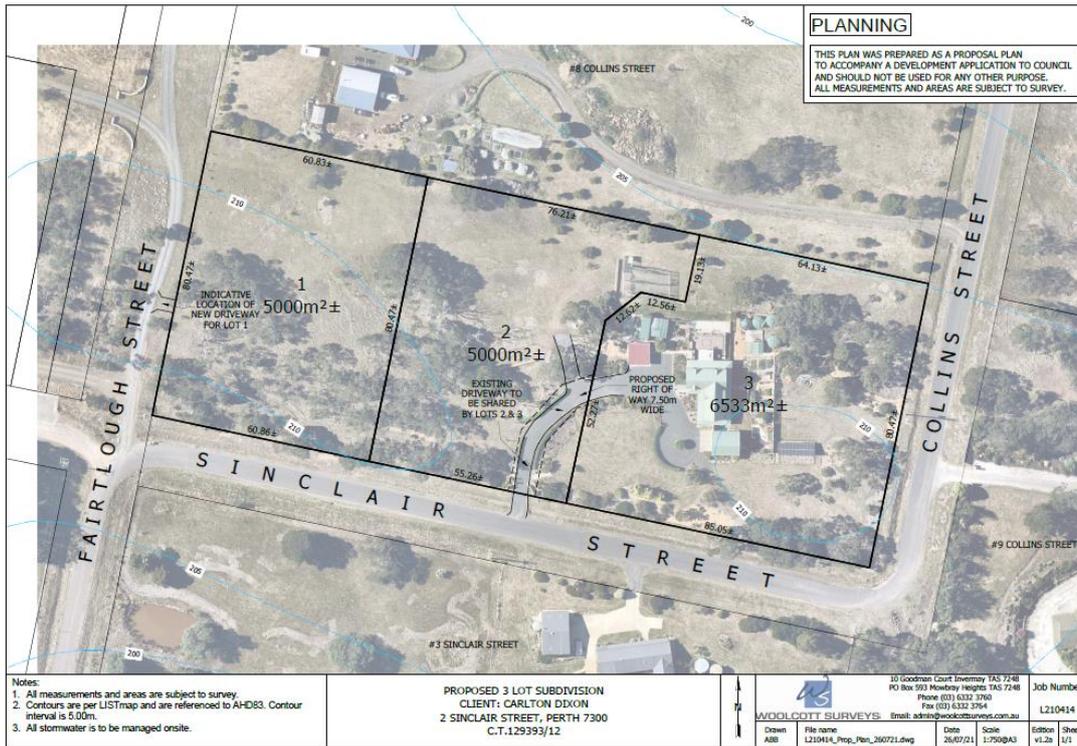
**4.1 Proposal**

It is proposed to subdivide the lot into 3 lots:

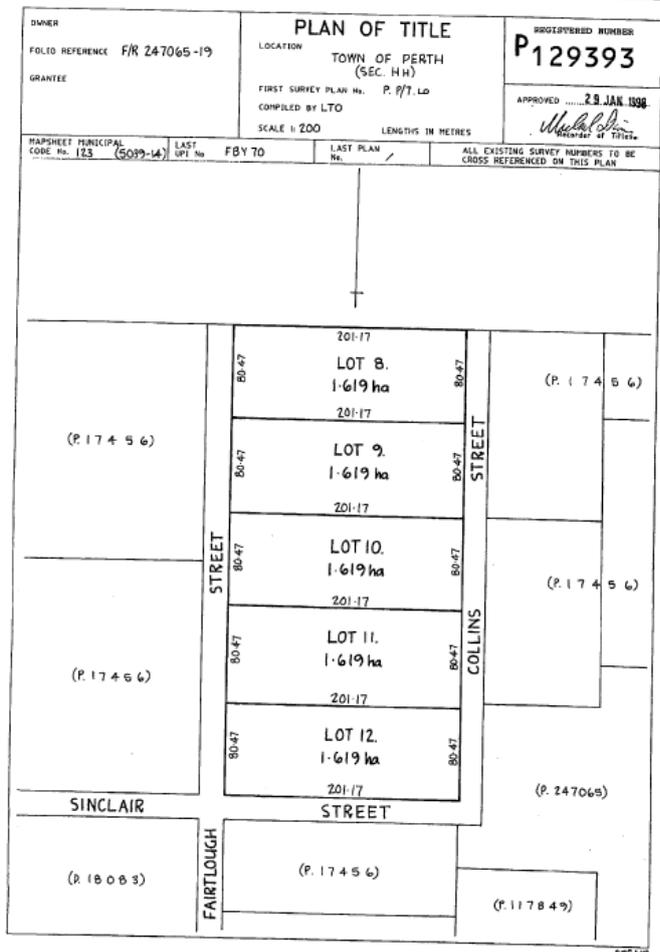
- Lot 1 (vacant, 5,000m<sup>2</sup> +/-)
- Lot 2 (vacant, 5,000m<sup>2</sup> +/-)
- Lot 3 (existing house, 6,533m<sup>2</sup> +/-)



Proposed Subdivision Plan



Current title plan – Lot 12



**4.2 Zone and Land Use**

**Zone Map – Low Density Residential Zone, Scenic Management Area**



The land is zoned Low Density Residential. It is subject to the Bush Fire Prone Area Code, Road and Railway Assets Code, Carparking and Sustainable Transport Code and Scenic Management Code.

The relevant Planning Scheme definition is

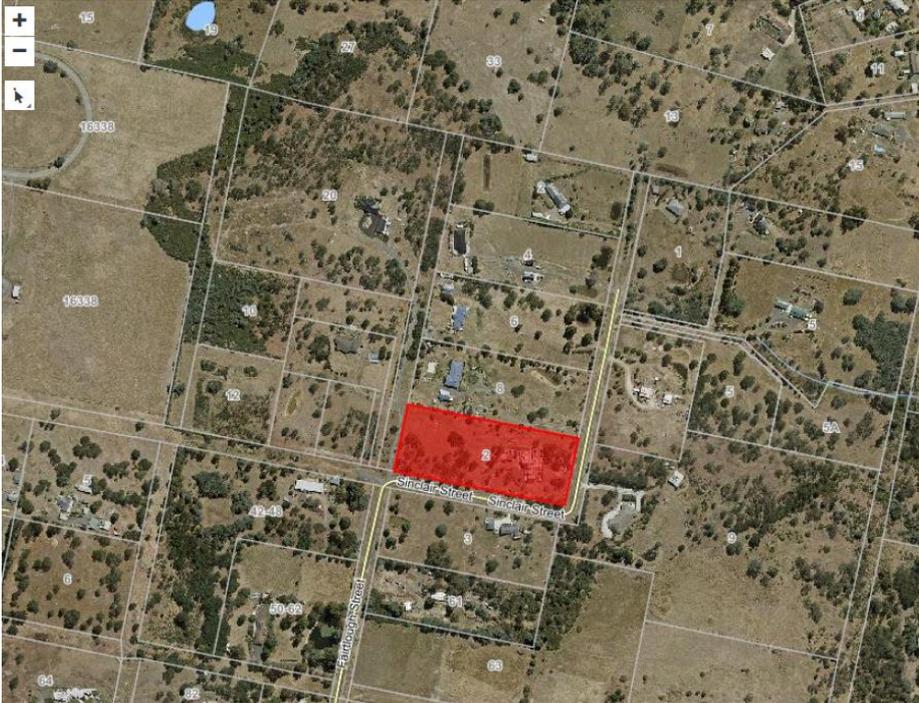
subdivision	means the act of subdividing or the lot subject to an act of subdividing.
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**4.3 Subject Site and Locality**

The author of this report carried out a site inspection on 14/9/2021. The subject site comprises one title with an area of 1.619ha and contains a single dwelling and associated outbuildings. The site is located on the northern side of Perth township and surrounded by residential uses on a range of lot sizes. The site is accessed via an existing crossover onto Sinclair Street.



*Aerial photograph of area*



*Photographs of subject site*





#### 4.4 Permit/Site History

Relevant permit history includes:

- DA36/98 – House and Shed

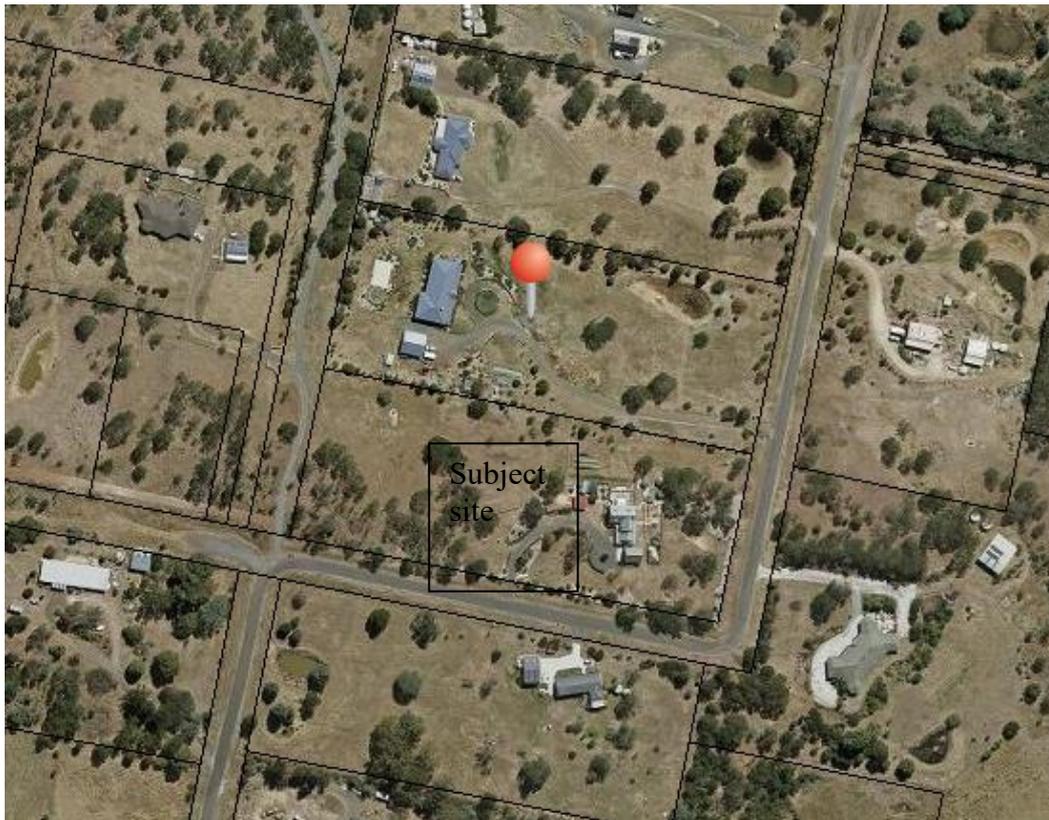
- P03-215 – Dwelling & Garage
- P08-377 – Carport
- PLN19-0244 – Solar Array

#### 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 one representation (attached) was received from:

- Damian Smith, 8 Collins Street, Perth

#### **Map showing location of representor's property in relation to subject site**



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

#### **Issue 1**

All three proposed lots do not comply with the minimum lot area of 1ha.

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

It is considered that the proposal satisfies the relevant performance criteria at clause 12.4.3.1 P1.1 to allow for lots less than 1 ha as follows:

*P1.1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:*

*a) a dwelling to be erected in a convenient and hazard free location; and*

The bushfire hazard report demonstrates that each lot has sufficient useable area and dimensions to allow for a dwelling to be erected in a convenient location at a Bushfire Attack Level 19 in accordance with the Bushfire-prone areas Code.

*b) on-site parking and manoeuvrability; and*

The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for on-site parking and manoeuvrability.



c) *adequate private open space; and*

The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for adequate private open space.

d) *reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and*

The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow reasonable vehicular access from the carriageway of the road to a building area identified in the Busfire Hazard Management Report.

e) *development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.*

The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.

**Issue 2**

- Concerns in relation to stormwater disposal on site which would result in overflow onto the representor's property.

**Planner's comment:**

A report prepared by es&d accompanied the application providing calculations as to predicted stormwater volumes for the two additional vacant lots once developed and concluded that the two 5000m<sup>2</sup> lots have sufficient area to dispose of stormwater on site. Appropriate conditions can be placed upon any approval to ensure that concentrated stormwater will not be disposed outside the boundaries of the subject site.

**Issue 3**

- Concerns with the stormwater disposal as current run off from the area already comes down Collins Street. Concerns with stormwater absorption ability given clay soils and rock.

**Planner's comment:**

The report prepared by es&d details there is no intention to discharge stormwater from the site therefore no adjoining properties will be subject to any additional stormwater flows as a result of the proposal and subsequent future development. All lots proposed have sufficient area to dispose of stormwater onsite through sub-surface trenches.

Council's Works Department has recommended that each lot connect to the open stormwater drains in the street.

#### 4.6 Referrals

The following referrals were required:

**Council's Works and Infrastructure Department**

Summary: Council's Works & Infrastructure Department (Jonathan Galbraith) provided the attached response. The recommended conditions are included in the conditions of approval.

**Minister for Crown Lands**

Precis: Application signed by the Minister.

#### 4.7 Planning Scheme Assessment

**12 Low Density Residential Zone**

**12.1 Zone Purpose**

**12.1.1 Zone Purpose Statements**

**12.1.1.1** *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

Not being connected to reticulated sewerage limits the lots to around 5,000m<sup>2</sup> as indicated in the wastewater report.

**12.1.1.2** *To provide for non-residential uses that are compatible with residential amenity.*

Not applicable – the subdivision is for residential uses.

**12.1.1.3** *To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.*

Two additional lots, allowing for two additional houses, in this relatively sparsely vegetated area is considered to satisfy this purpose statement.



12.1.2 Local Area Objectives

To make provision for any additional future needs in low-density residential development at Avoca, Campbell Town, Cressy, Devon Hills and Longford by the incremental expansion of those areas already established for the purpose.

Not applicable – the site is not in any of these areas.

12.1.3 Desired Future Character Statements

There are no desired future character statements

12.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If an ancillary dwelling, caretakers dwelling, home-based business, single dwelling
Utilities	If for minor utilities
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Food services	If a Restaurant on the land described in CT 200085/1 (part of 31-41 Grant Street, Campbell Town)
Business and professional services	If a medical centre
Emergency services	
General retail and hire	If for a local shop
Community meeting & entertainment	If not a cinema or function centre
Sports and recreation	Including horse training or veterinary establishments on land in South Longford described on CT 110574/1-2; 111673/1-2; southern part of 112949/3; 113908/1-2; 122095/3; 124312/1; 135118/1-3; 140326/1; 157278/1-2; 19327/2-3; 244840/1; 244841/1; 26599/1; 63989/1.
Visitor accommodation	
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

12.3 Use Standards

12.3.1 Amenity

Objective

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

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

12.3.2 Low Density Residential Character

Objective

To ensure that discretionary uses support the:

- a) visual character of the area; and
- b) local area objectives, if any.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.



Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable to this application for subdivision.
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2 No performance criteria.
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable to this application for subdivision.
A3 Waste material storage for discretionary uses must: a) not be visible from the road to which the lot has frontage ; and b) use self-contained receptacles designed to ensure waste does not escape to the environment.	P3 No performance criteria.
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable to this application for subdivision.

**12.4 Development Standards**

**12.4.1 Clauses 12.4.1.1 – 12.4.1.6 only apply to development within the Residential Use Class.**

**12.4.1.1 Site Coverage**

*Objective*

- a) To ensure that the site coverage respects the existing or preferred neighbourhood character: and
- b) To reduce the impact of increased stormwater runoff on the drainage system; and
- c) To ensure sufficient area for landscaping and private open space.

**Acceptable Solutions**

A1 The site coverage must not exceed 10% of the site.

**Performance Criteria**

- P1 The site coverage must have regard to the:
- a) size and shape of the site; and
  - b) existing buildings and any constraints imposed by existing development or the features of the site; and
  - c) site coverage of adjacent properties; and
  - d) effect of the visual bulk of the building and whether it respects the neighbourhood character; and
  - e) capacity of the site to absorb runoff; and
  - f) landscape character of the area and the need to remove vegetation to accommodate development.

It is expected that site coverage on the proposed lots of 5,000m2 +/- will not exceed 10% (500m2).

Not applicable.

**12.4.1.2 Building Height**

*Objective*

To ensure that the height of dwellings respects the existing or desired future character statements.

**Acceptable Solutions**

A1 Building height must not exceed 8 metres.

**Performance Criteria**

- P1 Building height must be appropriate to the site and the streetscape having regard to the:
- a) effect of the slope of the site on the height of the building; and
  - b) relationship between the proposed building height and the height of existing adjacent buildings; and
  - c) visual impact of the building when viewed from a road.

This will be assessed when an application for a building is lodged.

This will be assessed when an application for a building is lodged.

**12.4.1.3 Frontage Setbacks**

*Objective*

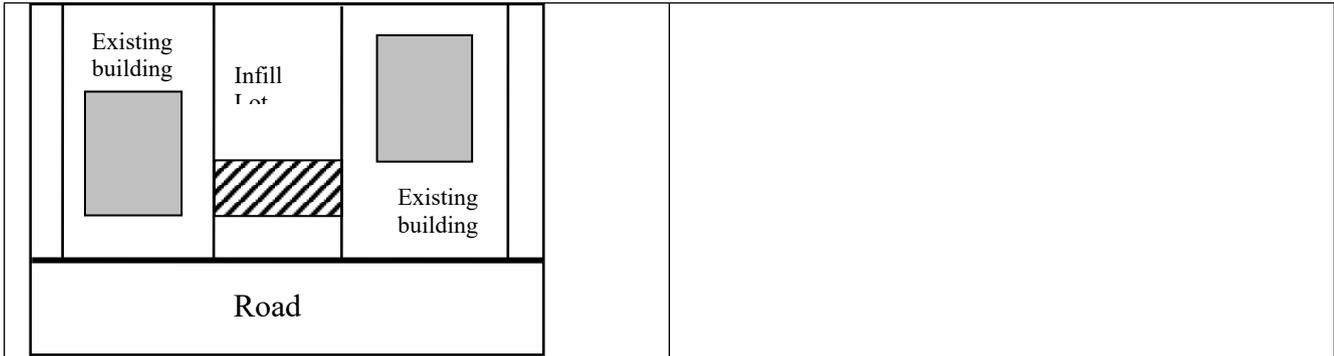
To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.

**Acceptable Solutions**

- A1.1 Primary frontage setbacks must be a minimum:
- a) of 15m; and
  - b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and

**Performance Criteria**

- P1 Buildings are set back from the primary frontage an appropriate distance having regard to:
- a) the efficient use of the site; and
  - b) the safety of road users; and
  - c) the prevailing setbacks of existing buildings on nearby lots; and
  - d) the visual impact of the building when viewed from the road; and
  - e) retention of vegetation within the front setback.



**Figure 12.4.1.3 – Primary Frontage Setback for Infill Lots**

A1.2 Buildings must be set back a minimum of 15m from any other frontage.

This will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.

This will be assessed when an application for a building is lodged.

**12.4.1.4 Rear and Side Setbacks**

**Objective**

To ensure that the:

- a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and
- b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.

**Acceptable Solutions**

A1 Buildings must be set back 5m from the rear boundary.

This will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.

A2 Buildings must be set back 7.5m from side boundaries.

This will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.

**Performance Criteria**

- P1 Building setback to the rear boundary must be appropriate to the location, having regard to the:
- a) ability to provide adequate private open space for the dwelling; and
  - b) character of the area and location of dwellings on lots in the surrounding area; and
  - c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and
  - d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and
  - e) locations of existing buildings and private open space areas; and
  - f) size and proportions of the lot.

This will be assessed when an application for a building is lodged.

- P2 Building setback to the side boundary must be appropriate to the location, having regard to the:
- a) ability to provide adequate private open space for the dwelling; and
  - b) character of the area and location of dwellings on lots in the surrounding area; and
  - c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and
  - d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and
  - e) locations of existing buildings and private open space areas; and
  - f) size and proportions of the lot; and
  - g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.

This will be assessed when an application for a building is lodged.

**12.4.1.5 Location of Car Parking**

**Objective**

- a) To provide convenient parking for resident and visitor vehicles; and
- b) To minimise the impacts of garage doors to the neighbourhood.

**Acceptable Solutions**

**Performance Criteria**



<p>A1 A garage or carport must be located:</p> <p>a) within 10 metres of the dwelling it serves; and</p> <p>b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</p>	<p>P1 Car parking facilities must be:</p> <p>a) close and convenient to dwellings and residential buildings; and</p> <p>b) located to minimise visual impact to the streetscape; and</p> <p>c) provided in a form that is appropriate to the area and development.</p>
<p>This will be assessed when an application for a building is lodged. The lot dimensions allow for this to be complied with.</p>	<p>This will be assessed when an application for a building is lodged.</p>
<p>A2 The total width of the door or doors on a garage facing a road frontage must:</p> <p>a) be not more than 6m; or</p> <p>b) the garage must be located within the rear half of the lot when measured from the front boundary.</p>	<p>P2 The width of garage doors should not be a visually dominant element in the streetscape and must be designed having regard to the:</p> <p>a) existing streetscape and the design and locations of garages in the area; and</p> <p>b) location of existing buildings on the site.</p>
<p>This will be assessed when an application for a building is lodged.</p>	<p>This will be assessed when an application for a building is lodged.</p>

**12.4.1.6 Outbuildings and Ancillary Structures**

<p><i>Objective</i> To ensure that:</p> <p>a) outbuildings do not detract from the amenity or established neighbourhood character; and</p> <p>b) dwellings remain the dominant built form within an area.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 Outbuildings must not have a:</p> <p>a) combined gross floor area of greater than 80m<sup>2</sup>; and</p> <p>b) maximum wall height of greater than 3.5m; and</p> <p>c) maximum building height greater than 4.5m.</p>	<p>P1 Outbuildings must be designed and located having regard to:</p> <p>a) visual impact on the streetscape; and</p> <p>b) any adverse impacts on native vegetation; and</p> <p>c) overshadow adjoining properties; and</p> <p>d) compatibility with the size and location of outbuildings in the neighbourhood.</p>
<p>This will be assessed when an application for a building is lodged.</p>	<p>This will be assessed when an application for a building is lodged.</p>
<p>A2 A swimming pool or tennis court for private use must be located:</p> <p>a) behind the primary frontage setback; or</p> <p>b) in the rear yard.</p>	<p>P2 A swimming pool or tennis court for private use must be designed and located to:</p> <p>a) minimise any visual impact on the streetscape; and</p> <p>b) not unreasonably overlook or overshadow adjoining properties; and</p> <p>c) be compatible with the size and location of approved outbuildings in the neighbourhood.</p>
<p>This will be assessed when an application for a swimming pool is lodged.</p>	<p>This will be assessed when an application for a swimming pool is lodged.</p>

**12.4.2 Clause 12.4.2.1 only applies to development other than the Residential Use Class.**

**12.4.2.1 Non Residential Buildings**

<p><i>Objective</i> To ensure that all non-residential development undertaken in the Low Density Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 If for permitted or no permit required uses.</p>	<p>P1 Development must be designed to protect the amenity of surrounding residential uses and:</p> <p>a) the proportion of the site covered by buildings must have regard to the:</p> <p>i) size and shape of the site; and</p> <p>ii) site coverage of existing buildings and any constraints imposed by existing development or the features of the site; and</p> <p>iii) site coverage of adjacent properties; and</p> <p>iv) effect of the visual bulk of the building and whether it respects the neighbourhood character; and</p> <p>v) capacity of the site to absorb runoff; and</p> <p>vi) landscape character of the area and the need to remove vegetation to accommodate development; and</p> <p>b) the building height must have regard to the:</p> <p>i) effect of the slope of the site on the height of the building; and</p> <p>ii) relationship between the proposed building height and the height of existing adjacent buildings; and</p> <p>iii) visual impact of the building when viewed from the road and from adjoining</p>



	<p><i>properties; and</i></p> <p>c) <i>iv) degree of overshadowing and overlooking of adjoining properties; and the setback of the building to a road frontage must be appropriate to the location and the character of the area having regard to:</i></p> <p><i>i) the prevailing setbacks of existing buildings on nearby lots; and</i></p> <p><i>ii) the visual impact of the building when viewed from the road; and</i></p> <p><i>iii) treatment of development within front setback; and</i></p> <p>d) <i>the setback of the building to side and rear boundaries must prevent unreasonable impacts on the solar access and privacy of habitable room windows and private open space of adjoining dwellings; and</i></p> <p>e) <i>traffic circulation and parking areas must be located away from residential boundaries; and</i></p> <p>f) <i>landscaping must integrate development having regard to:</i></p> <p><i>i) the level and effectiveness of physical screening by fences or vegetation; and</i></p> <p><i>ii) the location and impacts of illumination of the site; and</i></p> <p><i>iii) passive surveillance of the site.</i></p>
Not applicable as the subdivision is for Residential (single dwelling) which is a permitted use.	Not applicable.

**12.4.3 Subdivision**

**12.4.3.1 Lot Area, Building Envelopes and Frontage**

*Objective*

*To ensure:*

- a) *the area and dimensions of lots are appropriate for the zone; and*
- b) *the conservation of natural values, vegetation and faunal habitats; and*
- c) *the design of subdivision protects adjoining subdivision from adverse impacts; and*
- d) *each lot has road, access, and utility services appropriate for the zone.*

**Acceptable Solutions**

- A1.1 *Each lot must:*
- a) *have a minimum area of 1ha; and*
  - b) *have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or*
  - c) *be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or*
  - d) *be for the provision of public utilities; or*
  - e) *for the consolidation of a lot with another lot with no additional titles created; or*
  - f) *to align existing titles with zone boundaries and no additional lots are created.*
- A1.2 *Subdivision at Devon Hills will not result in any new lots.*

**Performance Criteria**

- P1.1 *Each lot for residential use must provide sufficient useable area and dimensions to allow for:*
- a) *a dwelling to be erected in a convenient and hazard free location; and*
  - b) *on-site parking and manoeuvrability; and*
  - c) *adequate private open space; and*
  - d) *reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and*
  - e) *development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.*
- P1.2 *Land in Devon Hills must not be further subdivided*

Lots 1 and 2 are proposed to be 5,000m<sup>2</sup> +/- . As this is under 1 ha it does not comply with A1.1 a) and must address the performance criteria.  
Complies with A1.1 b).  
A1.1 c) – f) are not applicable.  
A1.2 does not apply – the site is not in Devon Hills.

- a) The only hazard identified for the site is bushfire hazard. The bushfire hazard report demonstrates that each lot has sufficient useable area and dimensions to allow for a dwelling to be erected in a convenient location at a Bushfire Attack Level 19 in accordance with the Bushfire-prone areas Code.
  - b) The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for on-site parking and manoeuvrability.
  - c) The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for adequate private open space.
  - d) The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow reasonable vehicular access from the carriageway of the road to a building area identified in the Busfire Hazard Management Report.
  - e) The size of the lots and the slope of the land gives sufficient useable area and dimensions to allow for development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.
- P1.2 does not apply – the site is not in Devon Hills.

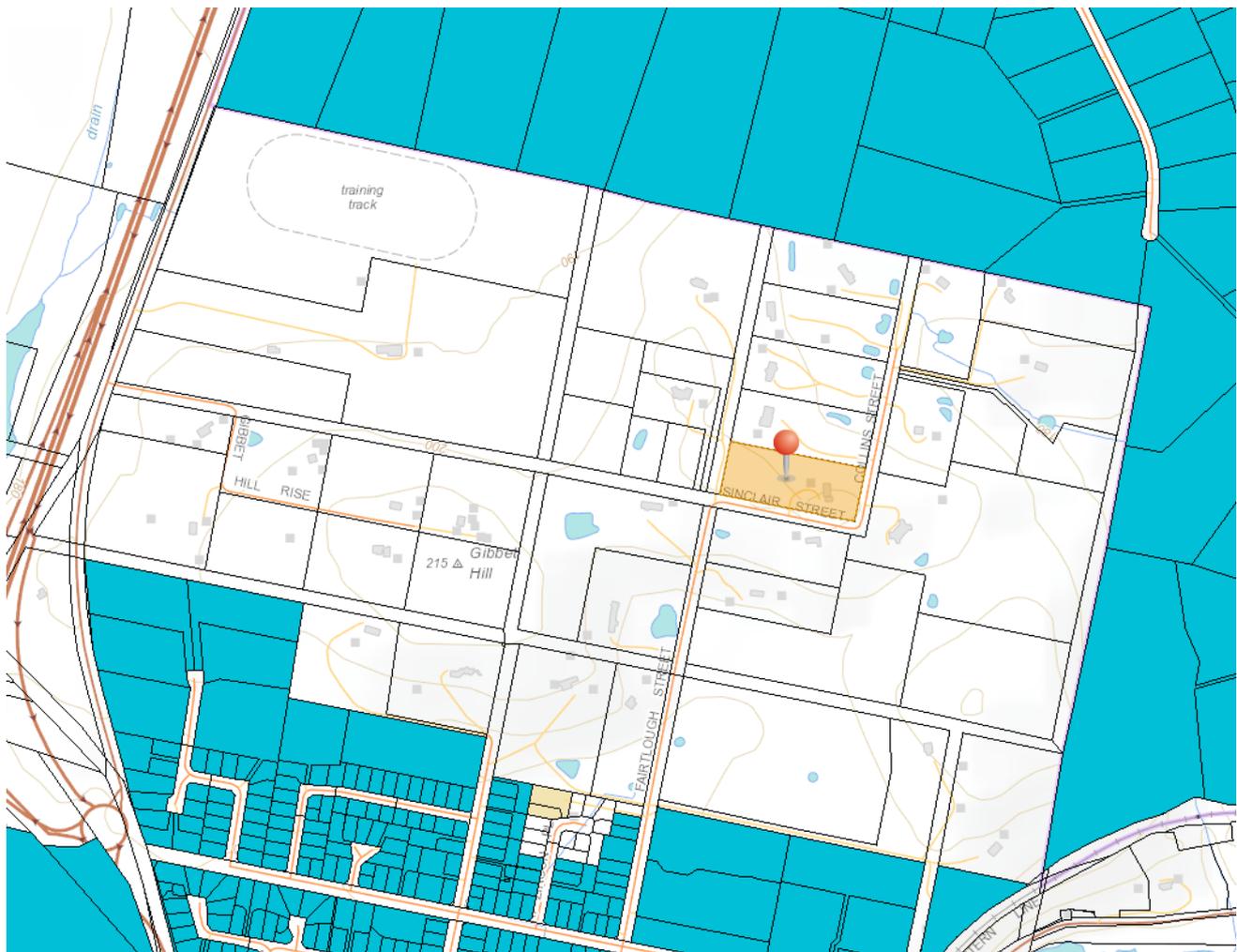


<p>A2 <i>Each lot must have a frontage of at least 6m.</i></p>	<p>P2 <i>No performance criteria.</i></p>
<p>Complies. Each lot has frontage of at least 6m.</p>	<p>N/a</p>
<p>A3 <i>Each lot must be connected to a reticulated:</i>  a) <i>water supply; and</i>  b) <i>sewerage system.</i></p>	<p>P3 <i>Lots that are not provided with reticulated water and sewerage services must be:</i>  a) <i>in a locality for which reticulated services are not available or capable of being connected; and</i>  b) <i>capable of accommodating an on-site wastewater management system.</i></p>
<p>Does not comply. Must address the performance criteria.</p>	<p>An on-site wastewater assessment by Environmental Service and Design Pty Ltd was provided with the application. The assessment finds:  The property is not within the sewer serviced area of Perth with the closest sewer main approximately 860m south. It is impractical to connect to the reticulated sewer and on-site disposal will be required.  Surface rock was noted on both proposed vacant lots. All attempts to obtain a core sample met with refusal at between 100mm – 300mm.  The presence of surface rock restricts the system selection of the on-site wastewater design but does not preclude either lot from accommodating an on-site wastewater system.  Based on the results of the site and soil evaluation an on-site wastewater system based on a secondary treatment system and designed in accordance with AS/NZS1547-2012 will be required.  The system selection and location of the on-site wastewater disposal area will be depended upon the size of any dwelling proposed and its position within the lot and a site-specific on-site wastewater design in accordance with AS/NZS1547-2012.  With a proposed area of 5,000m<sup>2</sup> each, lots 1 and 2 have the capability to accommodate a secondary treatment on-site wastewater management system.  There is an existing approved on-site wastewater management system for the existing dwelling. With a proposed area of 6533m<sup>2</sup> the existing system will remain wholly within the lot. System components were identified during the site assessment. The septic tank is to the east of the dwelling and the disposal area, estimated at 25-30m is located north of the existing buildings. There were no obvious signs of failure such as offensive odour or seepage noted during the site assessment.  There is adequate area within the lot for relocation of the disposal area if required in the future which is clear of the access and impervious areas.  The proposal has the capability to meet the requirements of clause 12.4.3.1 P3 (b) of the scheme.</p>
<p>A4 <i>Each lot must be connected to a reticulated stormwater system.</i></p>	<p>P4 <i>Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</i>  a) <i>the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</i>  b) <i>how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability,</i></p>



	<p>will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</p> <p>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</p> <p>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</p>
<p>Complies. Council's Works Department recommends each lot connect to the open stormwater drains in the street.</p>	<p>N/a</p>

TasWater Water Serviced Land (Source: The LIST)



CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	Complies. Refer Bushfire Hazard Report prepared by Scott Livingston BFP-105, dated: 26 <sup>th</sup> July 2021 , Version: 2, demonstrating compliance with the applicable acceptable solutions.
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
E.5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – each lot has enough area to provide for the required 2 spaces per dwelling.



E7.0	SCENIC MANAGEMENT CODE	Complies – See code assessment below
E8.0	BIODIVERSITY CODE	N/a
E9.0	WATER QUALITY CODE	N/a
E10.0	RECREATION AND OPEN SPACE CODE	Complies – GM provided consent to taking cash in lieu of land for public open space.
E11.0	ENVIRONMENTAL IMPACTS & ATTENUATION CODE	N/a
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	N/a
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

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

**E4.6 Use Standards**

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

**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**

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%.

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

Complies.

A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.

N/a

**Performance Criteria**

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

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.

N/a

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

**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**

A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:

- a) new road works, buildings, additions and extensions, earthworks and landscaping works; and
- b) building areas on new lots; and
- c) outdoor sitting, entertainment and children's

**Performance Criteria**

P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:

- a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and
- b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report



play areas	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.
N/a	N/a

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

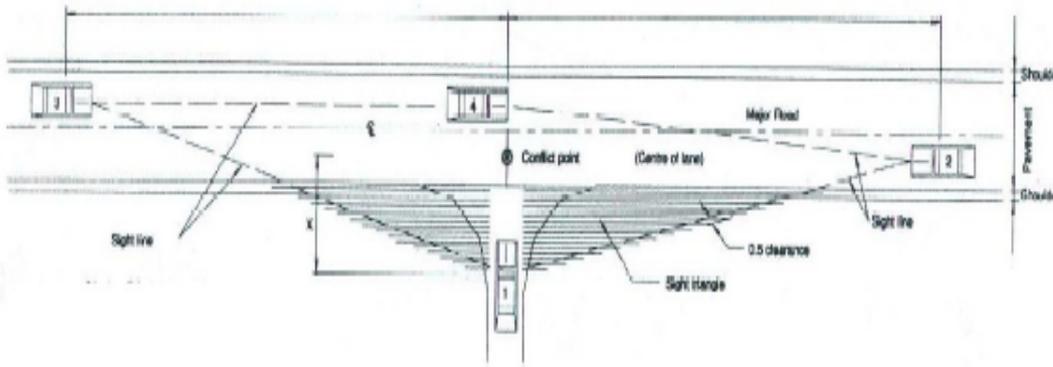
Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 For roads with a speed limit of 60km/h or less the development must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

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

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

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

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



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

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

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

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

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

**Notes:**

- (a) Vehicle speed is the actual or recorded speed of traffic passing along the road and is the speed at or below which 85% of passing vehicles travel.
- (b) For safe intersection sight distance (SISD):
  - (i) All sight lines (driver to object vehicle) are to be between points 1.2 metres above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5 metres to the side and below, and 2.0 metres above all sight lines;
  - (ii) These sight line requirements are to be maintained over the full sight triangle for vehicles at any point between positions 1, 2 and 3 in Figure E4.7.4 and the access junction;
  - (iii) A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2 in Figure E4.7.4;
  - (iv) A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
  - (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 E7.0  
SCENIC MANAGEMENT CODE**

**E7 SCENIC MANAGEMENT CODE**

**E7.1 Purpose of the Code**

E7.1.1 The purpose of this provision is to:

- a) ensure that siting and design of development protects and complements the visual amenity of defined tourist road corridors; and
- b) ensure that siting and design of development in designated scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape.

**E7.2 Application of this Code**

E7.2.1 This code applies to use or development of land within the scenic management – tourist road corridor and local scenic management areas.

**E7.3 Definitions of Terms**

scenic management – tourist road corridor

means the area of land within 100 metres measured from each frontage to the scenic management tourist road corridor indicated on the planning scheme maps, except as follows:

- a) in urban areas within the general residential, low density residential, village, local business, general business, light industrial, general industrial, community purposes zones; and
- b) 200m from each frontage for Midland Highway, Illawarra Road, Lake Leake Road and Esk Main Road.



local scenic management area

means those areas listed in Table E7.1 – local scenic management areas and indicated on the planning scheme maps.

**E7.4 Use or Development Exempt from this Code**

E7.4.1 The following use or development is exempt from this code:

- a) Use without development, not including plantation forestry; and
- b) Subdivision for a boundary adjustment; and
- c) road widening.

**E7.5 Use Standards**

Not used in this Scheme.

**E7.6 Development Standards**

**E7.6.1 Scenic Management – Tourist Road Corridor**

Not applicable. The site is not in a Tourist Road Corridor.

**E7.6.2 Local Scenic Management Areas**

Objective	
a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 Development (not including subdivision) must have regard to the: <ul style="list-style-type: none"> <li>a) character statement and scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas; and</li> <li>b) impact on skylines, ridgelines and prominent locations; and</li> <li>c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and</li> <li>d) design or treatment of development including:               <ul style="list-style-type: none"> <li>i) the bulk and form of buildings including materials and finishes; and</li> <li>ii) earthworks for cut or fill; and</li> <li>iii) complementing the physical (built or natural) characteristics of the site or area.</li> </ul> </li> </ul>
-	Not applicable – the application is for subdivision.
A2 No acceptable solution.	P2 Subdivision must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to: <ul style="list-style-type: none"> <li>a) the local scenic management area – character statement; and</li> <li>b) site size; and</li> <li>c) density of subsequent development; and</li> <li>d) the clearance or retention of vegetation in combination with requirements for hazard management; and</li> <li>e) the extent of works required for roads and to gain access to sites including cut and fill; and</li> <li>f) the physical characteristics of the site and locality;</li> <li>g) any plan over the land through an agreement under S71 of the Act.</li> </ul>
	The subdivision to create two 5,000m <sup>2</sup> lots and one 6,533m <sup>2</sup> lot is considered to be consistent with the scenic management objectives the Gibbet Hill area to ‘retain remnant tree cover on skylines and limit further development to low density and low impact’ and the character statement is ‘low density settlement areas with remnant tree cover on skylines visible along important tourism routes’.

**Table E7.1 – Local Scenic Management Areas**

**Local Scenic Management Areas are typically found in the northern and western areas of the Municipality –**

- On elevated bushland areas in the vicinity of Mount Arnon, Gibbet Hill, the ridges west of the Midland Highway between Devon Hills and Launceston, and Devon Hills west of Translink,
- In the vicinity of important tourism routes north and south of Evandale village, and on the slopes of the Western Tiers west of Blackwood Creek and extending southward past Poatina to Lake River Road
  - 1 Mt Arnon
  - 2 Gibbet Hill
  - 3 Devon Hills
  - 4 Evandale
  - 5 Great Western Tiers
  - 6 O’Connor’s Peak
  - 7 O’Connor’s Sugarloaf

**Character Statement –**

**Areas 1,5,6,7** – undeveloped tree covered skylines and bushland cover on elevated slopes with high habitat values, visible along important tourism routes and other through roads

**Areas 2,3** – low density settlement areas with remnant tree cover on skylines visible along important tourism routes



<b>Area 4 – pastoral views across river flood plains and grazing land visible along important tourism routes</b>	
<b>Scenic Management Objectives –</b>	
<b>Areas 1,5,6,7 – retention of natural tree cover on skylines and existing bushland cover on elevated slopes and of pastoral views across river flood plains</b>	
<b>Areas 2,3 – retain remnant tree cover on skylines and limit further development to low density and low impact</b>	
<b>Area 4 – protect pastoral views across grazing land and river flood plains wherever visible along tourism routes or through roads from unsympathetic development</b>	
<b>Scenic Management Criteria – development of land does not:</b>	
<ul style="list-style-type: none"> <li>○ intrude onto skylines or river flood plains, or</li> <li>○ change the landscape character of elevated areas, pastoral scenes or river flood plain views as seen from tourist corridors or through roads</li> </ul>	
Local Criteria: None	Measurement or qualifier: Visible from a tourist route or through road

SPECIFIC AREA PLANS	
F1.0 Translink Specific Area Plan	N/a
F2.0 Heritage Precincts Specific Area Plan	N/a
SPECIAL PROVISIONS	
9.1 Changes to an Existing Non-conforming Use	N/a
9.2 Development for Existing Discretionary Uses	N/a
9.3 Adjustment of a Boundary	N/a
9.4 Demolition	N/a
9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place	N/a
9.6 Change of Use	N/a
9.7 Access and Provision of Infrastructure Across Land in Another Zone	N/a
9.8 Buildings Projecting onto Land in a Different Zone	N/a
9.9 Port and Shipping in Proclaimed Wharf Areas	N/a
STATE POLICIES	
The proposal is consistent with all State Policies.	
OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993	
The proposal is consistent with the objectives of the <i>Land Use Planning &amp; Approvals Act 1993</i> .	
STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES	
<b>Strategic Plan 2017-2027</b>	
<ul style="list-style-type: none"> <li>• Statutory Planning</li> </ul>	

The Public Open Space Rate

1 The Public Open Space Rate shall be \$1400 per additional lot created (i.e. A subdivision that turns one lot into four has created three additional lots and will attract a public open space contribution/fee of \$4200.)

OR

2 The applicant may, at his or her discretion, obtain a current (not less than one-month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots (or strata units). The Public Open Space Rate shall total 5% of that value.

**6 LOCAL GOVERNMENT (BUILDINGS AND MISCELLANEOUS PROVISIONS) ACT 1993**

Section 83	Approval of plan of subdivision	Yes	No
83 (1)(a)	Does the council require the owner to sell to it for a nominal consideration any land shown on the plan as set apart for a public open space or for drainage purposes?		Pe
83(1)(b)	Does the council require the owner to mark on the plan in respect of any proposed way, the words "to be acquired by the highway authority"?		Pe
83(5)(a)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not provide means of drainage for all or some specified kind of effluent from the block?		Pe
83(5)(a)(iii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council cannot or will not permit a septic tank?	Pe	
83(5)(b)(i)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a septic tank?		Pe
83(5)(b)(ii)	Does the council require the final plan of subdivision to note, in respect of a block, that the council may permit a specific form of on-site sewerage treatment?		Pe
83(7)	Does the council require the final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the <i>Water and Sewerage</i>		



	<i>Industry Act 2008</i> , that the entity cannot or will not –		
83(7)(a)	provide a supply of water to the block?	Pa	
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		Pa
<b>Section 84</b>	Council not to approve subdivision	<b>Yes</b>	<b>No</b>
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?	Pa	
	<b>If 'yes', refuse the subdivision.</b>		
<b>Section 85</b>	<b>Refusal of application for subdivision</b>		
	<b>Council may refuse the application for subdivision if it is of the opinion:</b>		
85(a)	that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is;		Pa
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;		Pa
85(ba)	that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block;		Pa
85(c)	that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets;		Pa
85(d)	that the layout should be altered to include or omit –		
85(d)(i)	blind roads;		Pa
85(d)(ii)	alleys or rights of way to give access to the rear of lots;		Pa
85(d)(iii)	public open space;		Pa
85(d)(iv)	littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake;		Pa
85(d)(v)	private roads, ways or open spaces;		Pa
85(d)(vi)	where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides;		Pa
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;		Pa
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;		Pa
85(d)(ix)	provision for the preservation of trees and shrubs;		Pa
85(e)	that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision;		Pa
85(f)	that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on;		Pa
85(g)	that one or more of the lots ought not to be sold because of –		
85(g)(i)	easements to which it is subject;		Pa
85(g)(ii)	party-wall easements;		Pa
85(g)(iii)	the state of a party-wall on its boundary.		Pa
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes</b>	<b>No</b>
	Does council require security for payments and the execution of works for -		
86(2)(c)	if the land is not located within 30 metres of the existing public storm water system as shown on the map made available under section 12 of the <i>Urban Drainage Act 2013</i> , payment for a public storm water system by, from, or from within, the land as determined by the council so that all lots may have connecting drains and the concentrated natural water may be lawfully disposed of and for the laying of storm water connections from a place on the boundary of each lot to the public storm water system in accordance with the by-laws of the council and to the satisfaction of its engineer;		Pa
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the <i>Local Government (Highways) Act 1982</i></u> in respect of the highways opened or to be opened on the subdivision;		Pa
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		Pa
86(2)(f)	the filling in of ponds and gullies;		Pa
86(2)(g)	the piping of watercourses.		Pa
	<b>If 'yes':</b>		
	council may refuse to approve the application until such security is given.		
	See section 86 (3) for the form of the security.		
	See section 86 (4) for when the works are to be executed.		



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

## 7 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 8 OPTIONS

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

## 9 DISCUSSION

Discretion to refuse the application is limited to:

- Variation to development standards within Low Density Residential Zone – lot size less than 1ha and no reticulated services.
- Within Scenic Management Area.

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

The proposal complies with the planning scheme as discussed in this report. It is recommended that the proposal will be approved to be used and developed in accordance with the proposal plans.

## ATTACHMENTS

1. Application [13.6.1 - 64 pages]
2. Referral Responses [13.6.2 - 3 pages]
3. Representation [13.6.3 - 3 pages]

## RECOMMENDATION

That land at 2 Sinclair Street, including access over Fairtlough Street reserved road, Perth be approved to be developed and used for a 3 Lot Subdivision (vary lot size, no reticulated services, scenic management area) in accordance with application PLN-21-0125, and subject to the following conditions:

### 1 Layout not altered

The use and development shall be in accordance with the endorsed documents **P1** (Proposed 3 Lot subdivision, Woolcott Surveys, 26/07/21), **D1** (CPD Planner's Report), **D2** (Bushfire Hazard Management Report, 26/7/2021) and **D3** (es& d Onsite Wastewater Disposal Report, 28/5/2021).

### 2 Council's Works Department conditions

#### 2.1 Stormwater

- a) Each lot must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.
- b) The drain shall be in a private easement in favour of the property owners.
- c) Prior to the commencement of any works on site a drainage design plan shall be provided and approved by Council demonstrating that all lots and the existing dwelling can be adequately drained.



#### 2.2 Access

- d) A driveway crossover and hotmix sealed apron must be constructed from the edge of the Road to the property boundary of each Lot in accordance with Council standards.
- e) Access works must not commence until an application for vehicular crossing has been approved by Council.

#### 2.3 As constructed information

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

#### 2.4 Municipal standards & certification of works

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

#### 2.5 Works in Council road reserve

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

#### 2.6 Separation of hydraulic services

- a) All existing pipes and connections must be located.
- b) Where required, pipes are to be rerouted to provide an independent system for each lot.
- c) Certification must be provided that services have been separated between the lots.

#### 2.7 Easements to be created

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

#### 2.8 Pollutants

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

#### 2.9 Nature strips

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

### **3 Public Open Space Contribution**

A contribution must be paid towards the cost of providing public open space infrastructure in accordance with Council policy:

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

### **4 Sealing of Final Plans**

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

#### **Notes pursuant to the Local Government (Building and Miscellaneous Provisions) Act**

For lots 1 and 2, the final plan of subdivision must note that Council will not permit a septic tank.

For lots 1, 2, and 3, the final plan of subdivision must note that the regulated entity cannot or will not provide a supply of water to the block, or provide a means of reticulated sewerage for the block.

*Note: The applicant is required to obtain separate and distinct consent from the Crown before commencing any works on Crown Land.*





## 14 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.

## 15 ITEMS FOR THE CLOSED MEETING

### RECOMMENDATION

That Council move into the "Closed Meeting" with the General Manager, Corporate Services Manager, Works Manager, Senior Planner and Executive Assistant to discuss Closed Council Items.

Item	Local Government (Meeting Procedures) Regulations 2015 Reference
1.1 Table of Contents	15(2)(g)
2.1 Confirmation of Closed Council Minutes	15(2)(g)
2.2 Councillors' Leave	15(2)(h)
3.1 Personnel Matters	15(2)(a)
3.2 Management Meetings	15(2)(g)
3.3 Correspondence Received	15(2)(i)
3.4 Action Items: Status Report	15(2)(g)
4.1 Contract/Tender: Perth Early Learning Centre	15(2)(d)
4.2 Land Acquisition/Purchase: Perth	15(2)(f)
4.3 Confidential Information Provided: Stormwater	15(2)(g)
4.4 Commercial In-Confidence: Proposed Development	15(2)(c) & 15(2)(g)
4.5 Confidential Information Provided/Legal	15(2)(g) & 15(2)(i)
4.6 Land Acquisition/Purchase: TRANSlInk	15(2)(f)

### *Local Government (Meeting Procedures) Regulations 2015 - Part 2 - Meetings*

- (a) *personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (b) *information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;*
- (c) *commercial information of a confidential nature that, if disclosed, is likely to -*
  - (i) *prejudice the commercial position of the person who supplied it; or*
  - (ii) *confer a commercial advantage on a competitor of the council; or*
  - (iii) *reveal a trade secret.*
- (d) *contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;*
- (e) *the security of -*
  - (i) *the council, councillors and council staff; or*
  - (ii) *the property of the council.*
- (f) *proposals for the council to acquire land or an interest in land or for the disposal of land;*



- (g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;*
  - (h) *applications by councillors for a leave of absence;*
  - (i) *matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;*
  - (j) *the personal hardship of any person who is a resident in, or is a ratepayer in, the relevant municipal area.*
- 

## **16 CLOSURE**